

Licensing Sub-Committee Report

Market Place Family Mart, 3 Market Place, Lambourn, RG17 8XU, (21/00555/LQN)

Type of Application:	Premise Licence
Parish:	Lambourn
Ward Member:	Councillor Howard Woollaston (Lambourn Ward)
Case Officer:	Emilia Matheou, Licensing Officer,
Portfolio Holder:	Councillor Hilary Cole
Service Director:	Eric Owens

1. Purpose of the Report

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

2. Recommendation

- 2.1 Members are asked to decide whether to:-

- a) Grant the application for a premises licence as made subject to any mandatory conditions;
- b) Grant the application for a premises licence subject to any additional conditions and any mandatory conditions;
- (c) Refuse to specify a person in the licence as the designated premises supervisor
- (d) Exclude from the licence any of the licensable activities to which the application relates;
- (e) Refuse 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. Background

- 3.1 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 the protection of children from harm licensing objectives.
- 3.2 The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.

- 3.3 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. Application

- 4.1 The Licensing Authority had received an application, from Kugarani Mohanarajah on behalf of Marketplace Family Mart Ltd, for a premise licence in relation to 3 Market Place, Lambourn, RG17 8XU. This application had been recorded under reference number 21/00555/LQN on 21 July 2021. A copy of the application is attached as Appendix 1.
- 4.2 A plan showing the location of the premises is attached at Appendix 2. The application is for a convenience store selling confectionary, lottery tickets, chilled foods and alcohol for offsite consumption in a residential area. Thilaxshi Mohanarajah has consented to be specified as the designated premises supervisor in relation to this application. Further information can be found at Appendix 3. Further information about the history of the site is set out in the letter of support from the landlord of the premise attached at Appendix 6.

5. Consultation

- 5.1 The 28 day consultation period ran from 29 July 2021 to 25 August 2021. Responsible Authorities, Ward Members and the Parish Council were advised by email on the 28 July 2021. 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 on the 4 August 2021, and that an advert had been placed in the (Newbury Weekly News) on the 5 August 2021.
- 5.2 A group of 14 residents have submitted an objection to the application. A copy of their representations are attached at Appendix 4. They are of the opinion that another shop selling these types of goods is not needed in the village as they already have three shops that do so. They believe that the granting of a licence will increase competition which could lead to a reduction in prices. They also have concerns about the noise and disturbance to neighbours generated by the store and the fact that it could encourage children to drink and smoke as they will be able to purchase cheaper alcohol and tobacco products. The residents have listed a number of additional conditions they would like to see imposed should Members be minded to approve the application.
- 5.3 Following discussions with Thames Valley Police, the applicant agreed to the inclusion of a number of additional proposed conditions which are attached at Appendix 5 to the report.

6. Outline of the Application

- 6.1 The application sought to obtain the following provisions of regulated entertainment

- Supply of Alcohol from 08h00 to 23h00 Monday to Sunday for Offsite consumption.

The premises would be open from 06h00 to 23h00 Monday to Sunday

7. Responses Received:

Fire Authority – None

The Chief Officer of Police Thames Valley – additional conditions proposed and accepted by applicant

Environmental Health - None

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

The Weights and Measures Authority/Trading Standards – None

Children's Safeguarding Board - None

Public Health - None

Home Office Immigration - None

Planning - None

The Licensing Authority –.None

8. Options

- 8.1 Members are asked to consider, after taking the representations both oral and written into account, whether the application to grant the premise licence should be agreed or rejected.
- 8.2 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, including those proposed by Thames Valley Police, that they wish to attach to the application.
- 8.3 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:

- (1) The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under section 182 of the Licensing Act 2003
- (2) The Council's Statement of Licensing Policy Licensing Act 2003
- (3) The Council's Constitution

9. Appendices

Appendix 1 – Application

Appendix 2 – Location Plan

Appendix 3 -- DPS Consent Form

Appendix 4 – Representations

Appendix 5 – Thames Valley Police Proposed Conditions

Appendix 6 – Letter of Support from the Landlord