

# LICENSING SUB-COMMITTEE

## MINUTES OF THE MEETING HELD ON MONDAY, 25 SEPTEMBER 2023

**Councillors Present:** Clive Taylor (Chairman), Paul Kander and Nigel Foot

**Also Present:** Philippa Heath (Licensing Officer), Thea Noli (Acting Senior Paralegal) and Benjamin Ryan (Democratic Services Officer)

### PART I

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

There were no declarations of interest received.

#### 2 **Application No. 22283-Racecourse Food & Wine, 4A Hambridge Road, Newbury, RG14 5SS**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 22283 in respect of Racecourse Food & Wine, 4A Hambridge Road Newbury, RG14 5SS.

In accordance with the Council's Constitution, Philippa Heath (Licensing Officer, West Berkshire Council), Satpal Singh Madhan, Patrick Burke (Applicant/Agent), Ken Amor (Objector), and Councillor Phillip Barnett (Ward Member) addressed the Sub-Committee on this application.

Ms Heath introduced the report to Members, which took account of all the relevant policy considerations and outlined the application timeline. Ms Heath reminded the Sub-Committee not to be swayed by irrelevant matters or by speculation.

Councillor Clive Taylor questioned whether the legal cases mentioned, in the presentation, were specific to the application and Ms Heath explained that they were used to emphasise the importance of not considering speculative evidence.

Mr Satpal Singh Madhan and Mr Patrick Burke, in addressing the Sub-Committee, raised the following points:

- The application had received no responses from responsible authorities.
- The Applicant had experience in running similar operations within the area.
- The Applicant owned a similar site in Ascot, as a result he was aware of the difficulties posed by such a premise.
- There was no evidence that the site would support under-age drinking and the store would operate a Challenge 25 policy.
- There was no evidence that the site would lead to an increase in anti-social behaviour.
- Race day attendees could not take food and drink into the race ground and the point of the business was to buy alcohol to consume at home.
- The Applicant would have CCTV on site, which would cover the perimeter of the premises.
- On race days the Applicant would arrange street pick ups to help clean the site.

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- Any references to what might happen were pure speculation and not relevant to the hearing.

Ms Heath questioned whether the Applicant was sure that he was able to offer litter picking services as a condition and Mr Madhan and Mr Burke agreed.

Councillor Paul Kander asked for clarification over the CCTV placement and Mr Burke explained that the CCTV would cover the external area of the premise.

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

- The pub had issues with members of the public buying alcohol from outside the premise and drinking it in the pub garden and that the new shop could make this issue worse.
- The selling of glass bottles on race days could lead to more smashed glass along the road.

Councillor Taylor asked how often the pub experienced the issues with people bringing in their own alcohol and Mr Amor expressed that he usually receives abuse, however he only had two serious incidents in his time there.

Councillor Nigel Foot asked whether the people drinking alcohol from outside the premises put his license at risk and it was explained by the Licencing Officer to the Sub-Committee that the sale of alcohol was the licensable activity not the drinking and Mr Amor said that it would risk his license.

Councillor Phill Barnett in addressing the Sub-Committee raised the following points:

- In the past the site has largely been an issue due to traffic.
- Most residents had no interest in this application.
- The issue over the potential for broken glass on race days should be addressed.
- Underage drinking had not been an issue in the area.
- The implementation of CCTV will be an asset for the area.

Councillor Foot enquired into whether the area was largely industrial, and Councillor Barnett confirmed that in the west was industrial, but the east was residential.

In summing up for the Sub-Committee Mr Burke raised the following points:

- The Applicant cannot be blamed for current issues in the area.
- There were no objections from responsible authorities.
- There were only six objectors, which was a small amount of the total number of residents in the area.
- The shop would also be selling alcohol from cans.
- The Applicant would be happy to work alongside the pub.

The Sub-Committee retired at 11:10am to make its decision.

Having taken the representations into account, including the written representations made by Andy Slater, Francesca Rosier-Parker, Ian Collins, John Gardner, Steven Ward, and Ken Amor the Licensing Sub-Committee **RESOLVED** that Application 22283 be granted subject to the conditions laid out in the Decision Notice.

*(The meeting commenced at 10:10am and closed at 11:15am)*

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**Name** Phil Barnett

**Date of Signature** 06/11/2023

**Name** Paul Kander

**Date of Signature** 06/11/2023

**Name** Nigel Foot

**Date of Signature** 06/11/2023