

Licensing Sub-Committee Report

Reloaded Nightclub, 7 Wharf Street, Newbury RG14 5AN(Application Number 22979)

Type of Application:	New Premise Licence
Parish/ Town Council:	NEWBURY TOWN COUNCIL
Ward Members:	Councillor Martin Colston, Councillor Louise Sturgess
Case Officer:	Riley Timney, Licensing Officer
Portfolio Holder:	Councillor Lee Dillon
Service Director:	Clare Lawrence

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 03 November 2023, an application was received by the Council on behalf of Reloaded Nightclub Limited, 62 Bartholomew Street, Newbury, RG14 7BE, for a new premises licence for Reloaded Nightclub, 7 Wharf Street, Newbury, RG14 5AN.
- 3.2. The application was validated on the 03rd November 2023 and the consultation process begun on 04th November 2023 and ran until 01st December 2023.
- 3.3. Members of the Licensing Sub-Committee are asked to determine the application as the Licensing Authority has received representations stating that the grant of this application would

undermine the prevention of crime and disorder, the prevention of public nuisance, public safety 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 guidance issued under Section 182 of the Licensing Act 2003 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:
 - (a) Sale of alcohol
 - (b) Supply of alcohol (in respect of a club)
 - (c) Regulated Entertainment
 - (d) 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:

- (a) Prevention of crime and disorder
- (b) Prevention of public nuisance
- (c) Public Safety
- (d) 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 03rd November 2023 from Reloaded Nightclub Limited. Reloaded Nightclub Limited seeking a new premises licence under the Licensing Act 2003, in relation to Reloaded Nightclub, 7 Wharf Street, Newbury, West Berkshire, RG14 5AN. This application has been recorded under reference number **22979** dated 03rd November 2023. A copy of the application is attached as **Appendix 1** and Plan of the premises as **Appendix 2**. The details of the Designated Premises Supervisor are attached as **Appendix 3**.

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

Supply of Alcohol:

Sunday – Thursday 1000hrs – 0230hrs – for consumption On the premises.

Friday – Saturday 1000hrs – 0400hrs – for consumption On the premises.

Late Night Refreshment:

Sunday – Thursday 2300hrs – 0230hrs – Indoors Only

Friday – Saturday 2300hrs – 0400hrs – Indoors Only

5. Background information

- 5.1. Number 7-9 Wharf Street is a premises which is situated in the centre of Newbury. It has previously been a licensed premises, however it currently does not have a premises licence. Wharf Street contains another licensed premises, along with retail units on the ground floor level. Above several of the retail units on Wharf Street are residential properties in the form of flats/apartments. To the rear of the premises is The Kennet & Avon Canal. Reloaded Nightclub Limited are a private limited company, and have a sole director currently, Sonja Wall.
- 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 has provided additional conditions to the mandatory conditions in their application for a premises licence.

6. Consultation

- 6.1. The 28-day consultation period ran from 04th November 2023 to the 01st December 2023. Responsible Authorities, Ward Members and Newbury Town Council were advised by email on the 04th November 2023. The application has been advertised in accordance with the regulations, with the required blue notices being placed at the premises, which were checked by an officer from the Public Protection Partnership. An advertisement for this application was also placed in the Newbury Weekly News.
- 6.2. A total of four representations were received from members of the public, however one representation did not meet the criteria set out in the Revised guidance issued under section 182 of the Licensing Act 2003, to be deemed a relevant representation. The three valid representations, received from members of the public are attached at **Appendix 4**. Representations from Responsible Authorities were also received and these are set out below and attached at **Appendix 5**.

7. Responses Received

Fire Authority – Objection received.

The Chief Officer of Police Thames Valley – Objection received & withdrawn following further conditions agreed with applicant.

Environmental Health – Objection received & additional conditions recommended. – Objection withdrawn following agreement of conditions with applicant.

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

Trading Standards – None received.

Children’s Safeguarding Board – None received.

Public Health – No Objection – Comments were received but clarified that NO OBJECTION.

Home Office Immigration – None Received

Planning – None Received

The Licensing Authority – None Received

Thames Valley Police suggested that additional conditions are attached as part of the operating schedule for Reloaded Nightclub. These are attached as **Appendix 6**.

Environmental Health suggested that additional conditions are attached as part of the operating schedule for Reloaded Nightclub. These are attached as **Appendix 7**.

8. Summary of Relevant Representations

- 8.1. Four representations have been received from members of the public. Three valid representations were determined by the Licensing team. The three valid representations were objecting to the application, believing that the granting of the licence would undermine the licensing objectives.

9. Further Information

- 9.1. This application was brought before members of the Licensing Sub-Committee on Wednesday 3rd January 2024. Further documentation was provided to the Licensing Authority on Tuesday 2nd January 2024 by the applicant, namely, a Fire Risk Assessment and a Noise Management Plan. These are attached as **Appendix 8** and **Appendix 9** respectively.
- 9.2. In line with The Licensing Act 2003 (Hearings) Regulations, Regulation 18, the documentation was provided by the applicant in support of their application. This was accepted with the consent of all parties at the hearing, as per the regulation.
- 9.3. Following an adjournment for all parties to review the documents, a request for a further document, which was referred to in the Fire Risk Assessment, was requested by the Fire Authority. This document is referred to in the Fire Risk Assessment as an attachment that explains how the fire tests were conducted by an approved SGS lab.
- 9.4. The applicant was unable to provide this document at the time of the request, and a further adjournment was agreed for 30 minutes to allow the applicant to try to obtain the requested document.
- 9.5. Due to the applicant being unable to obtain the document, the applicant’s solicitor requested an additional adjournment for a week. An adjournment was agreed for the meeting, and an adjourned hearing date was agreed by all parties for the Wednesday 17th January 2024.

10. Options

- 10.1. The Home Office’s Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2023) must be taken into account when determining this Application.

- 10.2. 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.
- 10.3. 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.
- 10.4. 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

11. Appendices

- Appendix 1 – Application
- Appendix 2 – Plan
- Appendix 3 – Designated Premises Supervisor details
- Appendix 4 – Representations objecting to the application
- Appendix 5 – Representations from Responsible Authorities
- Appendix 6 – Recommended additional conditions from Thames Valley Police
- Appendix 7 – Recommended additional conditions from Environmental Health
- Appendix 8 – Fire Risk Assessment
- Appendix 9 – Noise Management Plan

Person to Contact: Riley Timney
Email: Riley.Timney1@westberks.gov.uk