

To: Councillor Woodward (Chair)  
Councillors Edwards and Tarar

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9 October 2024

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

## **NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 17 OCTOBER 2024**

A meeting of the Licensing Applications Sub-Committee will be held on Thursday, 17 October 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.

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### **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 12 September 2024 and 26 September 2024.

### **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. AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS TO PRIVATE HIRE AND SCHOOL TRANSPORT VEHICLE DRIVER'S LICENCES**

**11 - 194**

A report setting out applications for the grant of a Private Hire Operator's Licence and appeals against the allocation of penalty points to Private Hire and School Transport Vehicle Driver's Licences.



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## LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES 12 SEPTEMBER 2024

**Present:** Councillors Woodward (Chair), Dennis and Tarar.

### 15. MINUTES

The Minutes of the meeting held on 24 and 31 July 2024 were confirmed as a correct record and signed by the Chair.

### 16. APPLICATION FOR THE VARIATION OF A PREMISE LICENCE IN RESPECT OF THE PALMER TAVERN, 128 WOKINGHAM ROAD, READING, RG6 1JL

The Sub-Committee considered a report on an application for the variation of a Premises Licence in respect of the Palmer Tavern, 128 Wokingham Road, Reading, RG6 1JL. The report explained that the premises currently had a Premises Licence that permitted the following licensable activities:

#### **Hours for the Sale by Retail of Alcohol (On and Off Sales):**

Monday to Sunday from 1000hrs until 2300hrs

New Years Eve: In addition to the permitted hours for the day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day.

#### **Late Night Refreshment**

Monday to Sunday from 2300hrs until 2330hrs

New Years Eve: In addition to the permitted hours for the day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day.

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

Monday to Sunday from 1000hrs until 2330hrs

The application submitted by Greene King Brewing and Retailing Limited sought to vary the hours as follows:

#### **Hours for the Sale by Retail of Alcohol (On and Off Sales):**

Sunday to Thursday from 1000hrs until 2300hrs

Friday and Saturday from 1000hrs until 0100hrs

Sundays of a Bank Holiday weekend, Christmas Eve and New Years Eve from 1000hrs until 0100hrs.

#### **Late Night Refreshment**

Sunday to Thursday from 1000hrs until 2300hrs

Friday and Saturday from 1000hrs until 0100hrs

Sundays of a Bank Holiday weekend, Christmas Eve and New Years Eve from 1000hrs until 0100hrs.

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

Monday to Sunday from 1000hrs until 2330hrs

Friday and Saturday from 1000hrs until 0130hrs

Sundays of a Bank Holiday weekend, Christmas Eve and New Years Eve from 1000hrs until 0130hrs.

## LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES 12 SEPTEMBER 2024

A copy of the Application to Vary a Premises Licence Form was attached to the report at Appendix LIC-1 and a copy of the current Premises Licence was attached at Appendix LIC-2.

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 LIC-3.

During the 28-day consultation period for the application two representations had been received by Reading Borough Council from residents. Copies of the representations were attached to the report at Appendix LIC-4 and Appendix LIC-4. The residents submitting the representations were invited to but did not attend the meeting.

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 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 1.5, 1.6, 2.26, 3.1, 3.10, 6.1, 6.5, 6.27, 7.14, 7.15, 9.12, 9.13, 9.15, 9.16, 9.18, 9.20, 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.

Piers Warne, TLT Solicitors, Paul Daniels, Business Development Manager, Greene King and Samantha Lane, Designated Premises Supervisor, attended the meeting. Mr Warne addressed the Sub-Committee on the application and answered questions on behalf of the applicant.

Mike Harding, RBC Licensing Officer, attended presented the report and addressed 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 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

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES  
12 SEPTEMBER 2024**

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 additional conditions agreed between the applicant, Reading Borough Council's Licensing Team and Thames Valley Police and having read and considered written representations from local residents, the Sub-Committee agreed to grant the variation of the Premises Licence to allow the following licensable activities

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

Sunday to Thursday from 1000hrs until 2300hrs

Friday and Saturday from 1000hrs until 0100hrs

Sundays of a Bank Holiday weekend, Christmas Eve and New Years Eve from 1000hrs until 0100hrs.

