

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 3 OCTOBER  
2023**

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

**16. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TESCO EXPRESS, GROUND FLOOR RETAIL UNIT, WESTERN BUILDING, HUNTLEY WHARF, KENAVON DRIVE, READING, RG1 3DH**

The Sub-Committee considered a report on an application for the grant of a premises licence in respect of Tesco Express, Ground Floor Retail Unit, Western Building, Huntley Wharf, Kenavon Drive, Reading, RG1 3DH.

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

**Provision of Late-Night Refreshment:**

Monday to Sunday from 2300hrs until 0000hrs

**Sale by Retail of Alcohol (Off the Premises):**

Monday to Sunday from 0600hrs until 0000hrs

**Hours the Premises is Open to the Public:**

Monday to Sunday from 0600hrs until 0000hrs

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 one representation had been received by Reading Borough Council (RBC). This was attached to the report as appendix MG-3, Reading Borough Council - Planning Department Objection and a copy of the Planning Decision Notice was also attached at Appendix MG-4.

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 Licensing Authority could grant (subject to appropriate conditions to promote the

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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 August 2023. The report also set out paragraphs 1.6, 3.1, 3.2, 5.6, 5.7, 6.1, 6.2, 6.5, 7.2, 7.6, 7.7, 7.12, 7.16, 8.6, 10.1 and 10.3 from the Council's Statement of Licensing Policy.

Hardish Purewall, Licensing Manager (the applicant's agent) and solicitor Jeremy Bark were present at the meeting on behalf of Tesco Stores Limited and addressed the Sub-Committee on the application, answered questions and responded to the points made by the objector. It was reported at the meeting that an additional condition restricting the late-night refreshment to hot drinks via vending machine would be acceptable to the applicant.

Objector Jonathan Markwell, Reading Borough Council Principal Planning Officer, attended the meeting and addressed the Sub-Committee and responded to questions.

Mark Groves, 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 -**

- (1) 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 Reading Borough Council Planning, the Sub-Committee agreed to grant the premises licence, to allow the following licensable activities:

#### **Provision of Late-Night Refreshment:**

Monday to Sunday from 2300hrs until 0000hrs

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**Sale by Retail of Alcohol (Off the Premises):**

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Monday to Sunday from 0600hrs until 0000hrs

subject to the conditions set out in Appendix MG-2 to the report plus the following additional condition:

- The provision of late-night refreshment shall be limited to the provision of hot drinks via a token-operated vending machine, with those tokens to be bought at the till point.

- (2) That it be noted that the Applicant would need to resolve the differences between the Premises Licence and planning permission permitted opening hours.

**17. 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 disclosure of exempt information as defined in paragraphs 1, 2, 3 and 5 specified in Part 1 of Schedule 12A (as amended) to that Act.

**18. A REPORT TO CONSIDER THE SUSPENSION OR REVOCATION OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

The Sub-Committee considered a report requesting the suspension/revocation of a Private Hire Vehicle Driver's Licence.

QA (Appendix 1) was present at the meeting and addressed the Sub-Committee and responded to questions.

In reaching its decisions the Sub-Committee gave due consideration to the written evidence contained in the paperwork, the oral evidence provided at the meeting by the Licensing Officer and by the applicant who attended, and to relevant legislation and the policies of Reading Borough Council, namely:

- The Town Police Clauses Act 1847
- The Local Government Miscellaneous (Provisions Act) 1976;
- The Secretary of State's Guidance;
- Reading Borough Council's Private Hire Vehicle Conditions;

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- Reading Borough Council's Taxi and Private Hire Vehicle Criminal Convictions Policy;
- The Equality Act 2010;
- The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

In reaching its decisions the Sub-Committee endeavoured to strike a fair balance between the interests of the applicant and the concerns of officers.

### Resolved -

That the Private Hire Vehicle Driver's Licence in respect of QA be revoked with immediate effect due to reasons of public safety, QA not being considered a fit and proper person to hold such a licence and for the reasonable causes pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976 by reason of:

- a) The nature of the conviction from 16 June 2023 as detailed within the report;
- b) The number of breaches of licence conditions and traffic regulations;
- c) Concern over the safety of the public given the circumstances of the conviction and breaches in (a) and (b) above;
- d) The list of previous licence suspensions and the very short period of time between breaches of licence conditions;
- e) QA's failure to declare their previous suspension, that they had been charged with an offence and their subsequent conviction, in breach of licensing conditions;
- f) The Sub-Committee not finding QA's answers to Councillors' questions convincing, nor that they understood the gravity of their previous transgressions, nor their recent criminal conviction, with QA seeking always to place the blame on others and finding it difficult to take responsibility for their own actions.

QA was advised of their right of appeal and that if on doing so they lost their appeal that RBC would seek to recover any costs in relation to the appeal.

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

(The meeting started at 10.41am and closed at 12.59 pm)