

Summary of Licensing Sub-Committee Decision taken on 2 April 2019

Part I

Application No. 19/00144/LQN - The White Hart Inn, Hamstead Marshall, Newbury (Item 2(1))

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on **2 April 2019** and resolved to approve Application **19/00144/LQN** in respect of a new premises license at **The White Hart Inn, Hamstead Marshall, RG20 0HW**, 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 Department of Culture, Media and Sport Guidance on the Licensing Act 2003 and West Berkshire Council's Licensing Policy.

The Sub-Committee heard representations made by:

- 1 for the Applicant: Stella Coulthurst and John Trueman;
- 2 an Objector: Matthew Maggs;
- 3 for the Responsible Authority: Declan Smyth, Thames Valley Police;
- 4 Ward Member: Anthony Stansfeld;
- 5 a Supporter: John Handy (Chairman, Hampstead Marshall Parish Council);

the Licensing Sub-Committee also considered the representations of Mr and Mrs John Fraser who did not attend.

Decision

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that Application 19/00144/LQN be granted subject to the conditions as in the operating schedule, any relevant mandatory conditions as prescribed by the Licensing Act 2003 or

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

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secondary legislation and the following amendments to the operating schedule:

Box J: Sale of Alcohol (on the premises)

Mon	11.00 – 23.00
Tue	11.00 – 23:30
Wed	11.00 – 23.00
Thu	11.00 – 23.00
Fri	11.00 – 00.00
Sat	11.00 – 00.00
Sun	11.00 – 23.00

Box J: Sale of Alcohol (off the premises)

Mon	11.00 – 23.30
Tue	11.00 – 00.00
Wed	11.00 – 23.30
Thu	11.00 – 23.30
Fri	11.00 – 00.30
Sat	11.00 – 00.30
Sun	11.00 – 23.30

Box L: Hours premises are open to the public

Mon	11.00 – 23.30
Tue	11.00 – 00.00
Wed	11.00 – 23.30
Thu	11.00 – 23.30
Fri	11.00 – 00.30
Sat	11.00 – 00.30
Sun	11.00 – 23.30

In addition the Licensing Sub-Committee imposed the following **conditions**:

- 1 The premises licence holder shall ensure 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. The entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or West Berkshire Council together with facilities for viewing upon request. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.
- 2 A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall

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- be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of West Berkshire Council and Thames Valley Police.
- 3 Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening to ensure that customers disperse quietly.
 - 4 The Premises Licence Holder shall ensure that all staff employed in the sale of alcohol shall be trained in their responsibilities and a record of their training shall be maintained. Refresher training shall be carried out every six months and documented. These records shall be made available to an authorised officer of Thames Valley Police or an authorised officer of West Berkshire Council.
 - 5 Staff shall be trained on the Premises Licence Holder's policies on intoxication, age verification and customer welfare and vulnerability. Refresher training shall be carried out every six months and documented. These records shall be made available to an authorised officer of Thames Valley Police or an authorised officer of West Berkshire Council.
 - 6 The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premise.
 - 7 All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log shall contain details of the time and date the refusal was made, the identity of the staff member refusing the sale, and any detail or description of the person refused and the reason why. This log will be available for inspection by a Police Officer or authorised officer of West Berkshire Council upon request.
 - 8 An incident log shall be maintained to record all incidents of crime and disorder occurring at the premises. Details of occasions when the police are called to the premises shall be recorded. This log shall be available for inspection by a Police Officer or an authorised officer of West Berkshire Council upon request and shall be retained for one year. The log shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading session.
 - 9 No deliveries shall be permitted to attend the premises any day between 21.00hrs and 06.00hrs.
 - 10 No contracted waste removal services shall be permitted to attend the premises any day between 20.00hrs and 08.00hrs
 - 11 The premises licence holder or nominated representative shall ensure that the premises actively participates in the local Pub Watch scheme.
 - 12 During operating hours the premises licence holder or nominated representative shall be available to receive and respond to nuisance related complaints. A contact number

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shall be readily available to residents upon request. An incident log shall be maintained to record all nuisance related complaints received. This log shall be available for inspection by a Police Officer or an authorised officer of West Berkshire Council upon request and shall be retained for one year.

- 13 Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include proof of identity (such as a copy of their passport), nationality, current immigration status and employment. Copies of any relevant documents produced by an employee will be taken, which will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of West Berkshire Council or Thames Valley Police upon request.

Reasons

The Sub-Committee also gave the reasons for their decision.

The Sub-Committee noted that the Council as a 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.

It was noted by the Sub-Committee that the police as a Responsible Authority had requested the imposition of conditions which they felt were appropriate to promote the four licensing objectives. The police are a key source of information and advice on the impact of licensable activities, particularly on the crime and disorder objective.

The conditions that have been applied to the licence are intended to promote the four licensing objectives. The Sub-Committee did not consider that the objections raised were supported by evidence which would be sufficient to justify refusal of the licence, or the imposition of any additional conditions to those referred to above.

Cllr Graham Bridgman	(Chairman)
Cllr Jeff Beck	
Cllr Quentin Webb	
Date: 8 April 2019	