

# Summary of Licensing Sub-Committee Decision taken on 15 October 2014

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## Part I

**Application No. 14/01406/LQN - Domino's, 5 The Broadway, Newbury, RG14 1AS (Item 2(1))**

### NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on **15<sup>th</sup> October 2014** and resolved to approve Application **14/01406/LQN** made by **Team West Ltd** in respect of a variation to Premises Licence number 017405 issued in respect of premises known as **Domino's, 5 The Broadway, Newbury, RG14 1AS Berkshire** subject to a number of conditions.

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. the protection of children from harm.

They also considered the Department of Culture, Media and Sport Guidance on the Licensing Act 2003 (issued June 2014) and West Berkshire Council's Licensing Policy.

The Sub-Committee heard representations made by:

1. **The Applicants:** John Gaunt (Solicitor for the Applicant), and Sigurd Wilberg of Team West Ltd
2. **The Responsible Authorities:** Ian Wootton representative for Public Health and Wellbeing and for the Local Safeguarding Children Board
3. **The Objectors:** Councillor Phil Barnett on behalf of Newbury Town Council

The Sub-Committee also had regard to written documentation which had been submitted by the Applicant. These documents included a skeleton argument produced on behalf of the Applicant, examples of the training which would be undertaken by employees of the Licence holder and the proposed additional conditions. These documents were considered by the Sub-Committee with the consent of the other parties to the hearing.

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**If you have any queries regarding this/these decision(s), please contact:**

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## Summary of Licensing Sub-Committee Decision taken on 15 October 2014 (continued)

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### Decision:

Having taken all relevant representations into account, the Licensing Sub-Committee RESOLVED that Application reference 14/01406/LQN be granted subject to the conditions set out in the operating schedule and any relevant mandatory conditions as prescribed by the Licensing Act 2003 and the following additional conditions imposed by the Licensing Sub Committee:

1. Alcoholic drinks will not be sold direct to customers over the counter but such sales will be limited to food delivered to home or business premises.
2. Each sale of alcohol will be ancillary to the sale of food.
3. Staff will receive training on matters concerning under age sales, sales to drunks and operating procedures generally with regular refresher training being provided and evidence of such training and re-training shall be provided to the police and Licensing Authority upon request.
4. The premises shall operate a proof of age scheme and require photographic identification from any customer who appears to be under the age of 25 years at the point of delivery.
5. The management of the premises will liaise with the police over issues of local concern or disorder.
6. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
7. Whenever alcohol is delivered to the purchaser, it shall only be delivered to a residential or business address. The receiver of the alcohol must be able to prove to the person delivering alcohol that they are resident or an employee at the premises and must be inside the building or at a doorway of the business, house or flat.

### Reasons:

The Sub-Committee noted the objections to the application made by the Town Council and on behalf of Public Health and Wellbeing and the Local Safeguarding Children Board.

The Applicants representative had referred to the fact that public health was not one of the four licensing objectives. However, it was noted that the Director of Public Health was a responsible authority for the purposes of the Licensing Act 2003. In addition, the Guidance states that physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption.

The Applicant had entered into pre-application discussions with the police and it was noted that there was no objection to the Application from the police, who are a key source of information and advice on the impact of licensable activities, particularly on the crime and

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## Summary of Licensing Sub-Committee Decision taken on 15 October 2014 (continued)

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disorder objective. However, the absence of a representation from the police did not undermine representations received from other parties, particularly responsible authorities, who made relevant representations in respect of an application. The Sub-Committee therefore had regard to the representations received in reaching its decision.

The Sub Committee noted that the Council as Licensing Authority must determine each application under the Licensing Act 2003 on its merits, and every decision must be both justified and proportionate based on the available evidence.

Although evidence was presented to the Sub-Committee relating to the impact of alcohol consumption generally within the district of West Berkshire, there was no evidence to suggest that the premises concerned had contributed to those problems. Further, there was nothing to suggest that the licence, if granted, would result in an increase in the problems identified. The Sub-Committee considered that it was relevant that both the objector and representative of the responsible authorities acknowledged this fact.

It was noted that the Applicant had also offered additional conditions in the hope that these would address the concerns raised by the objector and responsible authorities.

The Sub-Committee considered that the additional conditions that had been proposed by the Applicant were proportionate, reasonable and appropriate to meet the requirements of the Licensing Objectives. The Sub Committee therefore determined that the licence should be granted subject to the conditions as detailed above.

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<b>Cllr Peter Argyle</b>	(Chairman)
<b>Cllr Manohar Gopal</b>	
<b>Cllr Andrew Rowles</b>	
<b>Date:</b>	

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