

To: Councillor Woodward (Chair), Edwards
and Keane

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21 December 2023

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 9 JANUARY 2024

A meeting of the Licensing Applications Sub-Committee will be held on Tuesday, 9 January 2024 at 5.00 pm in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

	<u>AFFECTED WARDS</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES		5 - 14
To confirm the Minutes of the Licensing Applications Sub-Committees held on 7 December 2023, 12 December 2023 and 14 December 2023.		
3. EXCLUSION OF PRESS AND PUBLIC		
At this point, the following motion will be moved by the Chair:		
<i>“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.”</i>		

4. **APPLICATIONS FOR THE CONSIDERATION OF THE SUSPENSION/REVOCATION OF A HACKNEY CARRIAGE DRIVER'S LICENCE, THE SUSPENSION/REVOCATION OF A PRIVATE HIRE DRIVER'S LICENCE, THE RENEWAL OF A 3 YEAR PRIVATE HIRE VEHICLE DRIVER'S LICENCE AND THE GRANT OF A 3 YEAR HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE.**

**BOROUGH 15 - 132
WIDE**

A report to consider an application for the suspension/revocation of a Hackney Carriage Driver's Licence, an application for the suspension/revocation of a Private Hire Driver's Licence, an application for the renewal of a 3-year Private Hire Vehicle Driver's Licence and an application for the grant of a 3-year Hackney Carriage Vehicle Driver's Licence.

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LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 7 DECEMBER 2023

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

29. 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 and 7 specified in Part 1 of Schedule 12A (as amended) to that Act.

30. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE, YUVRAJ'S MINI MARKET, 9 MANCHESTER ROAD, READING, RG1 3QD

The Sub-Committee considered a report on an application by Thames Valley Police who were a named responsible authority under the Licensing Act 2003 in respect of Yuvraj's Mini Market, 9 Manchester Road, Reading, RG1 3QD. 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 LIC1	Review Application Form;
Appendix LIC2	Representations from Reading Borough Council Licensing Team
Appendix LIC3	A copy of the blue public notice displayed at the premises
Appendix RS1	A copy of the current premises licence
Appendix LIC4	A location plan of the premises.

The existing Premises Licence permitted the following:

Hours for the Sale by Retail of Alcohol

Monday to Sunday 0800 hours until 2300 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, and concerns that the premises were involved in the alleged offences of handling of stolen goods.

The Premises Licence Holder, Mrs Kristine Deo, her husband Mr Jagdeep Deo and their representative, Bill Donne, Silver Fox Licensing Consultants, were present, addressed the Sub-Committee and answered questions. Additional paperwork had been submitted by Bill Donne on behalf of the Premises Licence Holder and this was also considered at the meeting.

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Declan Smyth, Licensing Officer, Thames Valley Police, was present and addressed the Sub-Committee, asked and responded to questions.

During the 28-day consultation period representations had been received from Reading Borough Council Licensing team and their submissions were attached to the report. Robert Smalley, Licensing and Enforcement Officer, Reading Borough Council, attending the meeting, addressed the Sub-Committee and asked and responded to questions.

Peter Narancic, Senior Licensing and Enforcement Officer presented the report.

Councillor Edwards left the meeting at 11.05 am and took no part in making the decision.

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 and the Council's Statement of Licensing Policy, the Sub-Committee concluded unanimously that it was appropriate and proportionate to revoke the Premises Licence in respect of Yuvraj's Mini Market, 9 Manchester Road, Reading, RG1 3QD, whilst noting that the licence holder was now complying with the licensing conditions and that standards had been improving within the premises on the following grounds:

- a. the Sub-Committee found on the balance of probabilities that the licence holders were handling stolen goods at the premises, having considered the facts below to come to this conclusion:
 - i. the Police received a report that the shop was involved in handling stolen goods and then found stolen goods in the store six days later;
 - ii. the licence holder and/or licence holder's husband did not report the incident to the Police or indeed record it in the incident log (when it was noted that other incidents had been recorded);
 - iii. the stolen goods were kept in the storeroom and not discarded;
 - iv. the licence holder's husband stated that the incident happened in February, March or April 2023 but the Police understood the bottles to have been taken from M&S within 10 days prior to the bottles being found in the storeroom.
- b. Given this finding, the Sub-Committee did not consider that their other powers would be sufficient to prevent the undermining of the licensing objectives, specifically, the prevention of crime and disorder.
- c. The Sub-Committee also considered what was warranted in the public interest having regard to the twin considerations of prevention and deterrence and concluded that revocation of the licence was both

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appropriate and proportionate in the circumstances detailed above and in the paperwork provided to the Sub-Committee.

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

(The meeting started at 9.27 am and closed at 12.20 pm)

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**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 12 DECEMBER
2023**

Present: Councillor Woodward (Chair); Kitchingham

Apologies: Councillors Edwards

31. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - RAVER TOTS, PROSPECT PARK, READING

The Sub-Committee considered a report on an application for the variation of a premises licence in respect of Raver Tots, Prospect Park, Reading. The report explained that the premises was a public park owned by Reading Borough Council and the event was an outdoor music festival which targeted an 18+ demographic on Saturday and a family demographic on Sunday. The application was to vary the Premises Licence, which was attached to the report at Appendix RS-1, to allow the following licensable activities:

Increase the capacity to 9999 persons.

