

To: Councillor Woodward (Chair),
Kitchingham and Mitchell

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 6 JUNE 2023

A meeting of the Licensing Applications Sub-Committee will be held on Tuesday, 6 June 2023 at 9.30 am in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

	<u>AFFECTED</u>	<u>Page No</u>
	<u>WARDS</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		5 - 16
To confirm the Minutes of the Licensing Applications Sub-Committees meetings held on 20 April 2023, 27 April 2023 and 11 May 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.”

**4. APPLICATIONS FOR THE GRANT OF PRIVATE HIRE
VEHICLE DRIVER’S LICENCES, HACKNEY CARRIAGE
VEHICLE DRIVER’S LICENCES AND OF A PRIVATE HIRE
(SCHOOL TRANSPORT) VEHICLE DRIVER’S LICENCE**

**BOROUGH 17 - 128
WIDE**

To consider applications for the grant of licences to drive Hackney Carriage, Private Hire and School Transport Vehicles.

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Present: Councillor Woodward (Chair); Edwards (Vice-Chair) and Mitchell

21. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - MILANOZ KING PIZZA, 136 WOKINGHAM ROAD, READING

The Deputy Director of Planning, Transport and Regulatory Services submitted a report on an application by Home Office Immigration Enforcement for the review of a premises licence in respect of Milanoz King Pizza, 136 Wokingham Road, Reading, RG6 1JL.

The report stated that, as a responsible authority, Home Office Immigration Enforcement (HOIE) had submitted the application for the review of the premises licence following an inspection of the premises on 26 January 2023. The joint inspection visit had been conducted by HOIE officers, together with officers from Reading Borough Council's Licensing Team, following the receipt of information by HOIE that the premises had been employing workers that had no right to work in the UK. The report stated that during the visit a total of three illegal workers had been discovered on the premises. The report also stated that, during the same visit, officers from Reading Borough Council's Licensing Team had discovered several breaches of the premises licence conditions.

The review application sought revocation of the premises licence due to the seriousness of the crimes discovered at the premises. A copy of the review application form submitted by Home Office Immigration Enforcement was attached to the report at Appendix RS-1.

During the 28-day consultation period for the application, representations had been received from the responsible authorities of Thames Valley Police Licensing and Reading Borough Council Licensing. Copies of the representations were attached to the report at Appendix RS-2 and Appendix RS-3 respectively. In addition to supporting the HOIE recommendation to revoke the premise licence, the representations provided details of the joint inspection visit conducted by RBC Licensing and Thames Valley Police Licensing officers on 22 March 2023.

The report stated that the current Premises Licence holder was EVA PVT Ltd. A copy of the original Premises Licence was attached to the report at Appendix RS-4.

An updated version of the Premises Licence had been issued on 17 April 2023 following the grant of a minor variation application submitted by the licence holder on 22 March 2023 to add more up to date conditions to the premises licence. A copy of the updated Premises Licence was added to the agenda papers at Appendix RS-5.

Both versions of the Premises Licence permitted the following:

Provision of Late Night Refreshment

Monday from 2300hrs until 0500hrs
Tuesday from 2300hrs until 0500hrs
Wednesday from 2300hrs until 0500hrs

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Thursday from 2300hrs until 0500hrs
Friday from 2300hrs until 0500hrs
Saturday from 2300hrs until 0500hrs
Sunday from 2300hrs until 0500hrs

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 stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's Statement of Licensing Policy and any relevant section of the Secretary of State's statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps that it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To 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

The report set out paragraphs 1.2 to 1.5, 1.7, 1.8, 9.12, 9.25, 9.31, 9.38, 9.39, 9.42, 9.43, 11.1, 11.2, 11.6, 11.16 to 11.20 and 11.23 to 11.28 of the Secretary of State's Amended Guidance issued under Section 182 of the Licensing Act 2003 (December 2022). The report also set out paragraphs 3.1, 3.2, 3.4, 6.5, 9.1 to 9.4, 9.14 to 9.16, 10.1 and 10.3 the Council's Licensing Policy Statement.

