

# Summary of Licensing Sub-Committee Decision taken on 13 November 2023

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**Application No. 22643 - Newbury Premier, 3 Monument Close, Essex Street, Newbury RG14 6QW (Item 2(1))**

## **NOTICE OF DECISION**

The Licensing Sub-Committee of West Berkshire Council met on 13 November 2023 and resolved to approve Application 22643 in respect Newbury Premier, 3 Monument Close, Essex Street, Newbury 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, which appeared at Appendix 1-3 of the Agenda pack.

The Sub-Committee heard representations made by:

1. The Applicant: Thusyanthan Thiagarajah through his agent Robert Jordan
2. Ward Member: Councillor David Marsh

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

The Sub-Committee considered the proposed conditions which were agreed between Thames Valley Police and the Applicant and appeared at Appendix 4 of the Agenda pack.

The Sub-Committee further considered the extract of the training manual which was submitted by the Applicant. This material had been emailed by the Applicant's agent to the Licencing Authority on the 7<sup>th</sup> November 2023, which was less than 5 clear working days before the date of the hearing. The Applicant applied for this late material to be introduced and this was admitted into evidence on the day of the hearing with the agreement of all participants.

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**If you have any queries regarding this decision, please contact:**

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# Summary of Licensing Sub-Committee Decision taken on 13 November 2023 (continued)

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## Decision

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that **Application 22643** be **granted** subject to the conditions as in the operating schedule, as 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 6:00 - 23:00 off the premises only

### **Conditions:**

#### CCTV

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.
2. 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 a designated smoking area.
3. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or West Berkshire District Council together with facilities for viewing upon request.
4. Recorded images shall be of such quality as to be able to identify the recorded person in any light.
5. 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.
6. Signs shall be placed in prominent positions on the premises notifying Customer's that CCTV is in operation.

#### Incident Register

1. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose.
2. 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 offenders name will

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also be recorded.

3. 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.
4. The record shall be signed off by the DPS or nominated representative on a monthly basis.

## Staff Training

1. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
  - The premises age verification policy
  - The law relating to underage sales
  - Dealing with refusal of sales
  - Proxy purchasing
  - Recognising valid identity documents not in the English language
  - How to identify and safeguard vulnerable persons who attend the premises
  - The four licensing objectives

Such training sessions are to be documented and refreshed every six months.

2. All training sessions are to be documented in English. 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.
3. 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 shall include:
  - Proof of identity (such as a copy of their passport)
  - Nationality
  - Current immigration status
4. Employment checks will be subject of making copies of any relevant documents produced by the employee, 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

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person's right to work will be made available to an authorised officer of West Berkshire District Council or Thames Valley Police upon request.

## Prevention of Public Nuisance:

1. 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.
2. Staff shall actively discourage and disperse persons who congregate outside the Premises, to minimise disturbance to local residents.

## The Protection of Children from harm:

### Age Verification

1. 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.
2. 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 (or any other nationally accredited scheme as set down within the mandatory conditions) are to be accepted as identification.

### Refusal Book

1. 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;
  - Any detail or description of the person refused and the reason why
2. The refusals log will be available for inspection by a Police Officer or Authorised Officer of West Berkshire District Council upon request.

### Public Safety:

### Lighting

1. All external lighting shall be positioned in such a way so as not to disturb or intrude upon local residents or businesses.

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## Reasons:

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

The Sub-Committee considered the representations from all parties and noted that the concerns of the objectors related mainly to the licencing objectives of prevention of crime and disorder and the prevention of public nuisance. 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, is a key source of information and advice in relation to public nuisance. The Sub-Committee noted that Responsible Authorities had not made any representations in relation to this application and Thames Valley Police had agreed conditions with the Applicant.

The Sub-Committee, having taken into account the relevant written and oral representations, and having considered the type, location, and characteristics of the premises established that an earlier end-time, of one hour compared to the hours applied for on Friday and Saturday, 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 Licensing Sub-Committee decided that the promotion of the licensing objectives could be achieved through conditions. The Sub-Committee was satisfied that the conditions as set out in the operating schedule and those that had been agreed between Thames Valley Police and the Applicant, and modified above, 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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**Cllr Phil Barnett (Chairman)**

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**Cllr Clive Taylor**

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**Cllr Paul Dick**

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**Date: 17/11/2023**

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