

# Agenda Item 3.

<b>TITLE</b>	<b>Application For The Grant Of A New Premises Licence Under S17 Licensing Act 2003 At Nisa Local, 86-88 Headley Road, Woodley, RG5 4JE</b>
<b>FOR CONSIDERATION BY</b>	Sub-Committee of the Licensing and Appeals Committee on 06 February 2024
<b>WARD</b>	Bulmershe and Whitegates
<b>LEAD OFFICER</b>	Keiran Hinchliffe – Service Manager – Licensing and Processing

<b>PURPOSE OF REPORT</b>
To provide relevant information for the Sub-Committee to consider and determine the application from GNDJ Commercials Ltd for a new premises licence at Nisa Local, 86-88 Headley Road, Woodley, RG5 4JE.

<b>OUTCOMES</b>
In accordance with S18(4) of the Licensing Act 2003, members are requested to determine the application for a new premises licence having regard to the representations received and the requirement to promote the four licensing objectives.

<b>RECOMMENDATIONS</b>
The following options are open to the Licensing and Appeals Sub-Committee
(i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions;
(ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
(iii) To reject the application.

<b>Appendix A</b>	Application for Premises Licence to be granted.
<b>Appendix B</b>	Photographs of blue site notices and newspaper advert.
<b>Appendix C</b>	Representation from Thames Valley Police.
<b>Appendix D</b>	Representation from other person.

## 1.0 APPLICATION

1.1 A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late-night refreshment

1.2 This application was submitted by GNDJ Commercials LTD in respect of:

Nisa Local, 86-88 Headley Road, Woodley, RG5 4JE

1.3 The applicant has applied for the following hours:

**Supply of alcohol (off sales)**

06:00hrs to 00:00hrs Monday to Thursday

06:00hrs to 01:00hrs Friday and Saturday

06:00hrs to 23:00hrs Sunday

**Opening hours**

06:00hrs to 00:00hrs Monday to Sunday

1.4 In response to a representation received, the applicant has amended their proposed trading hours to the following:

**Supply of alcohol (off sales)**

06:00hrs to 23:00hrs Monday to Sunday

**Opening hours**

06:00hrs to 23:00hrs Monday to Sunday

1.5 The application has been properly made and all procedures correctly followed. The application has been attached as **Appendix A**. Photographs of the blue notices in place and copy of newspaper advert are attached as **Appendix B**.

## 2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The applicant has described the “proposed site to be run under the banner of Nisa Local which is now part of CO OP group”. Alcohol sales are for consumption off the premises.

## 3.0 OPERATING SCHEDULE

3.1 The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003.

**3.2** Following representation by Thames Valley Police (see **Appendix C**), the applicant amended their operating schedule to include the following measures. They are listed below and will be attached as conditions to any licence as may be granted:

**CCTV**

**3.3** The premises licence holder shall ensure the premises' digitally recorded CCTV cameras shall continually record whilst the premise is open to the public, and recordings shall be kept for a minimum of 31 days with time and date stamping.

**3.4** There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises.

**3.5** Data recordings shall be made immediately available to a Police Officer or an authorised officer from Wokingham Borough Council, together with facilities for viewing upon request, subject to the provisions of the data protection act and GDPR.

**3.6** Signage will be placed, in a prominent position advising customers that CCTV is in operation on the premises.

**Incident and refusals register**

**3.7** All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;

**3.8** This record shall be available for inspection by a Police Officer or an authorised officer of Wokingham Borough Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative on a monthly basis.

**Staff**

**3.9** Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks shall include:

- Proof of identity (such as a copy of their passport)
- Nationality
- Current immigration status

**3.10** Employment checks will be subject of making copies of any relevant documents produced by the employee, which will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Wokingham Borough Council or Police upon request.

**3.11** Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:

- The premises age verification policy
- The law relating to underage sales
- Dealing with refusal of sales

- Proxy purchasing
- Recognising valid identity documents.

**3.12** Such training sessions are to be documented and refreshed every six months. Records of training shall be kept for a minimum of one year and be made available to an authorised officer from Wokingham Borough Council or the Police upon request.

#### **Age verification**

**3.13** The premises shall at all times operate an age verification policy of Challenge 25, to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Signage to advise customers of this policy will be displayed in a prominent position.

**3.14** Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification.

#### **Public nuisance**

**3.15** At all exits to the premise, signage will be displayed to request that customers respect the needs of local residents and businesses and leave the area quietly.

### **4.0 CONSULTATION**

**4.1** The responsible authorities included in consultation are Thames Valley Police, Royal Berkshire Fire & Rescue, Environmental Health, Trading Standards, Public Health, Planning Authority, Local Safeguarding Children Board, and Home Office Immigration Enforcement.

**4.2** Of those consultees identified in paragraph 4.1, a representation was received from Thames Valley Police. The applicant has agreed conditions with Thames Valley Police. See attached as **Appendix C**.

**4.3** There has been one representation from an other person in objection to the application around the opening hours for sale of alcohol off the premises. This is attached as **Appendix D**.

**4.4** Those that have made a representation have been informed of the time and date of the Licensing and Appeals Sub-Committee hearing and have been informed of their right to attend.

### **5.0 LEGAL CONSIDERATIONS**

**5.1** Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.

- 5.2** The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probabilities and any decision should be based on the individual merits of the application.
- 5.3** The Sub-Committee, in arriving at its decision, must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.
- 5.4** There is a right of appeal to the Magistrates Court within 21 days from the date the applicant is notified of the decision of the Licensing Sub-Committee.

<b>List of Background Papers</b>
<a href="http://wokingham.gov.uk">Statement of licensing (wokingham.gov.uk)</a> (2018)
<a href="http://www.gov.uk">Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK (www.gov.uk)</a> (2023)

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