

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 10 JULY 2018

Present: Councillors Woodward (Chair), Rowland.

1. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 10 April 2018 and 24 April 2018 and of Licensing Applications Sub-Committee 2 held on 19 April 2018 were confirmed as correct records and signed by the Chair.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - GERMAN DONER KEBAB

The Head of Planning, Development and Regulatory Services submitted a report on an application by Maza Doner Ltd. for the grant of the Premises Licence in respect of German Doner Kebab, 106 Friar Street, Reading, RG1 1EP.

The report stated that there was currently no Premises Licence in place and the premises had been observed open past 2300hrs carrying on licensable activities not in accordance with any authorisation (licence) on at least one occasion prior to the application being received on 27 April 2018. A licence pursuant to the Licensing Act 2003 was required to carry out the licensable activity of the provision of late night refreshments past 2300hrs.

The applicant was seeking the grant of a Premises Licence for the following licensable activities:

Late Night Refreshment (On the premises only)

Sunday to Wednesday from 2300 hours until 0100 hours

Thursday to Saturday from 2300hrs until 0230hrs

Opening Hours

Sunday to Wednesday from 1000 hours until 0100 hours

Thursday to Saturday from 1000hrs until 0230hrs

A copy of the application form was attached to the report at Appendix RF1.

Representations against the application had been received from Thames Valley Police, which was attached to the report at Appendix RF-2; Reading Borough Council Licensing Team, which was attached to the report at Appendix RF-3; and Reading Borough Council Environmental Protection and Nuisance Team, which was attached to the report at Appendix RF-4.

The application was made in an area subject to the Council's Cumulative Impact Policy, which created a rebuttable presumption that applications for the grant of premises licenses which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following representations, unless the applicant could demonstrate that there would be no negative cumulative impact on one or more of the licensing objectives.

The report stated that in considering representations received, 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

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- The prevention of public nuisance
- The protection of children from harm

The report set out paragraphs 7.15.1, 8.1.1, 8.1.2, 8.1.3, 8.1.4, 8.1.6, 8.1.7, 8.1.8, 8.1.9, 8.1.10, 8.1.11, 8.2.1, 8.2.2, 8.2.3, 8.2.4, 8.2.5, 8.3.3, 8.4.1, 8.4.2, 8.5.1, 8.5.2, 8.5.3, 8.6.6, 7.1 and 11.4.1 of the Council's Statement of Licensing Policy.

The report also set out paragraphs 1.5, 8.41 to 8.49, 9.11 to 9.13, and 14.63 to 14.65 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2017.

PC Simon Wheeler and Declan Smyth of Thames Valley Police, who had submitted a representation, were present at the meeting and addressed the Sub-Committee on the application. Mr Peter Narancic, Reading Borough Council Licensing, who had submitted a representation, was present at the meeting and addressed the Sub-Committee on the application.

Mr Jamil Ali proprietor of Moza Doner Ltd. was present at the meeting and addressed the Sub-Committee. He was represented by his agent Mr Haris Kasuji and accompanied by door supervisor Lukas Wojciechowski who both addressed the Sub-Committee.

Resolved -

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 (in particular paragraphs 8.41 to 8.49, 9.11 to 9.13, and 14.63 to 14.65) and paragraphs 7.15.1, 8.1.1, 8.1.2, 8.1.3, 8.1.4, 8.1.6, 8.1.7, 8.1.8, 8.1.9, 8.1.10, 8.1.11, 8.2.1, 8.2.2, 8.2.3, 8.2.4, 8.2.5, 8.3.3, 8.4.1, 8.4.2, 8.5.1, 8.5.2, 8.5.3, 8.6.6, 7.1 and 11.4.1 of the Council's Statement of Licensing Policy, particularly in respect of cumulative impact, the Sub-Committee was not satisfied that the presumption against granting the application had been rebutted and therefore the application be refused by reason of:

1. The applicant was aware that a Cumulative Impact Policy was in force yet did not address this within the application, or sufficiently during the hearing;
2. The proposed conditions put forward by the applicant or the responsible authorities did not serve as a rebuttal to the Cumulative Impact Policy.

(The meeting started at 5.00pm and finished at 6.55pm)