A rebuttal statement and associated confidential appendices prepared by Bill Donne on behalf of the respondent had been circulated to the Sub-Committee on 18 April 2023. A redacted version of the rebuttal statement, minus the confidential appendices was added to the published public agenda papers. Further documents submitted by Bill Donne on 19 April 2023 were not considered by the Sub-Committee as they had been received too late.

Robert Smalley, RBC Licensing, presented the report to the Sub-Committee.

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Dan Goldhill and Caroline Laird, Home Office Immigration Enforcement, were both present at the meeting, addressed the Sub-Committee on the review application and answered questions.

Declan Smyth, Thames Valley Police Licensing, and Anthony Chawama, RBC Licensing, were both present at the meeting, addressed the Sub-Committee Committee and answered questions.

Farhan Tahir, director of EVA PVT Ltd, was present at the meeting represented by Bill Donne, Silver Fox Licensing Consultants. Bill Donne addressed the Sub-Committee and answered questions on behalf of Farhan Tahir.

Resolved:

That, after taking into consideration:

- the Licensing Act 2003, the Secretary of State's Guidance issued under section 182 of that Act (in particular paragraphs 11.27 and 11.28 regarding criminal activity) the Environmental Protection Act 1990, the Equality Act 2010, Reading Borough Council's Statement of Licensing Policy and 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 written and oral submissions received from Home Office Immigration Enforcement, Thames Valley Police Licensing and RBC Licencing;
- the written and oral submissions received from the respondent's representative;

and having considered the evidence provided by Anthony Chawama, RBC Licensing and by Dan Goldhill, Home Office Immigration Enforcement the Sub-Committee concluded that, on the balance of probabilities, a Mr S, had been working illegally when the premises were inspected. Mr S had admitted to the Immigration Enforcement officer that he had been working, he had parked his car at the back of the premises and had arrived with a Deliveroo-style pizza bag. The Sub-Committee also noted the distress of Mr S's sister in the car when Mr S was arrested. The Sub-Committee observed that the respondent had not provided any evidence from Mr S, or from the manager in charge, to contradict this evidence and noted that assertions from the respondent's representative did not constitute evidence.

Once this finding of fact had been made, paras 11.27 & 11.28 of the Secretary of State's guidance required the Sub-Committee to give serious consideration, even in the first instance, to the revocation of the licence.

The Sub-Committee gave such consideration and concluded that it was proportionate and appropriate to revoke the premises licence for Milanoz King Pizza, 136 Wokingham Road, Reading, RG6 1JL.

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

(The meeting started at 9.30 am and closed at 12.30 pm)

Present: Councillor Woodward (Chair), Edwards (Vice-Chair) and Cresswell

22. MINUTES

The Minutes of the meetings held on 13 April 2023 were confirmed as a correct record and signed by the Chair.

23. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TODAY'S EXPRESS, 17 DUKE STREET, READING, RG1 4SA

The Deputy Director of Planning, Transport and Regulatory Services submitted a report on an application for the grant of a premises licence in respect of Today's Express, 17 Duke Street, Reading, RG1 4SA.

The report stated that the application was for the grant of a Premises Licence to permit the following licensable activities:

Sale by Retail of Alcohol (Off the Premises):

Monday to Sunday from 0800hrs until 2300hrs

Hours the Premises is Open to the Public:

Monday to Sunday from 0600hrs until 2300hrs

A copy of the Premises Licence Application Form was attached to the report at Appendix MG-1.

A copy of the agreed conditions between Reading Borough Council's Licensing Team, Thames Valley Police and the Applicant were attached to the report at Appendix MG-2.

During the 28-day consultation period for the application representations had been received by Reading Borough Council (RBC) from Reading Borough Council Licensing Team and Thames Valley Police and these representations were attached to the report as Appendices MG-2 and MG-3 respectively. The responsible authorities stated that their concerns could be addressed by ensuring that appropriate conditions were attached to the premises Licence.

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.

