

# Licensing Sub-Committee Report

---

## Newbury Premier, 3 Monument Close, Essex Street, Newbury RG14 6QW (Application Number 22643)

---

<b>Type of Application:</b>	New Premise Licence
<b>Parish/Town Council:</b>	Newbury Town Council
<b>Ward Members:</b>	Councillors Adrian Abbs, Patrick Clark, and David Marsh.
<b>Case Officer:</b>	Philippa J. Heath, Interim Licensing Officer
<b>Portfolio Holder:</b>	Councillor Lee Dillon
<b>Service Director:</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. 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. An application has been received from Eng Retails Ltd for a new premises licence under the Licensing Act 2003, in respect of Newbury Premier, 3 Monument Close, Essex Street, Newbury RG14 6QW.
- 3.2. The application was received by the Council on 19<sup>th</sup> September 2023 and the consultation process started on the 20<sup>th</sup> September and ended on the 17<sup>th</sup> October 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 Council's 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 Licencing Authority received an application on 19<sup>th</sup> September 2023 from Thusyanthan Thiyagarajah of Eng Retails Ltd, 56 Holly Gardens, West Drayton, UB7 9PE. The applicant seeks a new premises licence under the Licensing Act 2003, in relation to Newbury Premier, 3 Monument Close, Essex Street, Newbury RG14 6QW. This application had been recorded under reference number **22643** dated 19<sup>th</sup> 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:-

## J. Supply of Alcohol:

Monday to Thursday, and Sunday 06:00hrs – 23:00hrs off sales only

Friday and Saturday 06:00hrs – 00:00hrs off sales only

### 5. Background information

- 5.1. 3 Monument Close, is a ground floor unit situated in a retail parade in Essex Street, Newbury. The property comprises main retail space, store then garage at the rear. The property has free parking to the front and rear of the property.
- 5.2. The applicant has advised the Council, that the unit is currently empty, but was once a Mc Coll's retail shop, which had a alcohol licence and opening hours of 06:00hrs – 18:00hrs.
- 5.3. Occupiers of the same retail parade include a Co-op store, which is licenced to sell alcohol from 07:00hrs – 22:00hrs, off the premises only. The other businesses in the parade are a store selling electronic cigarettes, a fish & chip shop, a fast-food chicken outlet, a Coral bookmaker, and a hairdressers.
- 5.4. The applicant has offered up conditions in support of their application and several further conditions were agreed between Thames Valley Police and the applicant. These are shown as \***Appendix 5** 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 20th September 2023 to the 17<sup>th</sup> October 2023. Responsible Authorities, Ward Members and Newbury Parish Council were advised by email on the 20th 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. Twelve valid representations were received from local residents, who objected to the application. Copies of the reps are attached as **Appendix 4**
- 6.3. It is noted on record that a further two representations were received during the consultation period, but were not considered to be valid representations, as they did not relate to the effect of the grant of the licence on the promotion of one or more of the four licensing objectives.

### 7. Responses Received

Fire Authority – No objection

The Chief Officer of Police Thames Valley – No objection (\*see pre agreed conditions attached)

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: (12 valid objections)

## 8. Summary of Relevant Representations

- 8.1. Twelve 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 including 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

---

## 10. Appendices

- Appendix 1 – Application  
Appendix 2 – Plan  
Appendix 3 – DPS Consent  
Appendix 4 – Representations  
Appendix 5- Thames Valley Police pre -agreed conditions

**Person to Contact:** Philippa J.Heath  
Email: [Philippa.Heath1@westberks.gov.uk](mailto:Philippa.Heath1@westberks.gov.uk)