

To: Councillors Woodward (Chair), Edwards
(Vice-Chair) and Carnell

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22 December 2022

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE - 10 JANUARY 2023

A meeting of the Licensing Applications Sub-Committee will be held on Tuesday, 10 January 2023 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 meetings held on 3 November 2022 and on 8 November 2022. | | |
| 3. EXCLUSION OF PRESS AND PUBLIC | | |
| 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” | | |

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.

4. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS ISSUED AGAINST PRIVATE HIRE VEHICLE DRIVER'S LICENCES
- BOROUGH WIDE 9 - 114

Present: Councillors Woodward (Chair); Edwards (Vice-Chair) and Challenger

1. DECLARATIONS OF INTEREST

2. MINUTES

The Minutes of the meeting held on 29 September 2022 were confirmed as a correct record and signed by the Chair.

3. 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 the following item of business 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.

4. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES

The Executive Director of Economic Growth and Neighbourhood Services submitted a report asking the Sub-Committee to consider applications for the grant of Hackney Carriage and Private Hire Vehicle Driver's Licences.

A summary of the circumstances of the cases was appended to the report.

ES was present at the meeting accompanied by Ayetullah Satlik. Both addressed the Sub-Committee and responded to questions.

GM was present at the meeting, addressed the Sub-Committee and responded to questions.

Resolved -

- (1) That the application by ES for the grant of a three-year hackney carriage vehicle driver's licence be granted for a period of one year, with a strict warning issued as to future conduct, and that officers be given delegated authority to renew the licence for a further two years, subject to there being no further offences, breaches of licence conditions or complaints during the licenced period. This would also be subject to the completion of the application process including any payment of additional fees and to be effective from the date on the licence issued.

- (2) That the application in respect of GM for the grant of a three-year private hire vehicle driver's licence be granted for a period of 1 year, subject to GM re-taking and passing the Council's two-part theory test. The two-part theory test must be taken and passed within a period of time not exceeding 6 months. Officers be given delegated authority to renew the licence for a further two years, subject to there being no further offences, breaches of licence conditions or complaints during the licenced period. This would also be subject to the completion of the application process including any payment of additional fees and to be effective from the date on the licence issued. If GM fails to successfully take and pass the two-part theory test within the specified time no licence shall be issued and the application shall be deemed to be refused.

(Exempt information as defined in paragraph 1, 2, 3 and 5)

(The meeting closed at 7.52 pm)

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 8 NOVEMBER 2022

Present: Councillors Woodward (Chair), Edwards (Vice-Chair) and G Dennis

5. MINUTES

The Minutes of the Licensing Sub-Committee 2 meeting on 22 September 2022 were confirmed as a correct record and signed by the Chair.

6. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, THE JOLLY ANGLERS, 314-316 KENNETSIDE, READING

The Deputy Director of Planning, Transport and Regulatory Services submitted a report on an application for a variation of a premises licence in respect of the Jolly Anglers, 314-316 Kennet Side, Reading, RG1 3EA.

The report stated that the application was for a variation to remove the following conditions that had been agreed in June 2011:

- 2(e). No music or speech shall be relayed via external speakers.
4. The beer garden shall be completely cleared of patrons, plates and glasses and the lighting shall be switched off from 21:30hrs and shall not be used between 21:30hrs and 10:00hrs.
6. Events involving live music in the beer garden shall only be of an acoustic nature and shall not be amplified. Such events shall only take place at a maximum frequency of once per month.

And the addition of the following conditions:

- (i) All music in the rear garden will cease at 23:00 hours
- (ii) The rear beer garden shall be completely cleared of patrons by 23:30hrs.

A copy of the application form and the current Premises Licence were attached to the report at Appendices LIC-1 and LIC-8 respectively.

During the 28-day consultation period for the application representations had been received from:

- The Reading Borough Council (RBC) Licensing Team - attached at Appendix LIC-2;
- The RBC Environmental & Nuisance Team - attached at Appendix LIC-3;
- Thames Valley Police - attached at Appendix LIC-4;
- Councillor Barnett-Ward - attached at Appendix LIC-5;
- Resident J Brown - attached at Appendix LIC-6;
- Resident - attached at Appendix LIC-7.

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

In determining the application, the Licensing Authority must consider the representations received, the Licensing Authority's Statement of Licensing Policy and any relevant section of the statutory guidance issued to licensing authorities.

The report set out paragraphs 1.5, 2.15, 2.16, 8.41 to 8.49, 9.11 to 9.13, 10.4, 10.5, 10.15 and 14.63 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report also set out paragraphs 2.3 to 2.7, 3.7, 5.31 to 5.38, 6.7 to 6.10, 6.27 and 7.1 to 7.9 from the Council's Statement of Licensing Policy.

Bill Donne, of Silver Fox Consultants, attended the meeting and represented the Premises Licence Holder and Applicant, Mrs Susan Bates. Mr Donne addressed the Sub-Committee on the application and responded to questions. Mr Xhemail Zeqiri, the premises manager, and Ms Valentina-Elena Filip, the Designated Premises Supervisor, also attended the meeting.

The following objectors attended the meeting, addressed the Sub-Committee on the application and responded to questions:

- Rebecca Moon (Senior Environmental Health Officer, RBC)
- Catherine Lewis (Community Protection Group Manager, RBC)
- Robert Smalley (Licensing Enforcement Officer, RBC)
- Declan Smyth (Licensing Officer, Thames Valley Police)
- J Brown and D Shockley (residents)

Peter Narancic, Senior Licensing Enforcement Officer, presented the report at the meeting.

Resolved -

That, after taking into consideration:

- the Licensing Act 2003, the Secretary of State's Guidance issued under section 182 of that Act, the Environmental Protection Act 1990, the Equality Act 2010 and Reading Borough Council's Statement of Licensing Policy;

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- the likely effect of the granting of the variation sought on the promotion of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm;
- the late arriving material;
- the representations received from the Applicant; the professional representations of the Reading Borough Council Environmental Protection and Nuisance team, the Reading Borough Council Licensing team, and from Thames Valley Police; and the representations from both Councillor and resident objectors.

The Sub-Committee agreed to grant the variation to remove the following conditions that had been agreed in June 2011:

- 2(e). No music or speech shall be relayed via external speakers.
4. The beer garden shall be completely cleared of patrons, plates and glasses and the lighting shall be switched off from 21:30hrs and shall not be used between 21:30hrs and 10:00hrs.
6. Events involving live music in the beer garden shall only be of an acoustic nature and shall not be amplified. Such events shall only take place at a maximum frequency of once per month.

And to replace with the following conditions:

- (i) No live amplified music or recorded amplified music shall be played in the rear beer garden after 21:00hrs.
- (ii) The rear beer garden shall be completely cleared of patrons by 23:30hrs.

The Applicant was advised of their right of appeal.

(The meeting started at 10.10 am and closed at 1.21 pm)

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