

# Summary of Licensing Sub-Committee Decision taken on 2 June 2023

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## Part I

**Application No. 21547 - Bite Express Ltd, 63A Bartholomew Street, Newbury, RG14 7BE (Item 2(1))**

### NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on 2<sup>nd</sup> June 2023 and resolved to approve **Application 21547** for a premises licence in respect of **Bite Express, 63A Bartholomew Street, Newbury, RG14 7BE** subject to 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, as amended, as described at Appendix 2 of the Agenda pack.

The Sub-Committee heard oral representations made by:

1. The Applicant: Mr Tolga Sahin
2. The Objectors: Claire Struthers-Semple and Joseph Tolman-Lopez

The Licensing Sub-Committee also considered relevant written representations of objectors who did not attend.

The Sub-Committee considered the proposed conditions which were submitted as being agreed between Thames Valley Police and the Applicant and appeared at Appendix 4 of the Agenda pack. As a result of this agreement some objectors withdrew their objection.

The Sub-Committee noted that, with regard to CCTV, the Applicant intends to have CCTV cameras recording 24 hours a day, 7 days a week.

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

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

## Decision

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that **Application 21547** be granted subject to the conditions as in the operating schedule, amended by the Applicant and modified below, as well as any relevant mandatory conditions in ss19-21 of the Licensing Act 2003 and secondary legislation.

## Operating Schedule

### Box J: Supply of Alcohol

Monday to Sunday 11:00 – 23:00  
On and off premises

### Box I: Late Night Refreshment

Monday to Sunday 23:00 – 00:00  
On and off the premises

### Box L: Hours premises are open to the public

Monday to Sunday 08:00 – 00:00

## Conditions:

### CCTV

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
2. The premises licence holder shall ensure the CCTV system cameras shall continually record whilst the premises are open to the public and for at least one hour after the premises close to monitor dispersal from the premises. Entry and exit points include the external area immediately outside the premises entrance.
3. All recordings shall be stored for a minimum period of 31 days, with date and time stamping. Viewing of recordings will be made available immediately upon the request of the Police or authorised officer of West Berkshire District Council throughout the entire 31-day period.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police officer or authorised officer of West Berkshire

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District Council copies of recent CCTV images within 48 hours.

5. Signs shall be placed in prominent positions on the premises at all times notifying members of the public that CCTV is in operation.

## Incident and Refusals Register

6. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offender's name shall also be recorded;
7. This record shall be available for inspection by a Police Officer or an authorised officer of West Berkshire District Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative on a monthly basis.
8. Alcohol may only be served or sold to customers either dining in the restaurant or whilst waiting for a takeaway, or part of an order that is to be delivered. All customers consuming alcohol on the premises must be seated.
9. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.

## Staff Training

10. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
  - (a) The premises age verification policy
  - (b) The law relating to underage sales
  - (c) Dealing with refusal of sales
  - (d) Proxy purchasing
  - (e) Recognising valid identity documents not in the English language
11. Such training sessions are to be documented and refreshed every six months.
12. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and West Berkshire District Council upon request.
13. Sales of alcohol for consumption via takeaway or delivery shall be ancillary to the provision of food. This condition does not apply to any outside area of the Premises.

## Age Verification

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14. The premises shall at all times operate an age verification policy of 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.
15. 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.

### Delivery Conditions

16. Deliveries shall only be made to a full and proper residential or commercial postal address.
17. Deliveries shall not take place to car parks, bus shelters, recreation grounds, fields etc.
18. On all occasions for whatever reason, it has not been possible to deliver an order, full details will be recorded in the refusal register.
19. 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 13 and 14.

### **Reasons:**

The Licensing Sub-Committee considered the Application, as amended by the Applicant, together with the relevant written and oral representations made.

The Sub-Committee noted that the concerns of the objectors related mainly to the licencing objectives of prevention of crime and disorder and public nuisance. The Applicant had entered into discussions with the Police after the Application was submitted and prior to the Hearing. It was noted that the Police had agreed conditions with the Applicant. The police are a key source of information and advice on the impact of licensable activities, particularly on the crime and disorder objective. Environmental Health, who are a key source of information and advice in relation to public nuisance, had not made any representations.

The Sub-Committee considered the representations from all parties, including noting that the Applicant did not plan to serve alcohol without food and the Applicant's intention for CCTV cameras to be recording 24 hours a day, 7 days a week. The Sub-Committee considers an earlier end-time, of one hour compared to the hours applied for, in relation to the supply of alcohol, was suitable for this premises and a reasonable and proportionate step to ensure the licensing objectives of prevention of public nuisance and crime and disorder are not undermined.

The Sub-Committee considered it appropriate to impose conditions having considered all the information before the Sub-Committee carefully and for the purpose of promoting the prevention of crime and disorder, and public nuisance, licencing objectives. The Sub-

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Committee expects that the premises licence holder shall be using CCTV 24 hours a day, and the conditions relating to CCTV are to be read as the minimum requirement for licensable activities at this premises, pursuant to the promotion of licensing objectives.

The Licensing Sub-Committee decided that the promotion of the licensing objectives could be achieved through conditions. The Sub-Committee was satisfied that the conditions which had been agreed between Thames Valley Police and the Applicant, and additional conditions imposed, were reasonable, proportionate and appropriate in all the circumstances.

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 the Statutory Guidance and the Council's Licensing Policy.

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<b>Cllr Phil Barnett</b>	(Chairman)
<b>Cllr Billy Drummond</b>	
<b>Cllr Paul Dick</b>	
<b>Date:</b> 09/06/2023	

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