

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire District Council met on 22nd September 2021 and resolved to approve **Application No 21/00555/LQN** for a premises licence in respect of **3 Market Place, Lambourn, West Berkshire, Hungerford, RG17 8XU** subject to a number of conditions which are set out below.

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 Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 and West Berkshire Council's Statement of Licensing Policy.

The Sub-Committee considered the Application submitted by the Applicant and heard oral representations made by:

1. **The Applicant:** Kugarani Mohanarajah, Thilaxshi Mohanarajah, Suresh Kanapathi (on behalf of the Applicant)
2. **The Supporters:** Sohail Akhtar and Shoaib Akhtar
3. **Ward Member:** Councillor Rick Jones on behalf of Councillor Howard Woollaston

The Licensing Sub-Committee also considered that the Responsible Authority, Thames Valley Police, had proposed conditions which had been accepted by the Applicant.

The Licensing Sub-Committee considered the written representations of the following objectors who did not attend:

1. Wendy Read
2. Brett Jarvis
3. Pam Olvor
4. Alistair Paton
5. Susie Watson
6. Doreen Fowler
7. Liz Beard
8. E. A. Spence
9. P. Mitchell
10. E. Pilch
11. Martin
12. Watson
13. K. Mintern
14. R. Chapman

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that Application **No 21/00555/LQN** be granted subject to a number of conditions as set out in the operating schedule as modified below, as well as the relevant mandatory conditions under the Licensing Act 2003 and secondary legislation.

Operating Schedule

Box J: Supply of Alcohol (Off the premises)

Monday to Sunday 08:00 – 23:00

Box L: Hours premises are open to the public

Monday to Sunday 06:00 – 23:00

Conditions:

CCTV

1. The Premises Licence Holder shall ensure:-
 - a. The premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping.
 - b. The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised officer of West Berkshire District Council and/or an officer of Thames Valley Police, together with facilities for viewing upon request, subject to the provisions of the Data Protection Act 1998 and the UK General Data Protection Regulation and any associated legislation.
 - c. Recorded images shall be of such a quality as to be able to identify the recorded person in any light.
 - d. At least one member of staff on the premises at any time during the operating hours shall be trained to access and download material from the CCTV system.
2. Signage advising customers that CCTV is in use shall be positioned in prominent positions.
3. A refusal register, whether written or electronic, shall be used, kept and maintained at the premises. The refusal register shall record the time and date of the refusal, which age restricted product was refused, details of the staff member refusing service and a description of the person refused. The refusal log shall be produced to authorised officers of West Berkshire District Council and/or Thames Valley Police upon request.
4. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, Military ID or proof of age card showing the "Pass" hologram (or any other nationally accredited scheme as set down within the mandatory conditions) are to be accepted as identification.
5. Notices advertising the premises Challenge 25 scheme shall be displayed in prominent positions on the premises.
6. Staff employed shall undergo training upon induction before they are allowed to work. This shall include, but not be limited to:-
 - a. Dealing with refusal of sales
 - b. Knowledge of the four Licensing Objectives
 - c. Identifying signs of intoxication

- d. Conflict management
- e. How to identify and safeguard vulnerable persons who attend and leave the premises
- f. Proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol.

7. Training sessions set out at condition six above, are to be documented and refreshed every six months and shall be kept to a minimum of two years and shall be made available to an authorised officer of West Berkshire District Council and/or Thames Valley Police upon request.

Reasons

The Sub-Committee took into account the written and oral representations made. The concerns raised by the objectors related to three of the licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Sub-Committee carefully considered those concerns and afforded the appropriate weight in light of the fact no objector attended the hearing and made an oral representation.

The Sub-Committee also took into account the fact no responsible authority had objected to the application which included the Local Safeguarding Children Board and Environmental Health. In particular, Thames Valley Police who are a key source of information in relation to crime and disorder, had proposed additional conditions which had been accepted by the Applicant.

The Sub-Committee decided on balance that the concerns were not justified by evidence and the conditions which had been put forward by Thames Valley Police, as amended, and the relevant mandatory conditions, were sufficient to promote the licensing objectives.

The Sub-Committee did not take into account any concerns outside the Licensing Regime, namely whether there was a need for another store selling alcohol or issues in relation to the signage which were planning-related matters. It is important to note that the purpose of the hearing was to determine the Application although the Sub-Committee found no evidence the Applicant had acted in breach of the licensing regime.

In reaching its decision, the Sub-Committee noted the Council as Licensing Authority must determine each application under the Licensing Act 2003 on its own merits, and every decision must be both justified and proportionate based on the available evidence in accordance with Statutory Guidance and the Council's Licensing Policy. There was no evidence before the Sub-Committee that the licensing objectives be undermined in actuality and the Sub-Committee decided the promotion of the licensing objectives could be achieved through conditions. The Sub-Committee considered the conditions are proportionate, reasonable and appropriate.

Cllr Graham Bridgman



(Chairman)

Cllr Phil Barnett



Cllr David Marsh

A handwritten signature in black ink, appearing to read 'D Marsh', is placed on a light grey rectangular background.

Date: 28th September 2021