

**LICENSING PANEL
1 MAY 2014
2.00 - 3.48 PM**



Present:

Councillors Brunel-Walker (Chairman), Brossard and Mrs Temperton

In Attendance:

Anthony Igbiniyesu, Legal Adviser to the Panel
Amanda Roden, Democratic Services Officer
Sue Walker, Licensing Officer

17. Declarations of Interest

There were no declarations of interest.

18. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

19. Application for Variation of Premises Licence - Waitrose-Shell, Bagshot Road, Bracknell, Berkshire. RG12 9SE

The Panel's decision was that the application for a variation of the premises licence in respect of Waitrose-Shell, Bagshot Road, Bracknell, Berkshire. RG12 9SE shall be granted, subject to the amended proposals from the mediation and the amended conditions at Annex G.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the applicant's representatives Mr Jon Wallsgrove, Mr Ken Williams and Ms Janette Clark; for Waitrose
- the interested parties, (1) who submitted oral and written representations, and one other written representation.

together with reference to the appropriate Licensing Objective: The Prevention of Public Nuisance, particularly noise nuisance, the Council's own Licensing Policy and the Secretary of State's guidance.

At the conclusion of the licensing panel hearing all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that none of the responsible authorities had made representations. The Panel were advised that Environmental Protection had considered the application for variation of the premises licence for Waitrose-Shell and found no

history of complaints in relation to the site going back at least two years. It was clarified that complaints needed to be made via relevant channels to Bracknell Forest Council.

The Panel noted the concerns of the representatives which included the following:

Noise: late night facilities encouraging noise nuisance and anti-social behaviour whilst people are trying to sleep, such as shouting and arguing. Also, representations mentioned engine noise and motorbikes racing on the roads nearby.

Litter: an increase in the volume of litter in the nearby vicinity.

Sale of alcohol to drivers, in light of the government drink driving campaign, possibly leading to further drink driving offences and a detrimental effect on public safety. Alcohol could be purchased from supermarkets until a late hour and Waitrose-Shell was a convenience shop. Sale of alcohol until such a late hour was felt to further encourage drunken behaviour.

Route: Bagshot Road, Downshire Way, and Berkshire Way were used as link roads from the M3 and M4 motorways by heavy goods vehicles causing vibrations to homes nearby in a predominantly residential area and potentially causing an increase in traffic pollution.

Safety: the health and safety of residents in the area, particularly the subway for children. The interested party at the hearing commented that all these problems were related and asked for them to be addressed in a holistic manner.

The interested party at the hearing commented that she felt more residents should have been notified of the proposed variation to Waitrose-Shell and that people may not check the Borough Council's website for details in relation to new or variations to premises licences in their area. However, the Panel were satisfied that notification of the proposed variation in relation to Waitrose-Shell was undertaken in keeping with the statutory requirements under the Licensing Act 2003 via public notice at the premises, an advertisement in a local newspaper, advertisement on the Bracknell Forest Council website, and written notification to ten households adjacent or opposite the premises.

It was confirmed that the trading of the Waitrose-Shell site was presently in 24-hour operation for the sale of petrol and provisions and would remain in 24-hour operation. The variation of the premises licence was purely to extend the period of time for the sale of alcohol and the Panel considered the variation of the existing premises licence only.

The applicant's representative confirmed that the Waitrose-Shell site was not a restaurant; CCTV operation had been added as a condition in the variation application so the site would be highly regulated; Waitrose staff would ensure that the site was kept tidy; notices would be erected to encourage people to be respectful and quiet for residents nearby; Waitrose staff would ensure that engines were not kept running for longer than necessary; at 23:00 the doors to the site would be closed for security purposes and transactions after this time would be through the hatch at the site; after 23:00 items could only be purchased that could fit through the hatch. The aim was to provide additional facilities for existing customers and the applicant did not expect to attract large numbers of new customers. It was expected that late night purchases would mainly be for fuel.

When looking at the site, the hours of operation had been discussed with the police in relation to possible anti-social behaviour, amongst other issues, and no representation had been made from the police. The applicant was interested in being a good neighbour to residents in the area and was not aware of any issues relating to anti-social behaviour or litter at the site. The applicant would litter pick any litter in the vicinity of the site and not just litter of Waitrose-Shell, and offered to discuss reciprocating litter picking with KFC if needed.

The Panel noted that as a result of mediation with the applicant and the interested parties, two representations had been withdrawn, annexes C and D of the agenda papers but two representations remained at annexes E and F of the agenda papers. The applicant had offered to change the terminal hour from 02:00 to 00:00 and this was agreed at mediation. The applicant hoped that assurances given at mediation had relieved residents' concerns somewhat.

The proposed conditions, 8 & 9, at Annex G of the agenda papers were amended. Additional steps (licensee) intends to take in order to promote the licensing objectives:

- (8) The only ID accepted, will be that detailed in Waitrose's Company Policy
- (9) A challenge 25 Policy will be adopted.

The Panel confirmed with the applicant that Waitrose's Company Policy was robust, and it allowed Waitrose to revise its policy in relation to acceptable forms of ID. It was noted that it only applied to Waitrose, so should another company take over the site, this condition could be amended. Trading Standards were satisfied that the revised conditions met with the mandatory conditions. Other Waitrose sites had extended their retail hours and there had been no issues at these sites.

The Panel decided that granting the variation to the premises licence, as amended by mediation and the amended licensing conditions at Annex G, would promote the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm. The Panel found no evidence to justify refusing the application for variation. If in the future there were any concerns which would have an adverse effect on the Licensing Objectives, the case could be reviewed by a Licensing Panel.

CHAIRMAN