

Licensing Sub-Committee Report

Bite Express Ltd, 63A Bartholomew Street, Newbury, RG14 7BE, (Application Number 21547)

Type of Application:	New Premise Licence
Parish/ Town Council:	Newbury
Ward Members:	Newbury Central: Councillors Martin Colston, and Louise Sturgess
Case Officer:	Vikki Rigden, Lead Applications Officer
Portfolio Holder:	Councillor Lee Dillon
Head of Service:	Eric Owens

1. Purpose of the Report

1.1 To set out the background information pertaining to this Licensing Application.

2. Recommendation

2.1 Members are asked to decide whether to:-

- a) Grant the application for a premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and to decide whether to modify any of those conditions to such extent as is considered appropriate for the promotion of the licensing objectives and subject to any mandatory conditions;
- (b) Refuse to specify a person in the licence as the Designated Premises Supervisor;
- (c) Exclude from the licence any of the licensable activities to which the application relates;
- (d) Reject the application for a premises licence

Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.

3. Background

3.1 Members of the Licensing Sub-Committee are asked to determine the application as the Licensing Authority has received representations stating that granting this application would undermine the prevention of crime and disorder, the prevention of public safety, the prevention of public nuisance, and/ or the protection of children from harm licensing objectives.

3.2 The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.

3.3 Where representations have been received from a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Licensing Act 2003 requires that these applications should be determined by the Licensing Authority's Licensing Committee. The Licensing Act 2003 allows for applications such as this one to be delegated to a Sub-Committee. In accordance with those rules, the Scheme of Delegation set out in the Council's Constitution states that the Licensing Sub-Committee has responsibility for dealing with this application.

4. Background

4.1 The Licensing Authority had received an application, from Bite Express Ltd, for a premise licence in relation to 63A Bartholomew Street, Newbury, RG14 7BE. This application had been recorded under reference number 21547 on 13 April 2023. A copy of the application, including a location map, is attached as Appendix 1.

5. Consultation

5.1 The 28 day consultation period ran from 14 April 2023 to 11 May 2023. Responsible Authorities, Ward Members and the Parish Council were advised by email on the 14 April 2023. The application has been advertised in accordance with the regulations, with the required blue notices being placed at the premises and checked by an officer from the Public Protection Partnership and an advert was placed in the Newbury Weekly News.

5.2 The applicant emailed the licensing authority on the 10 May 2023 to amend the proposed opening hours of the premises. This information is set out in Appendix 2.

5.3 A table setting out the 18 representations, a query and one comment which has been classes as a relevant representation is attached at Appendix 3.

6. Outline of the Application

6.1 The application originally sought to obtain the following provisions of licensable activities

F. Recorded Music: Monday to Sunday from 08h00 to 23h00 to take place indoors only

I. Late Night Refreshment: Monday to Sunday 23h00 to 02h00 to take place both indoors and outdoors

J. Supply of Alcohol: Monday to Sunday from 11h00 – 02h00 for the supply of alcohol for consumption both on and off the premises.

6.2 The revisions to the application proposed by the applicant are as follows:

- Sale of Alcohol being reduced from 11h00 – 02h00 Monday to Sunday to 11h00 – 00h00 Monday to Sunday;
- Late Night Refreshment being reduced from 23h00 – 02h00 Monday to Sunday to 23h00 – 00h00 Monday to Sunday;

- Recorded Music being reduced from 08h00 – 23h00 Monday to Sunday to stay the same but to be reiterated that the music will be incidental background music only
- Opening Hours to the public being amended from 11h00 – 02h00 Monday to Sunday to 08h00 – 00h00 Monday to Sunday

6.3 The applicant has also agreed additional conditions with Thames Valley Police (see Appendix 4)

7. Responses Received:

Fire Authority – Received after the consultation ended on 12.05.2023

The Chief Officer of Police Thames Valley – See additional conditions proposed and agreed with Applicant as set out in appendix 4.

Environmental Health – two responses received citing no objection

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – None received

The Weights and Measures Authority/Trading Standards – None received

Children's Safeguarding Board - None received

Public Health - None received

Home Office Immigration - None received

Planning - None received

The Licensing Authority –. None received

8. Options

8.1 The Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022) must be taken into account when determining this Application.

8.2 Members are asked to consider, after taking the representations both oral and written into account, and having due regard to the licensing objectives, whether the application for the Premises Licence should be granted or rejected. Members will need to give reasons for their decision.

8.3 If Members are minded to approve the application they need to consider any additional conditions, other than those contained in the operating schedule, the conditions requested by Thames Valley Police and any relevant mandatory conditions in ss19-21 of the Licensing Act 2003. Modification of conditions includes adding, omitting or altering a condition;

8.4 If Members are minded to include any additional conditions they will need to provide their reasons for doing so in the decision notice.

Background Papers:

- (1) The Licensing Act 2003,
 - (2) Appropriate Regulations including but not limited to The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 , The Licensing Act 2003 (Hearings) Regulations 2005 and The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005
 - (3) Statutory Revised Guidance issued under section 182 of the Licensing Act 2003
 - (4) The Council's Statement of Licensing Policy Licensing Act 2003
 - (5) The Council's Constitution
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9. Appendices

Appendix 1 – Application including the Location Plan

Appendix 2 – Proposed Changes to the Application

Appendix 3 – Table setting Representations

Appendix 4 – Additional Conditions Proposed by Thames Valley Police and Agreed with the Applicant.