

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

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE - 7 MARCH 2023

A meeting of the Licensing Applications Sub-Committee will be held on Tuesday, 7 March 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>AFFECTED</u> | <u>Page No</u> |
|--|---------------------------------|----------------|
| 1. DECLARATIONS OF INTEREST | | |
| (a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration; | | |
| (b) Councillors to declare whether they wish to speak on the grounds they: (i) Have submitted a relevant representation; or (ii) Will be speaking on behalf of someone who has submitted a relevant representation. | | |
| 2. MINUTES | | 3 - 8 |
| To confirm the Minutes of the Licensing Applications Sub-Committee meetings held on 2, 9 and 10 February 2023. | | |
| 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 THREE-YEAR PRIVATE
HIRE VEHICLE DRIVER'S LICENCE**

9 - 82

Present: Councillors Woodward (Chair); Cresswell and Kitchingham

10. MINUTES

The Minutes of the meetings held on 10 January 2023 were confirmed as a correct record and signed by the Chair.

11. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF TODAY'S EXPRESS, 17 DUKE STREET, READING

The Assistant Director of Planning, Transport and Regulatory Services submitted a report on an application by Reading Borough Council, Licensing who were a named responsible authority under the Licensing Act 2003 in respect of Today's Express, 17 Duke Street, Reading RG1 4SA. The application for review had been submitted in order to address the failure of the premises licence holder to promote the four licensing objectives (Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm) due to insufficient measures to ensure due diligence or compliance with their licence conditions.

The Sub-Committee considered a request from the Premises Licenced Holder, Quais Aziz, to adjourn the hearing for three weeks. He addressed the Sub-Committee and explained that he had not had sufficient time to arrange for legal representation or an interpreter.

Robert Smalley, Licensing Enforcement Officer, Reading Borough Council and Vince Moore, Declan Smyth and Simon Wheeler, Thames Valley Police, were present and addressed the Sub-Committee.

Resolved That the application by Reading Borough Council for the review of the Premises Licence in respect of Today's Express, 17 Duke Street, Reading, RG1 4AS be adjourned until 9.30am on Friday 10 February 2023 to allow the Premises Licence Holder sufficient time to arrange for legal representation and an interpreter.

The meeting started at 9.35am and closed at 10.21am.

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Present: Councillors Woodward (Chair), Carnell and Cresswell

12. 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.

13. AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE, GRANT FOR A PRIVATE HIRE OPERATORS LICENCE AND AN APPEAL AGAINST THE ALLOCATION OF PENALTY POINTS ISSUED AGAINST A PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Executive Director of Economic Growth and Neighbourhood Services submitted a report asking the Sub-Committee to consider an appeal against the allocation of penalty points issued against a Private Hire Vehicle Driver's Licence, an application for the grant of Private Hire Vehicle Driver's Licence and an application for a Private Hire Operator Licence.

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

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

SH was not present and had not provided the Sub-Committee with a reason for their absence. The Sub-Committee therefore agreed to hear the appeal against the allocation of penalty points in SH's absence.

Resolved -

- (1) That the application by DA for the grant of a Private Hire Vehicle Driver's Licence be refused on the grounds that the Sub-Committee did not consider him to be a fit and proper person to hold such a licence by reason of:
 - (a) Concerns over public safety. During the hearing the Sub-Committee heard from the applicant that he had been involved in an accident in his vehicle which had resulted in him receiving a careless driving conviction and 8 points on his DVLA driving licence. The Sub-Committee were further concerned that at the time of the accident a passenger had also been in the vehicle and that it appeared that the vehicle was being driven without a valid Private Hire Vehicle Driver's Licence;
 - (b) The applicant being suspended and under investigation by another licensing authority for driving a private hire vehicle without a current licence and for failing to cooperate with the licensing authority's investigation into the alleged offence, as detailed in the report;

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 3 NOVEMBER 2022

- (c) The applicant failing to declare all relevant motoring offences on their application;

DA was advised of their right of appeal.

- (2) That the application by DA for the grant of a Private Hire Operator Licence be refused on the grounds that the Sub-Committee do not consider him to be a fit and proper person to hold such a licence by reason of:

- (a) Concerns over public safety. During the hearing the Sub-Committee heard from the applicant that he had been involved in an accident in his vehicle which had resulted in him receiving a careless driving conviction and 8 points on his DVLA driving licence. The Sub-Committee were further concerned that at the time of the accident a passenger had also been in the vehicle and that it appeared that the vehicle was being driven without a valid Private Hire Vehicle Driver's Licence;

- (b) The applicant being suspended and under investigation by another licensing authority for driving a private hire vehicle without a current licence and for failing to cooperate with the licensing authority's investigation into the alleged offence, as detailed in the report;

- (c) The applicant failing to declare all relevant motoring offences on their application;

DA was advised of their right of appeal.

