

To: Councillor Edwards (Chair)
Councillors Woodward, Grashoff, Jones,
Rowland and Skeats

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 3 - 27 NOVEMBER 2019

A meeting of the Licensing Applications Sub-Committee 3 will be held on Wednesday, 27 November 2019 at 6.30 pm in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

	<u>WARDS</u>	<u>Page No</u>
	<u>AFFECTED</u>	
1. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES		3 - 8
To confirm the Minutes of the Licensing Applications Sub-Committee 3 meetings held on 24 September 2019 and 8 October 2019.		
3. QUESTIONS		
Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.		
4. EXCLUSION OF PRESS AND PUBLIC		

CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.

At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of that Act”

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| 5. | APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE | BOROUGH WIDE | 9 - 42 |
|-----------|---|---------------------|---------------|

Present: Councillor Edwards (Chair);
Councillors Jones and Rowland.

Apologies: Councillors Grashoff, Skeats and Woodward.

11. MINUTES

The Minutes of the meeting held on 28 August 2019 were confirmed as a correct record and signed by the Chair.

12. APPLICATION FOR THE VARIATION OF A SEXUAL ENTERTAINMENT VENUE LICENCE - LGL ENTERTAINMENT LIMITED, 108 FRIAR STREET, READING

The Director of Economic Growth and Neighbourhood Services submitted a report asking the Sub-Committee to consider an application for the variation of a Sexual Entertainment Venue Licence (SEV) made by LGL Entertainment Ltd on 18 June 2019 in respect of premises at 108 Friar Street, Reading, RG1 1EP.

The application sought to extend the operating hours to 21.00hrs until 05.00hrs the following day, seven days per week. The report explained that the application should be considered in line with the representations received, the Council's SEV Policy and any other matters that the Sub-Committee might deem as relevant, as well as in accordance with Schedule 3 of the Local Government Miscellaneous Provision Act 1982.

The following documents were attached to the report:

- Appendix JC1** Minute 18 of the Council meeting held on 29 June 2010, adopting the amendment to Schedule 3 of the Local Government Miscellaneous Provision Act 1982, permitting the Council to regulate the number, location, operating terms and conditions for Sexual Entertainment Venues;
- Appendix JC2** Reading Borough Council's Sexual Entertainment Venue Policy;
- Appendix JC3** Sexual Entertainment Venue Licence for 108 Friar Street, Reading, RG1 1EP;
- Appendix JC4** Application form and operating policies for the premises;
- Appendix JC5** Representations from Reading Borough Planning Council Planning Team;
- Appendix JC6** Representations from Thames Valley Police;
- Appendix JC7** Reading Borough Council's Regulations for Sex Establishments.

The report explained that the premises currently had a licence for a sex establishment with the permitted hours of trade being Monday to Sunday: 2100hrs until 0300hrs and also had a licence which permitted regulated entertainment and the sale of alcohol from 1100hrs until 0300hrs with a closing time of 0400hrs.

The report also explained that the premises did not currently have planning permission for use as an SEV, that an application for change of use had been received on 21 August 2019 and that a decision on the planning application had not yet been made. The Sub-

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Committee noted that any decision should be made in terms of Licensing regulations only, and that planning matters should not be considered.

Appendix JC6, representations from Thames Valley Police, noted that there were inconsistencies between the conditions of the SEV licence and the operating policies used by the premises. These were set out in appendix TVP1.

Sarah Clover, Barrister representing LGL Entertainment Ltd, Rodney Bennet, Operations Director LGL Entertainment Ltd, Lauren Lines, Director LGL Entertainment Ltd, Victor Mihalachie, General Manager of the premises and Simon Wheeler and Declan Smith, Thames Valley Police attended the meeting and addressed the Sub-Committee

Resolved: That the variation of the Sexual Entertainment Venue licence in respect of premises at 108 Friar Street, Reading, RG1 1EP be granted, subject to the amended conditions set out by the Applicant's Legal Adviser during the meeting and to be agreed with TVP and the Licensing Authority and being included within the Operations Schedule (the rules relating to the operations at the venue), to extend the opening hours to 21.00hrs until 05.00hrs the following day, seven days per week.

13. 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 3 below as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2, 3 and 5, specified in Part 1 of Schedule 12A (as amended) to that Act.

14. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director of Economic Growth and Neighbourhood Services submitted a report asking the Sub-Committee to consider the grant of one three-year private hire vehicle driver's licence and two applications for the revocation or suspension of three-year private hire vehicle driver's licences.

A summary of the circumstances of each case was appended to the report.

MJ was present at the meeting and addressed the Sub-Committee.

The solicitor representing UF and DS had written to the licensing authority to explain that he was unable to attend the meeting, and it was agreed to defer consideration of these applications to a future meeting. UF and DS attended the meeting and were advised that, should they and/or their solicitor not attend the future meeting, the applications would be heard in absentia.

Resolved - That the application by MJ for the grant of a private hire vehicle driver's licence be granted for 12 months and the Head of Environment and Consumer Services be authorised to renew the licence for a further period

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of two years, subject to no breaches of licence conditions, offences or complaints being received.

(The meeting commenced at 6.35 pm and closed at 8.30 pm)

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Present: Councillor Woodward (Vice Chair in the Chair), Jones, Rowland and Skeats

Apologies: Councillors Edwards and Grashoff.

15. EXCLUSION OF THE 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 the following item of business as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2 and 3, specified in Part 1 of Schedule 12A (as amended) to that Act.

16. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director of Environment and Neighbourhood Services submitted a report asking the Sub-Committee to consider the suspension or revocation of private hire vehicle driver's licences.

A summary of the circumstances of each case was appended to the report.

DS and UF were present at the meeting and both were represented by Mr Adonis Daniel, Solicitor. All addressed the Sub-Committee and responded to questions.

In the case of DS, Councillor Jones left the room before the decision was taken and played no part in the decision making process.

Resolved -

- (1) That, the private hire vehicle driver's licence in respect of DS be revoked with immediate effect in the interests of public safety and for the following reasonable causes pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976:
 - (a) the nature of the Licensing officers concerns as set out at paragraph 5.7 of the report which the Sub-Committee upheld;
 - (b) that DS had been reluctant to answer some of the questions asked by the Sub-Committee;
 - (c) that there had been a discrepancy between the police statement and the account given by DS at the meeting;
 - (d) that DS should have been aware of issues around vulnerability having recently completed a course on safeguarding.

DS was advised that his hackney carriage licence would also be revoked with immediate effect, and of his right of appeal;

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- (2) That, the private hire vehicle driver's licence in respect of UF remain in force, with a warning as to future conduct.

(The meeting started at 5.16pm and closed at 7.26pm)

Agenda Item 5

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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