

Summary of Licensing Sub-Committee Decision(s) taken on 25 September 2023

Part I

Application No. 22283 - Racecourse Food & Wine, 4A Hambridge Road, Newbury, RG14 5SS (Item 2(1))

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on 25 September 2023 and resolved to approve Application 22283 in respect of a Racecourse Food & Wine, 4a Hambridge Road Newbury, RG14 5SS 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 heard representations made by:

1. The Applicant: Satpal Singh Madhan through his representative Patrick Burke
2. Objector: Ken Amor
3. Ward Member: Councillor Phill Barnett

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

Andy Slater, Francesca Rosier-Parker, Ian Collins, John Gardener, Steven Ward

The Sub-Committee noted that the Applicant orally agreed as a proposed condition of the premises licence, if granted, that it could have additional staff do litter picking on days where races take place at the Newbury Racecourse; save for the conditions section of this Decision Notice, these days will be hereby referred to as "Race Days".

The Sub-Committee also noted a discrepancy between the wording of Part M(b)(1) of the operating schedule and the premises plan appearing at Appendix 2 of the Agenda Pack.

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

Moira Fraser, Democratic Services Manager

Tel: (01635) 519045 or e-mail: mfraser@westberks.gov.uk

Summary of Licensing Sub-Committee Decision(s) taken on 25 September 2023 (continued)

This was because external CCTV cameras were not mentioned in the operating schedule. The Applicant's representative confirmed orally at the hearing that external CCTV cameras were going to be installed as per the submitted plan.

Decision

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that **Application 22283** be **granted** subject to the conditions as set out 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

Off the premises
Monday to Sunday 7:00 – 23:00

Conditions:

CCTV (amendment to M(b)(1) of the operating schedule)

The premises shall install and maintain a comprehensive CCTV system. The CCTV system shall be installed and operate internally to cover all areas where licensable activities take place and where alcohol is displayed within any public area. The system shall also operate externally to cover the area immediately outside the premises entrance.

Environmental Health

During the hours of operation of the premises, on days where a race takes place at the Newbury Race Course, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste (especially glass bottles) arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business. No glass bottles to be disposed of after 10:30 PM.

Reasons:

The Licensing Sub-Committee considered the Application, including the proposed amendments made orally on behalf of 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 police are a key source of information and advice on the impact of licensable activities, particularly on the

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

Moira Fraser, Democratic Services Manager

Tel: (01635) 519045 or e-mail: mfraser@westberks.gov.uk

Summary of Licensing Sub-Committee Decision(s) taken on 25 September 2023 (continued)

crime and disorder objective; Environmental Health, is a key source of information and advice in relation to public nuisance. The Sub-Committee noted that no representation had been made by any of the responsible authorities.

The Sub-Committee considered the representations from all parties and noted that objectors were particularly concerned with the potential consequence of glass bottles purchased from the premises being disposed of on Race Days, due to the vicinity of these premises to the Newbury Racecourse.

The Sub-Committee heard from the Applicant's representative that the Applicant wished to propose as a potential condition to the premises licence, if granted, it could have additional staff do litter picking on Race Days. The Sub-Committee considered the proposal and found it was reasonable and proportionate to add as an additional condition to the licence, that the licence holder shall ensure sufficient measures are in place to prevent litter arising or accumulating from customers in the area immediately outside the premises, on Race Days. This would be pursuant to the promotion of licencing 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 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.

Cllr Clive Taylor (Chairman)	(Chairman)
Cllr Paul Kander	
Cllr Nigel Foot	
Date: 29/09/2023	

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

Moira Fraser, Democratic Services Manager

Tel: (01635) 519045 or e-mail: mfraser@westberks.gov.uk