

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 6 JUNE 2019

**Present:** Councillors Edwards (Chair) and Grashoff.

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PAL FOOD & WINE

The Head of Planning, Development and Regulatory Services submitted a report on an application for a review of Premises Licence in respect of Pal Food & Wine, 397 Oxford Road, Reading, RG30 1HA. The application for review had been submitted by the Chief Inspector of Weights and Measures, in its capacity as a named responsible authority, following a combination of criminal activity including the sale of illegal alcohol and tobacco and a number of licence condition breaches uncovered during inspections of the premises.

The application sought for the Premises Licence to be revoked as the only appropriate and proportionate step to promote the licensing objectives and safeguard the public.

A copy of the review application was attached to the report at Appendix I. This set out details of the breaches of condition and criminal activity which had been observed during inspections carried out on 31 March 2014, 3 September 2014, 11 September 2014, 3 November 2014, 1 May 2015, 17 February 2017, 24 July 2017, 1 October 2018, 26 February 2019, 14 March 2019 and 1 April 2019.

The report stated that representations had been received from Thames Valley Police and the Reading Borough Council Licensing Team, which were attached to the report at Appendices II and III respectively.

The report stated that the Premises Licence Holder was Mr Aman Singh Chopra. The current Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

#### Hours for the Sale by Retail of Alcohol

Monday to Sunday 0600 hours until 2300 hours

#### Hours the Premises are Open to the Public

Monday to Sunday 0600 hours until 2300 hours

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix V.

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- public safety
- The prevention of public nuisance
- The protection of children from harm

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The report stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraphs 1.5, 1.7, 1.8, 9.12, 9.13, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.6, 11.10, 11.16 to 11.18 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018). The report also set out paragraphs 1.5, 7.15.1, 10.5.1, 15.1.1 and 15.3.1 of the Council's Statement of Licensing Policy and paragraph 10.7.1 was read out during the hearing.

Mr A S Chopra, the Designated Premises Supervisor and the Premises Licence holder, and his representatives Mr Surendra Panchal and Mr Tom Griffiths, were present at the meeting and addressed the Sub-Committee. Mr Griffiths proposed that the licence be suspended for a period of not more than three months, and that a new Designated Premises Supervisor be appointed, taking over management of the shop floor and the acquisition and sale of alcohol and tobacco products.

Ian Savill, Principal Trading Standards Officer, Jean Champeau, Senior Licensing Enforcement Officer, and Declan Smyth, Thames Valley Police, were present as Responsible Authorities and addressed the Sub-Committee. Peter Narancic, Senior Licensing and Enforcement Officer, presented the report at the meeting.

### **Resolved -**

That having reviewed the Premises Licence in respect of PAL Food and Wine, 397 Oxford Road, Reading and having had regard to the four licensing objectives, the oral and written representations made, the Secretary of State's guidance as set out in the report and the Council's Statement of Licensing Policy as set out in the report, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the alleged offences of having illegal alcohol and tobacco/cigarettes on the premises which was deemed to be so serious a matter by the Sub-Committee so as to warrant the revocation of the Premises Licence;

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- (b) It being clear during the hearing that the Premises Licence Holder had not promoted the four licensing objectives, especially in relation to Crime and Disorder objective as he had not adhered to the conditions placed on his Licence;
- (c) Other conditions which had also not been complied with including: Challenge 25; failure to train staff and maintain the required training records; and several test purchase failures. This being the position even when there had been several inspections by Trading Standards, giving the Premises Licence Holder the opportunity to make the required improvements;
- (d) that mentioned by the Premises Licence Holder at the hearing. As he had a bag full of invoices suggesting that these would account for the illegal alcohol, tobacco/cigarettes found on the premises, but neither the invoices or the explanation given by the Premises Licence Holder appeared credible;
- (e) The Premises Licence Holder's representative had proposed a suspension of the licence and a new Designated Premises Supervisor, but the Sub-Committee was not satisfied that this proposal would serve to promote the four Licensing Objectives as the Premises Licence Holder had had ample time to correct the situation and to date had done nothing different to seek to promote the Objectives.

