

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on 29th September 2021 and resolved to approve **Application 21/00611/LQN** for a premises licence in respect of **The Breeze Drinks Company, Hawkrigde House, Hawkrigde Hill, Frilsham, RG18 9XA** 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:** Mrs Elena Breeze (Applicant) Mr Joe Szopa (company representative)
2. **The Objector:** Councillor Andrea Arnold, Frilsham Parish Council

The Sub-Committee also considered the written representations made by Frilsham Parish Council.

The Sub-Committee further considered the proposed conditions which were submitted as being agreed between Thames Valley Police and the Applicant. This material was admitted into the evidence on the day of the hearing with the agreement of all participants.

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that Application **21/00611/LQN** be granted subject to the conditions as set out in the operating schedule as modified below, as well as the relevant mandatory conditions pursuant to the Licensing Act 2003 and secondary legislation.

Operating Schedule

Box J: Supply of Alcohol (On and Off the premises)

Online Sales

Monday to Sunday 00:00 – 24:00

Events

Monday to Sunday 10:00 – 00:00

Box L: Hours premises are open to the public

Monday to Sunday 00:00 – 24:00

Not open to public, by invitation only and online sales.

Conditions:

Refusal Register

1. 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 Thames Valley Police upon request.

Challenge 25

2. 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.
3. The premises age verification policy shall be in a written form and displayed in a prominent position on the premises.
4. Notices advertising the premises' Challenge 25 scheme shall be displayed in prominent positions on the premises.

Training

5. Staff employed to 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
6. Such training sessions are to be documented and refreshed every six months and shall be kept for a minimum of two years and be made available to an authorised officer of West Berkshire District Council or Thames Valley Police upon request.

Deliveries

7. Deliveries shall only be made to a full and proper residential or commercial postal address.
8. Deliveries shall not take place to car parks, bus shelters, recreation grounds, fields etc.

9. On all occasions for whatever reason, it has not been possible to deliver an order, full details will be recorded in the refusal register.
10. Any deliveries from the premises which involve a supply of alcohol are to be via a courier or delivery Company who shall operate a Challenge 25 Policy as identified at Condition 2.

Reasons

The Licensing Sub-Committee took into account the written and oral representations made and considered the Application which related to a 24 hour supply of alcohol and involved online sales and occasional events which would be by invitation only.

The Sub-Committee noted that the objector, Frilsham Parish Council, did not have any objection to the part of the Application which dealt with the online sale of alcohol. The element of the Application which was opposed related to events and the end hour that those events could take place in relation to the supply of alcohol. This related to a concern around the number of people accessing and leaving the premises at an early hour of the morning and the impact this would have in terms of noise on the residents and roads in a small village. These concerns related to the licensing objective of the prevention of public nuisance. The written objection submitted by Frilsham Parish Council put forward the suggested hour of 12 noon to 11pm in relation to those events. The position put forward by the Applicant was that it did not want to limit the number of events or the hours where the supply of alcohol could be offered although it was expected that around 100 people would attend and they would be occasional.

After considering the representations made, the Licensing Sub-Committee decided to grant the premises licence subject to conditions. The Licensing Sub-Committee decided that it was necessary to make a distinction in the operating schedule in relation to the online sale of alcohol and events and the hours of operation in order to promote the licensing objectives, namely the prevention of public nuisance. This involved a 24 hour operation of the supply of alcohol in relation to online sales and the hours of 10.00am to 00:00 Monday to Sunday in relation to events which were by invitation only. The Licensing Sub-Committee were also satisfied that the additional conditions which had been agreed between Thames Valley Police and the Applicant, as amended, should be added to the licence. No objection had been made to the application by a responsible authority.

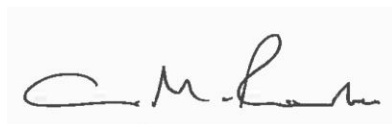
In reaching its decision, the Sub-Committee noted the Council as Licensing Authority must determine each application under the Licensing Act 2003 on its own merits, and every decision must be both justified and proportionate based on the available evidence in accordance with Statutory Guidance and the Council's Licensing Policy. The Sub-Committee decided the promotion of the licensing objectives could be achieved through conditions. The Sub-Committee considered the conditions proportionate, reasonable and appropriate.

Cllr Graham Bridgman



(Chairman)

Cllr Claire Rowles



A handwritten signature in black ink, appearing to read 'Adrian Abbs', is written over a light grey rectangular background.

Cllr Adrian Abbs

Date: 5th October 2021