

To: Councillor Woodward (Chair)
Councillors Edwards and Rowland

Direct: ☎ 0118 937 XXXX
julie.quarmby@reading.gov.uk

19 June 2024

Your contact is: **Julie Quarmby - Committee Services**

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 27 JUNE 2024

A meeting of the Licensing Applications Sub-Committee will be held on Thursday, 27 June 2024 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 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 - 12
To confirm the Minutes of the Licensing Applications Sub-Committee meetings held on 30 May 2024 and 4 June 2024.		
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. REPORT TO CONSIDER THE BOROUGH SUSPENSION/REVOCATION OF HACKNEY CARRIAGE WIDE VEHICLE DRIVERS' LICENCES		13 - 196

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.

A report asking the Sub-Committee to consider the suspension/revocation of Hackney Carriage Vehicle drivers' licences.

Present: Councillor Woodward (Chair, Asare and Mitchell)

1. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - PM FOOD & WINE, 526-528 NORTHUMBERLAND AVENUE, READING, RG2 8NY

The Sub-Committee considered a report and other documents in a bundle with the Notice of Meeting, dated 21 May 2024, on an application for the grant of a Premises Licence in respect of PM Food & Wine, 526-528 Northumberland Avenue, Reading, RG2 8NY. The application had been submitted by licensing consultant Mr Manpreet Singh Kapoor on behalf of Mr Bhupinder Singh Talwar. A copy of the Premises Licence Application Form was attached to the report at Appendix TS-1.

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

Hours for the Sale by Retail of Alcohol (Off Sales):

Monday from	0700hrs until 2300hrs
Tuesday from	0700hrs until 2300hrs
Wednesday from	0700hrs until 2300hrs
Thursday from	0700hrs until 2300hrs
Friday from	0700hrs until 2300hrs
Saturday from	0700hrs until 2300hrs
Sunday from	0700hrs until 2300hrs

Hours the Premises is Open to the Public:

Monday from	0700hrs until 2300hrs
Tuesday from	0700hrs until 2300hrs
Wednesday from	0700hrs until 2300hrs
Thursday from	0700hrs until 2300hrs
Friday from	0700hrs until 2300hrs
Saturday from	0700hrs until 2300hrs
Sunday from	0700hrs until 2300hrs

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

During the 28-day consultation period for the application four representations had been received by Reading Borough Council from local residents and an interested party. Copies of the representations were attached to the report as appendices TS-3 to TS-6. Reading Borough Council's Licensing Team, acting as a Responsible Authority, had also submitted a representation which had subsequently been withdrawn after conditions had been agreed with the applicant.

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;

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- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

The report stated that any decision made in relation to the Premises Licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority could amend, alter, or refuse an application should it be deemed appropriate for the promotion of the licensing objectives. The report stated that, when 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 statutory guidance issued to licensing authorities by the Secretary of State.

The report set out paragraphs 1.6, 3.1, 3.2, 5.6, 5.7, 6.1, 6.2, 6.5, 6.18, 7.2, 7.3, 7.6, 8.6, 10.1 and 10.3 from the Council's Statement of Licensing Policy. The report also set out paragraphs 1.2 to 1.5, 2.1, 2.2, 2.7, 9.12, 9.13, 9.38, 9.39, 9.42 and 9.43 from the Secretary of State's Guidance to the Licensing Act 2003 issued in December 2023.

Mr Surendra Panchal, PLC Limited, the applicant's representative, attended the meeting, addressed the Sub-Committee on the application and answered questions. Mr Bhupinder Singh Talwar, the Applicant, also attended the meeting and addressed the Sub-Committee. Anthony Chawama, RBC Licensing Officer, attended presented the report and addressed the Sub-Committee. Peter Narancic, RBC Licensing Officer, also attended.

None of the objectors or interested parties attended the meeting.

In reaching their decision the Sub-Committee gave due consideration to the written evidence contained in the paperwork and the oral evidence presented at the meeting and to the relevant legislation and guidance; and the policies of Reading Borough Council.

Resolved –

- (1) That, after taking into consideration the Licensing Act 2003, the Secretary of State's Guidance issued under section 182 of that Act and Reading Borough Council's Statement of Licensing Policy and having considered the likely effect that granting the application would have on 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

and having considered the written and oral representations received from the Applicant and their agent, the professional representations made by the Reading Borough Council's Licensing Team which incorporated matters raised during liaison with the police and having read and considered the representations received by the Council from local residents and an interested

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party, the Sub-Committee agreed to grant the Premises Licence, to allow the following licensable activities:

Hours for the Sale by Retail of Alcohol (Off Sales):

Monday from	0700hrs until 2300hrs
Tuesday from	0700hrs until 2300hrs
Wednesday from	0700hrs until 2300hrs
Thursday from	0700hrs until 2300hrs
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Saturday from	0700hrs until 2300hrs
Sunday from	0700hrs until 2300hrs

subject to the conditions that had been agreed between Thames Valley Police, Reading Borough Council and the Applicant as set out in Appendix TS-2 to the report.

(The meeting started at 9.30 am and closed at 10.14 am)

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**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES
4 JUNE 2024**

Present: Councillors Woodward (Chair), Edwards and Tarar.

