

Present: Councillors Woodward (Chair) and Livingston.

30. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TODAYS LOCAL

The Head of Planning, Development and Regulatory Services submitted a report on an application by the Home Office Immigration Enforcement for the review of the Premises Licence in respect of Todays Local, 441 Basingstoke Road, Reading, RG2 0JF.

The report stated that Home Office Immigration Enforcement had submitted the review of the Premises Licence, outlining a joint visit with Thames Valley Police and Reading Borough Council's Licensing Team to the premises on 8 June 2017 when the premises had been found employing one illegal worker. Representations received in support of the review detailed findings of counterfeit cigarettes and alcohol during visits to the premises in April 2015 and breaches of licence conditions.

The application sought for the Premises Licence to be revoked due to the seriousness of the crimes discovered at the premises and the undermining of the licensing objectives.

A copy of the review application was attached to the report at Appendix I.

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

The report stated that the Premises Licence Holder and Designated Premises Supervisor was Mr Gurmit Singh Gurwara. Mr Gurwara had held both positions since 14 October 2014. The current Premises Licence, a copy of which was attached to the report at Appendix V, permitted the following:

Hours for the Sale by Retail of Alcohol (off the premises)

Monday to Saturday	0700 hours until 2300 hours
Sunday	0900 hours until 2230 hours

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 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 and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder

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- 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, 9.12, 9.13, 9.25, 9.38, 9.42, 9.43, 11.1, 11.2, 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 2017). The report also set out paragraphs 7.15.1, 10.5.1, 15.1.1 and 15.3.1 of the Council's Statement of Licensing Policy. The case law of East Lindsey District Council V Abu Hanif was attached to the report at Appendix VI for information.

Mr Gurmit Singh Gurwara, Premises Licence Holder and Designated Premises Supervisor, was present and addressed the Sub-Committee and was represented by Mr Surendra Panchal, Personal Licence Courses Ltd, who also addressed the Sub-Committee.

Russell Angell, Immigration Service was present at the meeting and addressed the Sub-Committee on the application. Peter Narancic, Reading Borough Council Licensing Team, Declan Smyth, Thames Valley Police Licensing Officer, and Ian Savill, Reading Borough Council Trading Standards were all present at the meeting and addressed the Sub-Committee.

Resolved -

That having reviewed the Premises Licence in respect of Today's Local, 441 Basingstoke Road, Reading, and having had regard to the licensing objectives, in particular the prevention of crime and disorder, and the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy as detailed in the report, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the employment of an illegal worker. The Sub-Committee was satisfied that the Premises Licence Holder had not carried out the appropriate checks to establish whether the employee was an illegal worker/over stayer;
- (b) the Premises Licence Holder had failed to provide any documentary evidence to show that the employee had any right to work in the UK;
- (c) by reason of the manner in which the illegal worker was paid (in petty cash vouchers) it was clear that the Premises Licence Holder knew of the workers status and their illegibility to work in the UK;
- (d) the Premises Licence Holder had admitted employing an illegal worker by accepting the immigration fine;

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- (e) the Premises Licence Holder had failed to pay the illegal worker the minimum wage;
- (f) the Premises Licence Holder had failed to provide any documents to show evidence of PAYE and NI contributions in respect of the illegal worker employed at the premises;
- (g) the failure of the Premises Licence Holder to promote the licensing objectives due to breaches of licence conditions found in 2015 and 2017;
- (h) the Sub-Committee also took into account matters which took place in 2015. The Sub-Committee were concerned that the Premises Licence Holder had failed to provide a credible account or reason for illicit alcohol being found on the premises.

(The meeting started at 9.30am and finished at 11.24am)