

LICENSING PANEL
02 August 2017

LICENSING ACT 2003
CO-OPERATIVE, SPARROWHAWK WAY, JENNETT'S PARK, BRACKNELL
APPLICATION FOR NEW PREMISES LICENCE
(Chief Officer: Environment and Public Protection)

1 APPLICATION DETAILS

- 1.1 On 08 June 2017 an application was made by Co-operative Group Food Limited for a new premises licence for the above mentioned premises. The application is attached at **Annex A** and the proposed plan at **Annex B**.
- 1.2 The application is for the sale of alcohol between 06:00 – 23:00 Monday to Sunday.

2 SUPPORTING INFORMATION

- 2.1 A map showing the location of the premises is attached at **Annex C**.
- 2.2 The proposed conditions including both the mandatory conditions and those arising from the operating schedule are attached at **Annex D** of this report.

3 REPRESENTATIONS RECEIVED

- 3.1 During the period for making representations from 09 June 2017 to 06 July 2017, three representations were received in respect of the application. Two objections are attached at **Annex E** and **Annex F**. One representation in support of the application, this is attached at **Annex G**. All of the representations are from members of the public.
- 3.2 The representations against the application raise concerns regarding the potential for an increase in crime and disorder and public nuisance as a result of the application.

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 Licensing Policy (January 2016)

Contact for further information

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