- (3) That the appeal against the allocation of penalty points to the Private Hire Vehicle Driver's Licence in respect of SH be heard in the appellant's absence as the appeal had already been deferred from the Sub-Committee on 10 January 2023 which the appellant had also failed to attend without providing a reason for their absence.

- (4) That the appeal against the allocation of penalty points to the Private Hire Vehicle driver's licence in respect of SH be refused due to the breach of Private Hire Driver Conditions, as detailed in the report. It had been found that the licence holder had been in breach of Condition 36.1 of the Private Hire Vehicles driver conditions in that they had not displayed a roof sign or door stickers whilst working. As a consequence, the addition of three penalty points to the driver's licence for the contravention should stand.

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

The meeting started at 6.30pm and closed at 8.40pm.

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 10 FEBRUARY 2023

Present: Councillors Woodward (Chair); Cresswell and Kitchingham

14. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF TODAY'S EXPRESS, 17 DUKE STREET, READING

Further to Minute 11 of the meeting held on 2 February 2023, the Assistant Director of Planning, Transport and Regulatory Services submitted a report on an application by Reading Borough Council, Licensing who were a named responsible authority under the Licensing Act 2003 in respect of Today's Express, 17 Duke Street, Reading RG1 4SA. The application for review had been submitted in order to address the failure of the premises licence holder to promote the four licensing objectives (Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm) due to insufficient measures to ensure due diligence or compliance with their licence conditions. The following documents were appended to the report:

| | |
|--------------|---|
| Appendix MG1 | Review Application Form; |
| Appendix MG2 | Representations from Thames Valley Police |
| Appendix RS1 | A copy of the current premises licence. |

The existing Premises Licence permitted the following:

Hours for the Sale by Retail of Alcohol

| | |
|--------------------|--|
| Monday to Thursday | 0800 hours until 2300 hours |
| Sunday | 1000 hours until 2230 hours |
| Good Friday | 0800 hours until 2230 hours |
| Christmas Day | 1200 hours until 1500 hours and 1900 hours to 2230 hours |

The report explained that these concerns were based on the breaches of the conditions attached to the licence that had been observed on several visits by RBC Licensing officers and Thames Valley Police to the premises. These included the regular supply of alcohol to individuals engaged in street drinking and its related anti-social behaviour in and around the vicinity of the premises, the sale of alcohol beyond the licensed hours, concerns that the premises were involved in the alleged offences of handling of stolen goods and incidents of violence. The report also raised concerns that CCTV footage was not available when requested by Licensing Officers or Thames Valley Police officers. The report added the Premises Licence Holder had failed to engage with Licensing and Thames Valley Police officers on multiple occasions, when they had attempted to work with him to ensure that he complied with the conditions attached to the Premises Licence.

The Premises Licence Holder, Quais Aziz, and his representative, Bill Donne, Silver Fox Consultants, were present, addressed the Sub-Committee. Mr Donne answered questions on behalf of Mr Aziz. An interpreter, Mohammed Afiq Rafiq, attended the meeting to assist Mr Aziz.

Robert Smalley, Licensing Enforcement Officer, Reading Borough Council and Ed Barham, Counsel for Thames Valley Police, Vince Moore, Declan Smyth and Simon Wheeler, Thames Valley Police, were present and addressed the Sub-Committee.

During the 28-day consultation period representations had been received from Thames Valley Police and their submissions were attached to the report.

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 10 FEBRUARY 2023

Resolved That, having regard to the four licensing objectives and the oral and written representations made, the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (April 2018) and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it was appropriate and proportionate to revoke the Premises Licence in respect of Today's Express, 17 Duke Street, Reading, RG1 4SA. After hearing all of representations the Sub-Committee had no confidence that the licence holder understood his responsibilities to promote the four licensing objectives. The Sub-Committee had considered the evidence of numerous breaches of the conditions of the licence, the licence holder's lack of engagement with Thames Valley Police, and were particularly concerned about the absence of CCTV footage when requested by the police, and examples of out of hours sales of alcohol in November and December 2022.

The Premises Licence Holder was informed of his right to appeal the decision.

The meeting started at 9.30am and closed at 12.47pm.

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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