### 3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - FARMHOUSE PIZZA

The Head of Planning, Development and Regulatory Services submitted a report on an application by SAN INT Trading Ltd for the grant of a Premises Licence in respect of Farmhouse Pizza, 435 Oxford Road, Reading, RG30 1HD. The report explained that in April 2019 the Licensing Team had discovered that the previous Premises Licence, Farmhouse Pizza Reading 1 Limited, had been dissolved on 30 October 2018. The premises had therefore been operating illegally since then due to the failure to transfer the licence to another person within the stipulated 28 days.

A copy of the application form was attached to the report at Appendix PN-1. As stated in the report, the application was seeking the following:

#### Late Night Refreshment (Indoors)

Monday to Thursday from 2300hrs until 0200hrs  
Friday to Sunday from 2300hrs until 0300hrs

#### Hours Open to the Public

Monday to Thursday from 0900hrs until 0200hrs  
Friday to Sunday from 0900hrs until 0300hrs

The report stated that, during the 28-day consultation process for the application, representations had been received from the Reading Borough Council Licensing Team, Thames Valley Police, Reading Borough Council Planning and Environmental Protection Teams, which were attached to the report at Appendices PN-2, PN-3, PN-4 and PN-5 respectively.

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A plan showing the location of the premises and surrounding streets was attached to the report at Appendix PN-6.

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- public safety
- The prevention of public nuisance
- The protection of children from harm

The report also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 1.5, 8.41-8.49, 9.4, 9.8-9.9, 9.11-9.13, and 14.63-14.64 from the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and paragraphs 2.1-2.7, 3.2-3.4, 6.1-6.2, 6.19-6.23, 7.1-7.7, 7.12, 7.16-7.17, 8.16, 9.1-9.3, 9.6-9.7 from the Council's Statement of Licensing Policy (October 2018).

Mr Sohail Anwar on behalf of the Applicant SAN INT Trading Ltd and his representative, Mr Colin Alborough, attended the meeting and addressed the Sub-Committee on the application and responded to questions.

Jean Champeau, Senior Enforcement Licensing Officer, Rebecca Moon, Senior Environmental Health Officer and Elizabeth Senyah, Environmental Health Officer, Reading Borough Council and Declan Smyth, Licensing Officer, Thames Valley Police, were present as Responsible Authorities and addressed the Sub-Committee on their representations regarding the application as stated in the report. Peter Narancic Senior Licensing and Enforcement Officer was also present to present the report.

At the hearing Declan Smyth reported that Thames Valley Police had proposed amended opening hours to 0100hrs Monday to Sunday, with amended conditions, including the granting of appropriate planning consent, and that if the applicant agreed to these, Thames Valley Police would be prepared to withdraw their representations. Peter Narancic provided made copies of the amended conditions available at the meeting.

### **Resolved:**

- (1) That, in order to promote the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy, the application in respect of Farmhouse Pizza, 435 Oxford Road, be granted, subject to the appropriate Planning Consent being granted and the amended opening hours and conditions agreed at the hearing.
- (2) The Sub-Committee had arrived at this condition as the Sub-Committee was confident that the applicant would take all measures to secure planning consent prior to opening until 0100hrs as failure to do so would be a breach of this licence.

**4. EXCLUSION OF PRESS AND PUBLIC**

**Resolved:** “That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of Item 5 below, as it was likely that there would be disclosure of exempt information as defined in paragraphs 3 and 6B of Part 1 of Schedule 12A of that Act.

**5. APPEAL DECISION REVIEW**

The Executive Director of Economic Growth and Neighbourhood Services submitted a report which presented the history of the premises known as Miah’s Garden of Gulab, 130-134 Wokingham Road, Reading, RG6 1JL detailing the review and revocation of the premises licence by the Licensing Applications Committee and appeal in the Magistrates’ Court and the proposed settlement offer.

**Resolved:**

- (1) That the history of this premises licence and proposed offer of settlement from the premises licence holder be noted;
- (2) That the Council continue to defend the decision to revoke the Premises Licence;
- (2) That the Principal Licensing and Enforcement Officer be authorised to respond in writing confirming the Council’s decision to continue with the Appeal proceedings.

(The meeting started at 9.30am and finished at 12.47pm)