

# Licensing Sub-Committee Report

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## Racecourse Food & Wine, 4a Hambridge Road Newbury, RG14 5SS, (Application Number 21547)

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<b>Type of Application:</b>	New Premise Licence
<b>Parish/ Town Council:</b>	Newbury
<b>Ward Members:</b>	Newbury Central: Councillors Martin Colston, and Louise Sturgess
<b>Case Officer:</b>	Philippa J. Heath, Interim Licensing Officer
<b>Portfolio Holder:</b>	Councillor Lee Dillon
<b>Head of Service:</b>	Eric Owens

### 1. Purpose of the Report

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

### 2. Recommendation to Licensing Sub-Committee

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 condition.
- 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. Introduction and Background

3.1 On 2nd August 2023 an application was received from Satpal Singh Madhan for a new premises licence for Racecourse Food & Wine, 4a Hambridge Road, Newbury, RG14 5SS. The application was validated on 3<sup>rd</sup> August 2023 and the consultation end date was 30<sup>th</sup> August 2023.

- 3.2 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.
- 3.3 The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.
- 3.4 Members of the Licensing Sub-Committee are requested to determine the application having regard to the operating schedule, representations received, the Councils Statement of Licensing Policy, revised Section 182 guidance and the four licensing objectives.
- 3.5 An authorisation is required in respect of any premises where it is intended to conduct one or more of the licensable activities, these being:
- Sale of alcohol
  - Supply of alcohol (in respect of a club)
  - Regulated Entertainment
  - Provision of Late Night refreshment

An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

- 3.6 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensable objectives at all times. The operating schedule of the application contains detail of all the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate be converted into enforceable conditions on any licence issued.

The four licensing objectives are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of children from harm

No licensing objective carries any more weight than any other and these are the only factors in which licensing can have regard in determining an application.

- 3.7 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. Summary of Application sought

4.1 The Licencing Authority has received an application on 2nd August 2023 from Satpal Singh Madhan, who seeks a new premises licence under Licensing Act 2003 in relation to Racecourse Food & Wine, 4a Hambridge Road, Newbury, RG14 5SS. This application had been recorded under reference number **22283** dated 02 August 2023. A copy of the application is attached as **Appendix 1** and Plan as **Appendix 2**.

4.2 The application seeks a premises licence to permit the following activities:-

**J. Sale of Alcohol off the premises only: Monday to Sunday 07:00hrs to 23:00hrs**

#### 5. Summary of the premises history

5.1 The application is requested by the applicant to accommodate a former sandwich/café business and is now currently an empty **unit**.

5.2 The unit is situated on the busy Hambridge Road in Newbury, a short distance to the east of Newbury Town Centre. The unit has a road frontage, a large forecourt car parking space and electric security shutters. There was a sandwich business.

5.3 The nearest other supermarket which sells alcohol is Sainsbury's, which is walking distance of 0.7miles from the unit. The opening hours are from 07:00hrs- 23:00hrs.

5.4 The Old London Apprentice, is a licenced public house, which is situated 0.1mile from the unit and hours of trading are from 12:00hrs- 23:00hrs.

5.5 The application must be determined on its own merits.

#### 6. Consultation

6.1 The 28-day consultation period ran from 3<sup>rd</sup> August 2023 to 30th August 2023. Responsible Authorities, Ward Members and the Parish Council were advised by email on the 03 August 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.

6.2 A table setting out the 6 representations is attached at Appendix 3

#### 7. Responses Received

Fire Authority – None received

The Chief Officer of Police Thames Valley – Acknowledged response, no response received

Environmental Health – No objection

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – No objection

The Weights and Measures Authority/Trading Standards – no objection

Children's Safeguarding Board - None received

Public Health - None received

Home Office Immigration - None received

Planning - None received

The Licensing Authority – None received

Other persons: (6)

## **8. Summary of Relevant Representations**

- 8.1 The representations received from other persons concerned the potential for anti-social behaviour and subsequent public nuisance.
- 8.2 No other representations were received from other responsible authorities.

## **9. Options**

- 9.1 The Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023) must be taken into account when determining this Application.
- 9.2 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.
- 9.3 If Members are minded to approve the application they need to consider any additional conditions, other than those contained in the operating schedule, and any relevant mandatory conditions in ss19-21 of the Licensing Act 2003. Modification of conditions includes adding, omitting or altering a condition;
- 9.4 If Members are minded to include any additional conditions they will need to provide their reasons for doing so in the decision notice.

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### **Background Papers: Relevant Legislation**

- (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

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- (4) The Council's Statement of Licensing Policy Licensing Act 2003
  - (5) The Council's Constitution
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## 10. Appendices

Appendix 1 – Application including the Location Plan  
Appendix 2 – Representations

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