



The Licensing team wish to make representation in relation to the above application submitted on behalf of Smarttech Reading LTD in relation to the premises at 88 Broad Street Reading.

The Director of Smarttech Reading LTD is Jalinder Singh AHUJA, he is also nominated as the DPS for the premises within the application.

Mr Ahuja has a number of convictions relating to regulatory offences including offences under THE TRADE MARKS ACT 1994 & CONSUMER PROTECTION ACT 1987.

We are also aware of Mr Ahuja's and his previous Business's past interactions with Trading Standards that include Underage Sale of age restricted products (nicotine inhaling product & Alcohol) and possession of smuggled & Counterfeit alcohol.

Separate to the history of Mr Ahuja the Licensing Team are also concerned with what is applied for in the application. The Licensing Team believe that a Licence until 01:00 in that location would not be suitable especially with the conditions applied for.

Mr Ahuja through his business has applied to be a premises licence holder for a convenience shop. His history of regulatory non-compliance and criminal behaviour lead the Licensing Team to have serious Concerns that granting the licence would cause the following licensing Objectives to be undermined;

**Prevention of Crime and Disorder** – Mr Ahuja has proven himself to have no issues breaking the law and the Licensing Team are concerned he would continue to do so if granted the licence.

**Public Safety** – Counterfeit products such as the ones Mr Ahuja has previously been caught selling (Counterfeit Vodka) are a massive concern and can cause permanent blindness, organ failure, coma, and even death.

**Protection of Children from Harm** – Licensing are concerned that if the licence is granted the sale of alcohol to children may take place as it has at Mr Ahuja's previous licensed premises.

## **Reading Borough Council – Statement of Licensing Policy 2023**

### **Designated Premises Supervisors**

5.21 Where an objection is received by the Authority from Thames Valley Police in respect of the proposed DPS, the authority is required to hold a

hearing before the Licensing Applications Committee within the timescales set out in the Act and accompanying regulations.

### **Off Licences and Conditions – General Approach**

6.11 Shops selling alcohol for consumption off the premises can be the focus of anti-social behaviour, crime and disorder and public nuisance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti-social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.17 The sale of alcohol to underage people is an offence under the Licensing Act and can severely undermine the prevention of crime and disorder and the protection of children from harm licensing objectives. The excessive consumption of alcohol by young people is also likely to impact negatively on health outcomes. Applicants for off licences will be expected to include robust measures to ensure that alcohol is sold responsibly and that any staff are trained to a high level to achieve this. Evidence of best practice in terms of recording refusals of age restricted products will be expected within all applications.

### **Licensing Hours**

7.1 The Licensing Act 2003 gives the licensing authority the power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of this policy. The licensing authority will make appropriate decisions on licensing hours for the locality of each premises. All applications will be considered on its individual merits.

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

7.3 As part of the operating schedule submitted with any application, the applicant is expected to take cognisance of the guidance, this policy and any other available data pertaining to their prospective locality and the potential impact their operation may have on that area.

### **Secretary of State's Guidance (November 2025)**

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of

the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing

authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

### **Summary**

Reading Borough Council are concerned that to grant a licence to Smarttech Reading Ltd and its Director Mr Ahuja would cause the Licensing Objectives to be undermined. It is not farfetched, on the balance of probabilities, to be concerned that should the licence be granted that underage sales and the sale of Counterfeit and Smuggled alcohol would take place at the premises as it has at Mr Ahuja's previous premises.

Mr Ahuja has a proven disregard for the law; willing to commit Offences that endanger the public and flout regulatory rules. Mr Ahuja's previous actions do not instil faith that he will promote the 4 licensing objectives, and, therefore, I respectfully ask the sub-committee to refuse this application.

### **Case Law**

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) (2016) this underpins the principles widely acknowledged within the Licensing Act 2003 that the licensing objectives are prospective, and that the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin) This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations.

<b>Date Received</b>	03/12/2025	<b>Date Due</b>	30/12/2025
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<b>Date</b>	22	12	2025
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