

**LICENSING PANEL  
12 JUNE 2017**

---

**LICENSING ACT 2003**

**THE BOOT, PARK ROAD, BRACKNELL, RG12 2LU  
APPLICATION FOR VARIATION OF PREMISES LICENCE  
(Chief Officer: Environment and Public Protection)**

**1 APPLICATION DETAILS**

- 1.1 On 12 April 2017 an application was made by Greene King Retailing Limited to vary the premises licence for The Boot, Park Road, Bracknell, RG12 2LU.
- 1.2 The application is for the following:
- Deposit a new plan to show change of layout and extension for new toilet facilities, addition of an orangery and amendments to fixed furniture.
  - Extend the start of opening hours of the premises from 09:00 to 07:30, seven days a week.
  - Reword condition 8 of the licence, relating to seasonal variations of the opening and licensable hours.
  - Reword condition 19 of the licence, relating to last entry times.
- 1.3 The full wording of the proposal is included within the application form attached at **Annex A**. The proposed plan is attached at **Annex B**.

**2 SUPPORTING INFORMATION**

- 2.1 The current premises licence and authorised plan are attached at **Annex C** and **Annex D**.
- 2.2 A map showing the location of the premises is available at **Annex E**.

**3 REPRESENTATIONS RECEIVED**

- 3.1 During the period for making representations, from 13 April 2017 to 10 May 2017, two representations were received in respect of the application. These representations are attached at **Annex F** and **Annex G**.
- 3.2 The representations are both from local residents who are concerned that the proposed changes will result in an increase in public nuisance related to the premises, with particular concern relating to the extension of hours on New Years Eve and on Bank/Public Holidays.
- 3.3 The locations of the two residents who made representations relative to the premises are shown on the map attached at **Annex E**.
- 3.4 An offer of mediation was made to the applicant, but at the time of writing this report, no meeting has been arranged.

**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. (9.37)
- 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;
  - d) its own statement of licensing policy. (9.38)
- 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