**Late Night Refreshment**

Sunday to Thursday from 1000hrs until 2300hrs

Friday and Saturday from 1000hrs until 0100hrs

Sundays of a Bank Holiday weekend, Christmas Eve and New Years Eve from 1000hrs until 0100hrs.

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

Monday to Sunday from 1000hrs until 2330hrs

Friday and Saturday from 1000hrs until 0130hrs

Sundays of a Bank Holiday weekend, Christmas Eve and New Years Eve from 1000hrs until 0130hrs.

subject to Condition 1 of the additional conditions proposed by Reading Borough Council Licensing being amended to read:

“The requirement for door supervisors to be employed, on any day of operation of the premises, shall be risk assessed. A written risk assessment shall be carried out by the DPS or nominated representative and produced upon request to authorised officers of Reading Borough Council and Thames Valley Police.”

(The meeting started at 10.55 am and closed at 11.48 am)

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**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES  
26 SEPTEMBER 2024**

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

**17. MINUTES**

The Minutes of the meeting held on 25 July and 13 August 2024 were confirmed as a correct record and signed by the Chair.

**18. 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.

**19. APPLICATIONS FOR THE GRANT OF PRIVATE HIRE DRIVER'S LICENCES, AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS TO PRIVATE HIRE AND SCHOOL TRANSPORT VEHICLE DRIVER'S LICENCES**

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

- An application for the grant of a Private Hire Vehicle Driver's Licence – Applicant AR (Appendix 1);
- An application for the grant of a Private Hire Vehicle Driver's Licence – Applicant WH (Appendix 2);
- An appeal against penalty points allocated to a Private Hire (School Transport) Vehicle Driver's Licence – Licence Holder CH (Appendix 3);
- An appeal against penalty points allocated to a Private Hire Vehicle Driver's Licence – Licence Holder LAA (Appendix 4);

Summaries detailing the circumstances relating to each of the above listed applications were attached to the report at Appendices 1 to 4.

AR was present at the meeting, addressed the Sub-Committee and responded to questions.

WH attended the meeting, addressed the Sub-Committee and responded to questions.

Nicola Butler, RBC Licensing Team, presented the report to the Sub-Committee and asked and responded to questions. Anthony Chawama, 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 Officers, the applicants/appellants, their representatives, and to relevant legislation, guidance and the policies of Reading Borough Council, and in particular:

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES  
26 SEPTEMBER 2024**

- The Town Police Clauses Act 1847;
- The Local Government (Miscellaneous Provisions Act) Act 1976, in particular Section 61 relating to the suspension and revocation of drivers' licences;
- 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 Convictions Policy;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle conditions and penalty points enforcement systems;
- All of the documents provided for the meeting and;
- The Fit and Proper Person Test.

**Resolved –**

- (1) That the application by AR for the grant of a Private Hire Vehicle Driver's Licence be refused due to AR not being considered a fit and proper person by reason of:
  - (a) The sub-committee was bound by its own Hackney Carriage and Private Hire Convictions Policy 2023. This had come in to force since the last time that this driver had held a licence from the Council.
  - (b) The Policy clearly stated that a conviction for harassment, regardless of its age, would result in an applicant not being licensed.

AR was advised of their right of appeal.
- (2) That the application for the grant of a Private Hire Vehicle Driver's Licence in respect of WH be granted, subject to WH taking and passing the Council's two-part taxi driver test within six months of the formal notification of the decision. Failure to pass this test within the six-month period would result in the application being refused.

WH was advised of his right of appeal.
- (3) That the appeal by CH against the allocation of penalty points on a Private Hire (School Transport) Vehicle Driver's Licence be deferred to the meeting provisionally scheduled on 17 October 2024 to allow both CH and their legal representative to attend the meeting.
- (4) That the appeal by LAA against the allocation of penalty points on a Private Hire Vehicle Driver's Licence be deferred to the meeting provisionally scheduled on 17 October 2024 to allow LAA to attend the meeting.

(The meeting started at 9.29am and closed at 11.10am)

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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