2. MINUTES

The Minutes of the meeting held on 9 May 2024 were confirmed as a correct record and signed by the chair.

3. 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.

4. APPLICATIONS TO CONSIDER THE SUSPENSION/REVOCAION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES, AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS TO PRIVATE HIRE VEHICLE DRIVER'S LICENCES

The Sub-Committee considered a report that set out the following:

- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Applicant AK (Appendix 1);
- An application to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence – Appellant IM (Appendix 2);
- An appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence – Appellant MK (Appendix 3); and
- An appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence – Appellant YY (Appendix 4).

Summaries detailing the circumstances relating to each of the above listed applications were attached to the report at Appendices 1 to 4. Additional information had also been circulated to members of the Sub-Committee by email prior to the meeting.

AK attended the meeting and requested a deferral to allow his legal representative to attend the Sub-Committee.

IM was present at the meeting, accompanied by Kamran Saddiq, Reading Private Hire Association. They both addressed the Sub-Committee and responded to questions.

MK was present at the meeting, accompanied by Kamran Saddiq, Reading Private Hire Association. They both addressed the Sub-Committee and responded to questions.

YY was present at the meeting, addressed the Sub-Committee and responded to questions, but did not return to the meeting to hear the Sub-Committee's decision.

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Mark Groves, RBC Licensing Team, presented the report to the Sub-Committee and asked and responded to questions. Ben Williams and Mike Harding, RBC Licensing Team also attended the meeting, addressed the Sub-Committee and responded to questions.

In reaching its decisions the Sub-Committee endeavoured to strike a fair balance between the interests of the applicants 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 Licensing Officer(s), the witness and by the Applicants, their representatives, and to relevant legislation, guidance and the policies of Reading Borough Council, and in particular:

- The Town Police Clauses Act 1847;
- The Local Government (Miscellaneous Provisions Act) Act 1976;
- The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022;
- The Equality Act 2010;
- The Secretary of State's Guidance;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle conditions and penalty points enforcement systems;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;
- All of the documents provided for the meeting; and
- The Fit and Proper Person Test.

Resolved –

- (1) That the application for the consideration of the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence in respect of AK be deferred to the meeting of the Licensing Applications Sub-Committee to be held on 27 June 2024 to allow AK's legal representative the opportunity to attend the hearing.
- (2) That the Private Hire Vehicle Driver's Licence in respect of IM be revoked with effect from 21 days of formal notice being served under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and section 57 of the Council's Hackney Carriage and Private Hire Convictions Policy which stated: "Where an applicant has a conviction for any offences under any relevant hackney carriage or private hire legislation they will not be granted a licence until at least seven years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked." The Sub-Committee noted that IM had been convicted of such offences on 3 May 2024.

The Sub-Committee informed IM of their right to appeal against the decision to Reading Magistrates' Court, Civic Centre, Castle Road, Reading, RG1 7TQ, within the period of 21 days beginning with the day on which they were notified by the licensing authority of the decision appealed against.

- (3) That the appeal against the allocation of nine penalty points to the Private Hire Vehicle driver's licence in respect of MK be partially upheld due to the Sub-Committee's finding that MK had breached the following Private Hire Driver Conditions, as detailed in the report:

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4 JUNE 2024**

Condition 2.1 - You must wear, at all times when driving a private hire vehicle, one of your current private hire driver's badges issued to you. (3 penalty points)

Condition 29.2 - At any time when driving a private hire vehicle, you must not cause or permit the vehicle to be driven on or become stationary on a footway. (Two offences on the same occasion leading to 6 penalty points)

The Sub-Committee found that MK had committed one offence, not two, under Condition 29.2 and that therefore only three penalty points should be allocated.

The addition of a total of six penalty points to MK's Private Hire Vehicle Driver's Licence should stand.

- (4) That the appeal against the allocation of penalty points to the Private Hire Vehicle driver's licence in respect of YY be dismissed due to the Sub-Committee's finding that YY had breached the following Private Hire Driver Conditions, as detailed in the report:

Condition 7.1 – You must not cause or permit a vehicle to wait on a hackney carriage stand without reasonable excuse. To do so – 6 penalty points.

Condition 9.1 - You must not wilfully obstruct an authorised officer of the Council or a Police constable acting under the Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause, fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. To do so – 6 penalty points.

Condition 13.1 - You must conduct yourself in an orderly and professional manner at all times, and be civil towards your passengers, council officers, other road users and police officers. Failure to do so – 3 penalty points.

Condition 26.1 - At any time when driving a private hire vehicle, you must not cause or permit the vehicle to stand or ply for hire or otherwise be used so as to suggest that it is a hackney carriage vehicle. To do so – 6 penalty points.

Condition 36.1 - You must display on your vehicle, at all times when you are working as a private hire driver, a roof sign in accordance with the Council's approved specification as detailed below, unless your vehicle is fitted with side identification panels in accordance with the Council's approved specification. Failure to do so – 3 penalty points.

The Sub-Committee could find no reason to uphold the appeal and therefore decided that the addition of 24 penalty points to YY's Private Hire Vehicle Driver's Licence should stand.

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4 JUNE 2024**

(The meeting started at 5.00 pm and closed at 7.16 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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