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The report also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could grant (subject to appropriate conditions to promote the licensing objectives), amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives. The applicant and the responsible authorities had been unable to reach agreement on the conditions to be attached to the Premises Licence in order to promote the four Licensing objectives.

The report set out paragraphs 1.2 to 1.5, 8.41 to 8.49, 9.12, 9.38, 9.39, 9.40, 9.42 and 9.43 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report also set out paragraphs 1.6, 3.1, 3.2, 5.6, 5.7, 6.1, 6.2, 6.5, 7.2, 8.6, 10.1 and 10.3 from the Council's Statement of Licensing Policy.

Mr Chopra (the applicant) and his legal representative, Bill Donne, Silver Fox Consultants, attended the meeting, addressed the Sub-Committee on the application and answered questions. Mr Donne informed the Sub-Committee that the applicant requested that the opening hours be amended from 0600 - 2300hrs to 0800 - 2300 hours. The Sub-Committee were made aware that Mr Chopra had recently purchased the business and had no connection with the previous owner. Declan Smyth, Thames Valley Police Licensing, and Robert Smalley, RBC Licensing, were both present at the meeting, addressed the Sub-Committee and answered questions.

Anthony Chawama, RBC Licensing Officer, presented the report to the Sub-Committee.

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 and the promotion of the four Licensing Objectives:

- the prevention of crime and disorder,
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

and considering the written and oral representations received from the Applicant and their agent and from Reading Borough Council Licensing and Thames Valley Police, the Sub-Committee agreed to grant the premises licence to allow, subject to the conditions set out in Appendix MG-3 to the report:

Sale by Retail of Alcohol (Off the Premises)

Monday to Sunday from 0800hrs until 2300hrs

Hours the Premises is Open to the Public

Monday to Sunday from 0800hrs until 2300hrs.

Conditions to be attached to the Premises Licence:

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1. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area and store room shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside all exits to the premises. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.
2. Signage advising customers that CCTV is in use shall be positioned in prominent positions.
3. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:
 - The premises age verification policy
 - The Four Licensing objectives
 - The law relating to age restricted goods
 - Dealing with refusal of sales
 - Proxy purchasing
 - The procedure for validating documents produced as proof of age
 - Identifying intoxication
 - Conflict management
 - How to identify and safeguard vulnerable persons who attend and leave the premises.
 - a) Refresher training shall be provided every six months;
 - b) Signed induction and refresher training records are to be kept for a minimum of 12 months of the date of training and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request;
 - c) All staff authorised to sell alcohol shall be trained in responsible alcohol retailing (ARAR) (or any other similarly nationally recognised approved accredited qualification course within four weeks for existing and subsequent employees. Evidence of such training having been undertaken and completed shall be retained for inspection at the premises for a period of no less than one year from completion. All training shall be provided by an accredited training provider.
4. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:
 - Details of the time and date the refusal was made;

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- The identity of the staff member refusing the sale;
 - Details of the alcohol the person attempted to purchase;
- a) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusals book/register shall also be carried out and signed-off by the Designated Premises Supervisor or their nominated representative.
5. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded. It must be completed within 24 hours of the incident and will record the following:
- i. all crimes reported to the venue
 - ii. any complaints received concerning crime and disorder
 - iii. any incidents of disorder
 - iv. any faults in the CCTV system
 - v. any refusal of the sale of alcohol
 - vi. any visit by a relevant authority or emergency service.
- a) this record shall be available for inspection by an Officer of Thames Valley Police or an authorised officer of Reading Borough Council upon request and shall be retained for one year.
- b) a weekly review of the incident register shall be carried out by the DPS.
6. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID, a proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) or a national ID card that contains an ultraviolet feature or holographic mark are to be accepted as identification
7. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises.
8. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age.
9. No beers, lagers or ciders above 6.5% ABV shall be sold on the premises at any time.
10. All cans or bottles of alcopops, beers, ales, lagers or ciders shall only be sold in multiples of four or greater.

