

Licensing Sub-Committee Report

Best Buy Foods, 51 London Road, Newbury, West Berkshire, RG14 1JN (Application Number 27129)

Type of Application:	New Premises Licence
Town Council:	Newbury Town Council
Ward Members:	Councillor Martin Colston, Councillor Louise Sturgess.
Case Officer:	Riley Timney, Licensing Officer
Portfolio Holder:	Councillor Tom McCann
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 02 May 2025, an application was received by the Council on behalf of Sivudsan SOORIYAKUMAR, for a new premises licence under Section 17 of the Licencing Act 2003 in respect of Best Buy Foods, 51 London Road, Newbury, West Berkshire, RG14 1JN.
- 3.2. The application was validated on 02 May 2025 and the consultation period expired on the 30 May 2025.
- 3.3. The Responsible Authorities were notified on the 02 May 2025.
- 3.4. 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.

- 3.5. The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.
- 3.6. 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.
- 3.7. 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.

- 3.8. 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.

- 3.9. 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 a valid application on 02 May 2025 from Nira SURESH acting as an agent on behalf of Sivudsan SOORIYAKUMAR seeking a new premises licence under the Licensing Act 2003 for Best Buy Foods, 51 London Road, Newbury, West Berkshire, RG14 1JN. This application is recorded under reference 27129. A copy of the application is attached as **Appendix 1** and the plan of the premises is attached 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:

Monday – Sunday 06:00hrs – 01:00hrs – Off the premises

Late Night Refreshment:

Monday – Sunday 23:00 – 01:00

- 4.3. During the mediation process, the applicant's agent has confirmed that the Applicant is willing to amend these hours until 00:00.

5. Background information

- 5.1. 51 London Road is situated in the town of Newbury. A map which shows the location of the premises has been created by Officers for reference of Members. This is attached as **Appendix 4**.
- 5.2. The Premises is located within Newbury Town Centre, with a number of Licensed Premises nearby, as well as nearby residential properties. There are 3 Licensed Premises within the immediate area of approximately 100 metres of the premises.
- 5.3. The application seeks to obtain authorisation for two licensable activities; sale of alcohol, and the provision of Late Night Refreshment.
- 5.4. The Sale of Alcohol will be for consumption OFF the premises.
- 5.5. 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 02 May 2025 to 30 May 2025. Responsible Authorities were advised by email on the 02 May 2025. 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 on 15 May 2025.
- 6.2. A total of 2 representations were received and found to be valid. The 2 valid representations are attached at **APPENDIX 5**.

7. Responses Received

Fire Authority – No Response.

The Chief Officer of Police for Thames Valley – No Objection following the agreement of a proposed condition. This is attached as **APPENDIX 6**

Environmental Health – No Comment.

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

Trading Standards – No objection.

Children's Safeguarding Board – No Response.

Public Health – No Objection

Home Office Immigration – No Response.

Planning – No Response.

The Licensing Authority – No Response.

8. Summary of Relevant Representations

- 8.1. The 2 representations received within the consultation period objecting to the application believe that the granting of the licence would undermine at least one of the licensing objectives.
- 8.2. The main concerns raised in the representations from objectors are risks associated with an increase in public nuisance, specifically around litter & inappropriate behaviour, as well as an increase in Crime & Disorder.
- 8.3. Concerns regarding parking around the area have also been raised by objectors.
- 8.4. During the mediation process, the applicant's agent has been sent these representations, and has re-iterated the conditions that have been offered in their response.

9. Options

- 9.1. The Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 (February 2025) 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

10. Appendices

Appendix 1 – Application

Appendix 2 – Plan

Appendix 3 – Designated Premises Supervisor details

Appendix 4 – Map of Premises applied for and other nearby licensed premises

Appendix 5 – Representations received

Appendix 6 – Agreed Condition with Thames Valley Police.

Person to Contact:

Riley Timney

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