

# DRAFT

## LICENSING SUB-COMMITTEE MINUTES OF THE MEETING HELD ON FRIDAY, 2 JUNE 2023

**Councillors Present:** Phil Barnett (Chairman), Billy Drummond and Paul Dick

**Also Present:** Thea Noli (Paralegal), Ben Ryan (Clerk) and Amanda Ward (Lead Officer Licensing).

### PART I

#### 1 **Declarations of Interest**

There were no declarations of interest received.

#### 2 **Application No. 21547 - Bite Express Ltd, 63A Bartholomew Street, Newbury, RG14 7BE**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 21547 in respect of Bite Express Ltd, 63A Bartholomew Street, Newbury, RG14 7BE.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council), Tolga Sahin (Applicant), and Claire Struthers-Semple and Joseph Tolman-Lopez (Objectors), addressed the Sub-Committee on this application.

#### **Officer Representation**

Ms Ward, in addressing the Sub-Committee, raised the following points:

- The Licensing Authority received an application for a New Premises Licence to be granted under section 17 of the Licensing Act 2003 on 13 April 2023.
- The application sought to obtain the following licensable activities:
  - Recorded Music: Monday to Sunday from 08:00 to 23:00hrs to take place (indoors only)
  - Late Night Refreshment: Monday to Sunday, 23:00 to 02:00hrs to take place (both indoors and outdoors)
  - Supply of Alcohol: Monday to Sunday from 11:00 – 02:00hrs for the (supply of alcohol for consumption both on and off the premises)
- That consultation commenced on the 14th April 2023 and ran until 11th May 2023.
- Responsible Authorities, Ward Members and the Parish Council were notified of the application by email on 14 April 2023
- The application had been advertised correctly, with a blue site notice placed at the premises. The notice was checked by an officer from the Public Protection Partnership on 18 April 2023 and a public notice was placed in the Newbury Weekly News dated 20 April 2023.

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### Questions for the Officers

Ms Struthers-Semple questioned what was meant by a late-night refreshment and Ms Ward explained that it was the sale of hot food and or drink after 23h00.

### Applicant Representation

Mr Sahin, in addressing the Sub-Committee, raised the following points:

- That the site would be a Turkish restaurant that would open to serve at lunch and dinner times.
- The opening time of 07h00 was for deliveries and cleaners to enter the premises.
- There was no intention to serve late-night food and alcohol would not be served without food.
- There would be the addition of four to six Closed Circuit Television (CCTV) cameras to reduce behaviour that would could constitute public nuisance.
- The music would be for background purposes only and would not be loud.
- The applicant would do his best to encourage public safety and help preserve the character of the neighbourhood.

### Questions for the Applicant

Councillor Phil Barnett asked for clarification on the opening hours and Mr Sahin explained that this would depend on demand, but the plan was to be open for lunch and dinner initially but later on they may also wish to serve traditional Turkish breakfasts.

Councillor Billy Drummond enquired into whether the doors or windows were to be left open and Mr Sahin stated they would not be.

Councillor Drummond queried whether the CCTV would have sound and this was confirmed to be the case.

Councillor Paul Dick probed what the applicant's plans were as there was confusion over the opening hours and licensing times. Ms Ward explained that the applicant had agreed revised opening hours with Thames Valley Police of 08h00 to 00h00 Monday to Sunday. Mr Sahin expressed that this was not when he would open his business, however, it was explained that this was what his license could allow.

Councillor Dick asked whether the applicant knew why there was demand for his business. Mr Sahin explained that there is always a demand for Turkish cuisine and that this was clear from his three years of experience in the industry locally.

Mr Tolman-Lopez queried whether the applicant would consider mirroring his closing times with the other local premises and Mr Sahin commented that he would be willing to consider this

Ms Struthers-Semple questioned what the 'off-premises' supply would entail and Mr Sahin explained that this would be a takeaway food and alcohol offering including a delivery service

### Objector Representations

Ms Struthers-Semple, in addressing the Sub-Committee, raised the following points:

- The later closing time of the establishment compared to other local premises could lead to further anti-social behaviour, which residents already had to contend with.
- Although CCTV would be installed it would not cover the rest of the street.

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- There were concerns over delivery drivers parking illegally.

Councillor Barnett wanted clarification over why this would cause further anti-social behaviour and Ms Struthers argued that as this premises would close at midnight, where clientele would continue drinking there once the other local premises had closed.

Councillor Drummond asked whether the CCTV could help and it was explained that this would depend on whether the applicant intended to record outside his premises. Mr Sahin explained that he would record the footage 24 hours a day.

The Sub-Committee retired at 11:01 am to make its decision.

Having taken the representations into account, including the written representations made by Ms Ward, Mr Sahin, Ms Struthers-Semple and Mr Tolman-Lopez, the Licensing Sub-Committee **RESOLVED** that Application 21547 be granted, subject to the following conditions.

### **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.

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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 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

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(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

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.

*(The meeting commenced at 10.05 am and closed at 11.01 am)*

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**Name** .....

**Date of Signature** .....

**Name** .....

**Date of Signature** .....

**Name** .....

**Date of Signature** .....