

Licensing Sub-Committee Report

The Boxford, Roodhill, Boxford RG20 8DD (Application Number 22490)

Type of Application:	New Premise Licence
Parish/ Town Council:	Boxford Parish Council
Ward Members:	Hungerford & Kintbury Ward: Councillor Dennis Benneyworth, Denise Gaines, Tony Vickers
Case Officer:	Philippa J. Heath, Interim Licensing Officer
Portfolio Holder:	Councillor Lee Dillon
Service Director:	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. Options available to Members are 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 01st September 2023 an application was received by the Council on behalf of Boxford Restaurant Ltd, 300 Thames Valley Park Drive, Reading, Berkshire, RG6 1PT and made by David Whitehead of DSW Group, who is acting as their Agent. The application is for a new premises licence for The Boxford, Roodhill, Boxford, RG20 8DD.

- 3.2. The application was validated on 01st September 2023 and the consultation process started on the 2nd September and ran until the 29th September 2023.
- 3.3. 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.
- 3.4. The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.
- 3.5. 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.
- 3.6. 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.

- 3.7. Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing 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.

- 3.8. 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 Licensing Authority received an application on 01st September 2023 from David Whitehead of DSW Group. DSW are Licensing Agents who are representing the applicant, namely Boxford Restaurant Ltd. DSW seek a new premises licence under the Licensing Act 2003, in relation to The Boxford, Roodhill, Boxford RG20 8DD. This application had been recorded under reference number **22490** dated 01st September 2023. A copy of the application is attached as **Appendix 1** and Plan as **Appendix 2**. The details of the DPS are attached at **Appendix 3**.

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

Supply of Alcohol: Monday to Sunday 07:00hrs – 24:00hrs on and off the premises

Late Night refreshment: Monday to Sunday 23:00hrs – 24:00hrs Indoors only

5. Background information

5.1. The Boxford is owned by Boxford Restaurant Ltd, who also has a portfolio of other businesses and this includes another licensed restaurant called The Woodspeen Restaurant, which is situated on the Lambourn Road, Woodspeen, Newbury RG20 8BN. The Boxford was previously known as 'The Bell at Boxford', and is also situated on the Lambourn Road in Speen, about 5.5miles from Newbury and is currently licenced under Premises Licence No. 013970 see **Appendix 4**

5.2. The application is requested by the applicant to licence the venue for the sale of alcohol and Late Night refreshment.

5.3. The applicant mentions that the current premise licence will be surrendered if this application is granted and has offered up many conditions in support of the application to uphold the licensing objectives and if granted and agreed by the Sub-Committee, will form part of the operating schedule.

6. Consultation

6.1. The 28-day consultation period ran from 02nd September 2023 to the 29th September 2023. Responsible Authorities, Ward Members and Boxford Parish Council were advised by email on the 2nd September 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. Two representations, which were both deemed to be valid, were received from members of the public who objected to the application and are attached at **Appendix 5**.

7. Responses Received

Fire Authority – No objection

The Chief Officer of Police Thames Valley – No objection

Environmental Health – No objection

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

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: (2 valid objections)

8. Summary of Relevant Representations

- 8.1. Two valid representations had been received from members of the public, who objected to the application, believing that that the granting of the new premises licence would undermine three of the licensing objectives, namely prevention of crime and disorder, prevention of public nuisance and public safety.

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.

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
 - (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
- Appendix 2 – Plan
- Appendix 3 – DPS Consent
- Appendix 4 – The Current Licence for the Bell Inn
- Appendix 5 – Representations

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