


To: Councillor Woodward (Chair)
Councillors G Dennis and Mitchell

Direct: 
julie.quarmby@reading.gov.uk

2 August 2023

Your contact is: Julie Quarmby - Committee Services

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

A meeting of the Licensing Applications Sub-Committee will be held on Thursday, 10 August 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.

AFFECTED **Page No**
WARDS

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 - 10

To confirm the Minutes of the Licensing Applications Sub-Committee meetings held on 20 July 2023 and 27 July 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 A PRIVATE HIRE VEHICLE DRIVER'S LICENCE, A REPORT FOR THE CONSIDERATION OF THE SUSPENSION/REVOCAION OF A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE AND AN APPEAL AGAINST THE ALLOCATION OF PENALTY POINTS TO A PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

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To allow the committee to consider applications for the grant and suspension/revocation of licences to drive Hackney Carriage and Private Hire Vehicles. and to consider an appeal from a Private Hire Vehicle Driver against the allocation of penalty points relating to an alleged breach of licence conditions.

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Present: Councillors Woodward (Chair); Kitchingham and Mitchell.

5. MINUTES

The minutes of the meetings held on 6 June 2023 and 15 June 2023 were agreed as a correct record and signed by the Chair.

6. APPLICATION FOR THE GRANT OF A PREMISES LICENCE, WHITLEY SUPERSTORE, 142 WHITLEY WOOD LANE, READING, RG2 8PP

The Sub-Committee considered a report on an application for the grant of a premises licence in respect of Whitley Superstore, 142 Whitley Wood Lane, Reading, RG2 8PP.

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 0700hrs until 2300hrs

Hours the Premises is Open to the Public:

Monday to Sunday from 0700hrs until 2300hrs

A copy of the Premises Licence Application Form was attached to the report at Appendix RS-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 RS-2.

During the 28-day consultation period for the application eight representations and two petitions had been received by Reading Borough Council (RBC) and these were attached to the report as the following appendices:

1. Dean Hitchman - Local Resident – **Appendix RS-3**
2. Ghanshyam Patel – Local Business Owner – **Appendix RS-4**
3. Mr Imran Hussain – Local resident - **Appendix RS-5**
4. Ms Mary Lambden – Local Resident - **Appendix RS-6**
5. Ms Prajay Shrestha – Local Resident - **Appendix RS-7**
6. Mr Raj Budhathoki – Local Resident – **Appendix RS-8**
7. Mr Robert Jordan – Contact for petition signatories – **Appendix RS-9**
8. Mrs Shirley Croker – Local Resident – **Appendix RS-10**
9. Mr Gurnam Singh Madan – Local Resident – **Appendix RS-10**

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 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

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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 able 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 to 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, 6.11 to 6.13, 7.2, 7.6, 7.7, 7.12, 8.6, 10.1 and 10.3 from the Council's Statement of Licensing Policy.

Pajan Singh Kaneja (the applicant) and his representative Surendra Panjal, attended the meeting, addressed the Sub-Committee on the application and answered questions.

Objectors Ghanshyam Patel and Atul, local business owners, Patel and Prajesh and Gurnam Singh Madan with their representative David Dadds attended the meeting and addressed the Sub-Committee and responded to questions. Councillor Leng, Ward Councillor for Whitley Ward, also attended the meeting to represent the local residents objecting to the application, addressed the Sub-Committee and answered questions.

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

In reaching their decisions, the Sub-Committee gave due consideration to the written evidence contained in the paperwork and the oral evidence at the meeting and to the relevant legislation and policies of Reading Borough Council as set out above.

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 the following licensable activities:

Sale by Retail of Alcohol (Off the Premises)
Monday to Sunday from 0700hrs until 2300hrs

Hours the Premises is Open to the Public
Monday to Sunday from 0700hrs until 2300hrs

subject to the conditions set out in Appendix RS-2 to the report, plus the following additional conditions:

- No sales of miniature alcohol bottles less than 200 ml in content;
- No single can or bottle sales of beer, lager or cider;

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- A minimum of 2 CCTV cameras monitoring the area outside of the premises should be in place in addition to any cameras inside the premises and subject to the same condition agreed with the police;
- A personal licence holder to be present at the premises during all the times when the business is open to the public;
- Staff training to be carried out on a three-monthly basis (as per police condition).

(The meeting started at 9.32am and finished at 11.35am)

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Present: Councillors Woodward (Chair); Edwards and Keane.

9. 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.

10. APPLICATIONS FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE, A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE, REPORTS FOR THE CONSIDERATION OF THE SUSPENSIONS/REVOCAION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCES AND AN APPEAL AGAINST THE ALLOCATION OF PENALTY POINTS TO A PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Sub-Committee considered a report on: an application for the grant of a Private Hire Vehicle Driver's Licence; an application for the grant of a Hackney Carriage Vehicle Driver's Licence; and the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence and a Private Hire Vehicle Driver's Licence. The Sub-Committee also considered an appeal against the allocation of penalty points on a three-year Private Hire Driver's Licence.

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

WK and AM were present at the meeting, addressed the Sub-Committee and responded to questions.

MAO, QA and ES were not present at the meeting.

In reaching their decisions, the Sub-Committee gave due consideration to the written evidence contained in the paperwork and the oral evidence at the meeting and to the relevant legislation and policies of Reading Borough Council, namely:

- Town Police Clauses Act, 1947 and the Local Government Miscellaneous (Provisions Act) 1976;
- The Secretary of State's Guidance;
- Reading Borough Council Private Hire Vehicle Conditions;
- Taxi and Private Hire Vehicle Criminal Convictions Policy;
- The Equality Act 2010;
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

Resolved –

- (1) That, the application for the grant of a three-year Private Hire Vehicle driver's licence in respect of MAO be deferred until 10 August 2023 to allow them to attend the meeting.
- (2) That, the application by WK for the grant of a Hackney Carriage Vehicle Driver's Licence be refused due to WK not being considered a fit and proper person by reason of:

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- 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;

WK was advised of their right of appeal.

- (3) That the application for the consideration of the suspension or revocation of a Hackney Carriage Vehicle driver's licence in respect of ES be deferred until 10 August 2023 to allow them to attend the meeting.
- (4) That the application for the consideration of the suspension or revocation of a Private Hire Vehicle driver's licence in respect of QA be deferred to a future meeting to allow them to attend.
- (5) That the appeal against the allocation of penalty points to the Private Hire Vehicle driver's licence in respect of AM be refused due to the Sub-Committee's finding that AM had breached the following Private Hire Driver Conditions:
 - (a) Condition 2.1 failure to wear a current private hire driver's badge;
 - (b) Condition 3.1 failure to have a private hire vehicle plate securely attached to the rear bumper or rear bodywork of the vehicle whilst driving a licensed private hire vehicle.

AM was advised of their right to appeal.

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

(The meeting started at 9.36am and closed at 11.13am)

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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