

DECISION NOTICE



Scan here to access the public documents for this meeting

Licensing Sub-Committee

Friday, 22nd October, 2021 at 10.00 am

Date of Decision Notice: Thursday, 28th October 2021

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information please contact Jo Watt.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



Agenda - Licensing Sub-Committee to be held on Friday, 22 October 2021 *(continued)*

To: Councillors Graham Bridgman, Graham Pask and Claire Rowles

Substitute: Councillor Tony Linden

- (1) **Application No. 21/00705/LQN Aldi Foodstores, London Road, Newbury, RG14 1LA**
Proposal: Application to vary an existing premise licence
Location: Aldi Foodstores, London Road, Newbury, RG14 1LA
Applicant: Aldi Stores Limited represented by Lisa Gilligan, of Freeths LLP

Sarah Clarke
Service Director: Strategy and Governance

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.



NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on 22 October 2021 and resolved to approve **Application 21/00705/LQN**, for a variation to an existing premises licence **12/01449/LQN** in respect of **Aldi Foodstores, London Road, Newbury, RG14 1LA**.

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

- 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.

The Sub-Committee noted that Environmental Health as a Responsible Authority had proposed an amendment to the variation being sought by the Applicant. This had been accepted by the Applicant. Written representations made by Environmental Health had been withdrawn following the agreement reached.

The Sub-Committee heard oral representations made by:

- **The Applicant:** Ms Lisa Gilligan of Freeths LLP (agent) on behalf of Aldi Stores Limited.

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

- **Objector:** Newbury Town Council.

The Sub-Committee and parties present at the hearing had the opportunity to ask questions in respect of the Application, the written representations and oral representations.

Decision

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that **Application 21/00705/LQN** be granted and **Licence 12/01449/LQN** be varied:

Operating Schedule

Box J: Supply of Alcohol (off the premises)

Monday to Sunday 07:00 – 23:00

Box L: Hours premises are open to the public

Monday to Sunday 07:00 – 23:00

*(**Informative:** The store is not necessarily (or currently) open to the public at all times during these hours but these hours are the parameters within which the Applicant may set their opening hours.)*

Reasons

The Licensing Sub-Committee took into account the written and oral representations made.

The Sub-Committee carefully considered the written representation submitted by the objector, Newbury Town Council. Whilst the written objection was not explicit as to which of the four licensing objectives the objector was referencing, it appeared to relate to the prevention of public nuisance (relating as it did to the “impact on nearby residents”).

It was noted that the representation specifically referenced that the Application sought to vary the licensed hours for supply of alcohol (off premises) from 08:00 to 23:00 every day of the week under the existing licence to 06:00 to 00:00 every day of the week and expressed concern that there would be impact to nearby residents in relation to these additional hours.

The Sub-Committee took into account that no Responsible Authority (other than Environmental Health) had objected to the Application, including Thames Valley Police and the Local Safeguarding Children Board.

The Sub-Committee noted that Environmental Health, a Responsible Body who are a key source of information in relation to public nuisance, had proposed that the Applicant amend the hours sought in the Application from 06:00 to 00:00 (every day of the week) to 07:00 to 23:00. It was noted that Environmental Health put forward this proposal further to the licensing objectives, namely the prevention of public nuisance, to address concerns it had in respect of additional noise residents would be exposed to between 23:00 and 07:00 which it considers to be ‘night-time’. The Applicant had agreed to the proposal.

Therefore the Application before the Sub-Committee was to vary the licensed hours for the supply of alcohol (off premises) and opening hours as stated in the existing licence from 08:00 to 23:00 to 07:00 to 23:00 Monday to Sunday - an increase of one hour in the morning.

The Sub-Committee afforded appropriate weight to the written objection in the circumstances and in light of the fact that no objectors attended the hearing or made an oral representation. The Applicant confirmed to the Sub-Committee at the hearing that they were not aware of any concerns having been raised by nearby residents with itself or Environmental Health.

The Sub-Committee decided there was no evidence that the licensing objectives would be undermined by the variation of one hour. The Sub-Committee noted there are conditions on the existing licence to promote the licensing objectives and decided it was not proportionate, reasonable or appropriate to attach additional conditions to the variation.

The Sub-Committee also found there was no reason to restrict the hours for the supply of alcohol (off premises) beyond the hours the premises may be open to the public in accordance with Statutory Guidance and the Council’s Statement of Licensing Policy relating to stores.

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 own merits, and every decision must be both justified and proportionate based on the available evidence and in accordance with the Statutory Guidance and the Council’s Licensing Policy.

Cllr Graham Bridgman



(Chairman)

Cllr Graham Pask



Cllr Claire Rowles



Date: 28.10.21

This page is intentionally left blank