

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 19 APRIL 2016

Present: Councillors Woodward (Chair), Livingston and Vickers.

31. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - THE FAITH KITCHEN, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing for the review of a Premises Licence in respect of The Faith Kitchen, 288-290 Oxford Road, Reading, RG30 1AD.

The report stated that a review of the Premises Licence had been requested by Reading Borough Council Licensing Team. The application detailed the grounds for review, which included that there had been 80 alleged breaches of licensing conditions over a period of less than two years, amplified music had been played on the premises not in accordance with any authorisation and past permitted hours becoming a Statutory Noise Nuisance contrary to Section 136 (1) of the Licensing Act and Section 79 of the Environmental Protection Act 1990, undue disturbance had been caused to neighbouring properties due to unlicensed activity to the extent that the premises had been served a Noise Abatement Notice, and the obstruction of Council officers in their investigation of alleged unlicensed activity contrary to Section 179 of the Licensing Act 2003.

The review application sought the revocation of the Premises Licence.

A copy of the review application was attached to the report at Appendix I. This gave further details of the grounds for the application. A representation from Reading Borough Council's Environmental Protection (Noise) Team was attached to the report at Appendix II. Additional evidence submitted by Reading Borough Council's Licensing Team was attached to the report at Appendix III. Further additional evidence had been submitted by Reading Borough Council's Licensing Team and was circulated on 11 April 2016. A plan showing the location of the premises and surrounding streets was attached to the report at Appendix IV.

The report stated that the Premises Licence Holder was Faith Kitchen Limited and that the Designated Premises Supervisor was Dr Elizabeth Adunola Omole. The existing Premises Licence, a copy of which was attached to the report, permitted the following:

Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0000 hours

Hours for the Sale by Retail of Alcohol

Monday to Sunday 1100 hours until 0000 hours

Hours the Premises is Open to the Public

Monday to Sunday 1100 hours until 0000 hours

The report stated that in considering 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

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- The protection of children from harm

The report stated further that, in determining the application, the Sub-Committee could take the following steps:

- Take no further action;
- 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 paragraph 9.13 of Secretary of State's Guidance, Section 182 of the Licensing Act 2003 (March 2015), which stated that licensing authorities were included in the list of responsible authorities. The 2003 Act did not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It was, therefore, for the licensing authority to determine when it considered it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under Section 4 of the 2003 Act.

The report also set out paragraphs 10.5 and 11.11 of the Council's Licensing Policy Statement.

Mr John Omole, Director of Faith Kitchen Limited, was present at the meeting and addressed the Sub-Committee, and was represented by Mr Matthew Phillips, Solicitor, who addressed the Sub-Committee on behalf of the Premises Licence Holder.

Richard French, Reading Borough Council's Licensing Team, was present at the meeting and addressed the Sub-Committee on the application. Ross Jarvis, Reading Borough Council's Environmental Protection (Noise) Team was also present at the meeting and addressed the Sub-Committee.

Resolved -

That, having reviewed the Premises Licence in respect of The Faith Kitchen, 288-290 Oxford Road, and having had regard to the four licensing objectives, in particular the prevention of public nuisance, the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it was appropriate and proportionate to revoke the Premises Licence due to:

- (a) The evidence presented at the hearing, including the admission of many of the breaches of licensing conditions as outlined in the report;

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- (b) The fact that the Premises Licence Holder had ignored and breached licence conditions that they themselves had proposed when applying and which had been added to the Premises Licence;
- (c) The Designated Premises Supervisor seemed ineffective in managing the premises.

(The meeting started at 5.00pm and finished at 8.06pm)