

**LICENSING PANEL
8 FEBRUARY 2017**

LICENSING ACT 2003

THE ROSE AND CROWN, WOODSIDE ROAD, WINKFIELD, SL4 2DP

**APPLICATION FOR VARIATION OF A PREMISES LICENCE
(Chief Officer: Environment and Public Protection)**

1 APPLICATION DETAILS

- 1.1 On 21 December 2016 an application was made by Greene King Retailing Ltd to vary the premises licence for the Rose and Crown, Woodside. The application is attached at **Annex A** and the proposed plan at **Annex B**. For reference, the existing licence and plan are attached at **Annex C** and **Annex D**.
- 1.2 The application is to change the layout of the premises in accordance with the proposed plan, with a summary of the changes as follows:
- Amendments to fixed seating
 - Removals of internal structure to create a larger trading area
 - New French doors to the rear of the pub to create a rear courtyard garden
 - The licensable area has been extended to include the entire outdoor area
- 1.3 The following conditions have been proposed to be added to the licence:
- All outdoor areas will be monitored periodically when regulated entertainment is taking place
 - Licensable activities will cease at 23:00 outdoors.

2 REPRESENTATIONS RECEIVED

- 2.1 During the period for making representations, from 21 December 2016 to 18 January 2017, five representations were received in respect of the application. These representations are attached at **Annexes E to I**.
- 2.2 In addition to the five representations received, concern was raised by the Thames Valley Police Licensing Officer regarding the wording of the proposed condition relating to monitoring of noise from the premises.
- 2.3 Following discussion with the applicant's agent, the Thames Valley Police Licensing Officer confirmed they would be happy for the application to proceed based upon the following conditions being added to the licence
- The external areas of the premises shall be monitored by the DPS or a nominated person every 30 minutes from the start of any regulated entertainment and for a further 30 minutes after the permitted closing time of the premises, to ensure there is no noise which is likely to cause a nuisance to local residents.
 - All external monitoring and actions taken as a result of such monitoring shall be recorded and made available to authorised officers on request.
- 2.4 Although these conditions have been agreed by both Greene King's agent and the Thames Valley Police Licensing Officer, they must be approved by the panel before they can be added to the licence.

3 SUPPORTING INFORMATION

- 3.1 A map showing the location of the premises is attached at **Annex J**. This map also shows the location of those who have made representations.

- 3.2 Mediation was offered to the applicant and the individuals who made representations. This is scheduled to take place on 02 February 2017, after the deadline for publication of this report. An update will be provided on the result of the mediation at the Panel hearing.

4 RELEVANT BRACKNELL FOREST BOROUGH COUNCIL POLICIES

- 4.1 In determining applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned (2.5).
- 4.2 The Council, as Licensing Authority, recognises that conditions attached to licences will be focused on matters which are within the control of individual licensees (2.7).
- 4.3 If it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned. (11.3)

5 RELEVANT NATIONAL GUIDANCE

- 5.1 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. (9.36)
- 5.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- a) the steps that are appropriate to promote the licensing objectives;
 - b) the representations (including supporting information) presented by all the parties;
 - c) the Guidance issued under section 182 of the Licensing Act 2003; and
 - d) its own statement of licensing policy. (9.37)
- 5.3 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. (10.8)
- 5.4 Licensing conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. They should be proportionate, justifiable and be capable of being met. (1.16)

6 RECOMMENDATION

- 6.1 The Licensing Authority must, having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives, either:
- a) to grant the licence subject to the conditions as proposed, or
 - b) to grant the licence subject to modified and/or additional conditions, or
 - c) to grant the licence but exclude any of the licensable activities sought, or
 - d) to reject the application.

Background Papers

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

Regulations (cited as the Licensing Act 2003 [various] Orders 2005)

Bracknell Forest Borough Council Statement of Licensing Policy (January 2016)

Contact for further information

Charlie Fletcher, Licensing Officer

01344 352550

charlie.fletcher@bracknell-forest.gov.uk