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11. The premises licence holder shall implement a policy to actively disperse customers from the premises and the immediate vicinity. The policy must be in written format and be made available for inspection by authorised officers of Reading Borough Council and Thames Valley Police. All members of staff shall be trained in this policy.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses, and to leave the area quietly.
13. Alcohol shall only be delivered to a bona fide residential or commercial address. Deliveries shall not be made to car parks, bus stops, middle of fields, etc. Any order for a non bona fide address shall be refused and the reason for refusal recorded in the refusals book. Alcohol must not be delivered to an address other than as per the order.
14. It shall be a term of any contract or agreement, between the premises licence holder and any third party delivery company, that the delivery company shall require ID verification when orders containing age restricted items are delivered. A Challenge 25 age verification policy must be operated. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID, a proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) or a national ID card, that contains an ultraviolet feature or holographic mark are to be accepted as identification. Orders must not be left with anyone under the age of 18 years and must be returned to the premises and the reason for refusal recorded in the refusals book.
15. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all tobacco and alcohol products purchased in the preceding six months.
16. There shall be risk assessments for Health and Safety in place and reviewed annually or sooner if required.
17. There shall be a specified named first aider.
18. The Premises Licence Holder/Designated Premises Supervisor shall ensure that they and staff who are authorised to sell alcohol are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act
 - the prevention of crime and disorder,
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.

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19. A Section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the Premises Licence and a list of staff members that have an awareness of its location and content.
20. A current written authorisation list shall be displayed in a prominent position on the premises confirming the details of all the staff that have been authorised to sell alcohol by a Personal Licence Holder. The authorisation list shall include the name of the staff members authorised, the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Person Licence Holder.
21. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include:
 - Proof of identity (such as a copy of their passport)
 - Nationality
 - Current immigration status
 - Employment checks will be subject of making copies of any relevant documents produced by an employee, which will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council or Thames Valley Police upon request.
22. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to alcohol by both customers and staff.

(The meeting started at 9.30 am and closed at 1.18 pm)

Present: Councillors Edwards (Vice-Chair, in the Chair), Challenger and Kitchingham

24. 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.

25. A REPORT TO CONSIDER THE SUSPENSION/REVOCAION OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE, AN APPLICATION FOR THE GRANT OF PRIVATE HIRE VEHICLE DRIVER'S LICENCE AND AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE (SCHOOL TRANSPORT) VEHICLE DRIVER'S LICENCE

The Director of Environment and Neighbourhood Services submitted a report asking the Sub-Committee to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence, an application for the grant of a Private Hire Vehicle Driver's Licence and an application for the grant of a three-year School Transport Vehicle Driver's Licence.

A summary of the circumstances of the cases was appended to the report. In the case of DP the Sub-Committee viewed videos clips of the incident and heard verbal evidence from two witnesses.

DP, SM and KH were all present at the meeting. They each addressed the Sub-Committee and responded to questions.

Resolved -

- (1) That, the Private Hire Vehicle Driver's licence in respect of DP be revoked with immediate effect due to DP not being considered a fit and proper person by reason of:
 - a) the nature of the offences, as detailed in the report;
 - b) insufficient time having elapsed since the convictions for some of the offences and the disciplinary warnings given for similar behaviour, as detailed in the report;
 - c) breaches of licence conditions, traffic regulations and legislation, as detailed in the report;
 - d) the Sub-Committee determined that DP had displayed a pattern of behaviour that demonstrated that he was not a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

DP was advised of their right of appeal.

- (2) That the application by SM for the grant of a Private Hire Vehicle Driver's Licence be refused due to SM not being considered a fit and proper person by reason of:
- a) the nature of the offences, as detailed in the report;
 - b) insufficient time having elapsed since the convictions for the offences, as detailed in the report;
 - c) breaches of licence conditions, traffic regulations and legislation, as detailed in the report.

SM was advised of their right of appeal.

- (3) That, the application by KH for the grant of a three-year School Transport Vehicle Driver's Licence be granted for the period of three 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.

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

(The meeting started at 9.45 am and closed at 12.45 pm)

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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