Add Friday to the event with the following licensable activities:

Provision of Live Music:

From 1500hrs until 2200hrs

Provision of Recorded Music:

From 1500hrs until 2200hrs

Performances of Dance:

From 1500hrs until 2200hrs

Provision of Anything Similar to Live Music, Recorded Music or Dance:

From 1500hrs until 2200hrs

Sale by Retail of Alcohol (On the Premises):

From 1500hrs until 2200hrs

Hours the Premises is Open to the Public:

From 1500hrs until 2200hrs

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

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-3.

During the 28-day consultation period for the application three representations from local residents had been received by Reading Borough Council (RBC). These were attached to the report as appendices RS-4 to RS-6. The responsible authorities did not make any representations.

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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 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 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, 8.13, 8.41 to 8.49, 9.12, 9.13, 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, 7.3, 7.6, 7.8 to 7.12, 8.6, 10.1 and 10.3 from the Council's Statement of Licensing Policy.

Mike Pickets, Managing Director Raver Tots, Saoirse Holland, Event and Operations Director, Raver Tots, Ian Taylor, Health and Safety and Emergency Planning Officer, Raver Tots, Terry Brown, Operations Director, Exhibition Traffic and Stuart Roberts, Noise Consultant Expert, SRD Group Limited were present at the meeting, addressed the Sub-Committee on the application and answered questions.

Objector Mr Michael Atkinson attended the meeting, addressed the Sub-Committee and responded to questions.

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

In reaching their decision 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

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and considering the written and oral representations received from the Applicant and from objectors, the Sub-Committee agreed to vary the premises licence, to allow the following licensable activities:

Increase the capacity to 9999 persons.

Add Friday to the event with the following licensable activities:

Provision of Live Music:

From 1500hrs until 2200hrs

Provision of Recorded Music:

From 1500hrs until 2200hrs

Performances of Dance:

From 1500hrs until 2200hrs

Provision of Anything Similar to Live Music, Recorded Music or Dance:

From 1500hrs until 2200hrs

Sale by Retail of Alcohol (On the Premises):

From 1500hrs until 2200hrs

Hours the Premises is Open to the Public:

From 1500hrs until 2200hrs

Subject to the conditions set out in Appendix RS-3 to the report.

The objector was informed of their right to appeal.

(The meeting started at 9.42 am and closed at 10.50 am)

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**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES
- 14 DECEMBER 2023**

Present: Councillor Woodward (Chair), Keane and Rowland

32. MINUTES

The Minutes of the meetings held on 23 and 28 November 2023 were confirmed as a correct record and signed by the Chair.

33. 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 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.

34. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCES

The Sub-Committee considered a report that set out an application for the grant of a Hackney Carriage Vehicle Driver's Licence (Appendix 1) and an application for the grant of a Private Hire Vehicle Driver's Licence (Appendix 2). Summaries detailing the circumstances relating to each of the applications were attached to the report at Appendices 1 and 2. Both applications had been submitted by the same applicant and so were presented to and considered by the Sub-Committee at the same time.

The Applicant, WR, was present at the meeting, addressed the Sub-Committee and responded to questions.

Mark Groves, RBC Licensing Officer, presented the report to the Sub-Committee and asked and responded to questions.

In reaching its decisions the Sub-Committee endeavoured to strike a fair balance between the interests of the applicant and the concerns of officers, and gave due consideration to the written material contained in the paperwork, the oral evidence provided at the meeting by the Licensing Officer and by the Applicant, and to relevant legislation, guidance and the policies of Reading Borough Council, and in particular:

- The Town Police Clauses Act 1847; and
- The Local Government (Miscellaneous Provisions Act) Act 1976; and
- The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022; and
- The Equality Act 2010; and
- The Secretary of State's Guidance; and
- The Powers of the Authority in determining an application for the grant of both types of licence; and,

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- Reading Borough Council's Hackney Carriage and Private Hire Vehicle conditions; and
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy, in particular, paragraphs 6 and 47; and
- All of the documents provided for the meeting, including the valid period relating to each conviction; and
- The Fit and Proper Person Test.

The Sub-Committee considered the Applicant's driving convictions and the previous warnings given. The circumstances of the driving convictions were carefully considered as were the valid periods relating to them. It was noted that as of June 2025 there would be no points on the Applicant's DVLA licence. The Sub-Committee noted there was no pattern or habit of speeding.

Resolved –

- (1) That, in respect of the application by WR for the grant of a three-year Hackney Carriage Vehicle Driver's Licence, the Sub-Committee found that the Applicant was a fit and proper person but was concerned by the evidence of speeding and so did not consider that a three-year licence could be granted in the circumstances and therefore resolved to grant the licence for a period of 12-months but with the expectation that, if there were no concerns raised by Licensing Officers and that there were no further convictions of any kind, the licence would be renewed, under delegated powers, for another two years.
- (2) That, in respect of the application by WR for the grant of a three-year Private Hire Vehicle Driver's Licence, the Sub-Committee found that the Applicant was a fit and proper person but was concerned by the evidence of speeding and so did not consider that a three-year licence could be granted in the circumstances and therefore resolved to grant the licence for a period of 12-months but with the expectation that, if there were no concerns raised by Licensing Officers and that there were no further convictions of any kind, the licence would be renewed, under delegated powers, for another two years.

For both (1) and (2) above the grant of a licence would be subject to the Applicant completing the application process, including the payment of additional fees, and would be effective from the date on the licence issued.

The Applicant was advised of their right of appeal.

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

(The meeting started at 9.30 am and closed at 10.20 am)

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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