

LICENSING PANEL
21 January 2018

LICENSING ACT 2003
A&A PLUS, BULL LANE, BRACKNELL
APPLICATION FOR NEW PREMISES LICENCE
(Chief Officer: Environment and Public Protection)

1 APPLICATION DETAILS

- 1.1 On 2 January 2018 an application was made by Hatice Anil Bunker for a new premises licence for a street trading vehicle at the above mentioned location. The application is attached at **Annex A** and the proposed plan at **Annex B**.
- 1.2 The application is for late night refreshment for the following days and hours:
- Sunday to Thursday 23:00-00:00
 - Friday to Saturday 23:00-01:00
- 1.3 Late night refreshment is defined under schedule 2 of the Licensing Act 2003, as follows:
- A person “provides late night refreshment” if—*
- (a) *at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or*
 - (b) *at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.*

2 SUPPORTING INFORMATION

- 2.1 A map showing the location of the trading pitch is attached at **Annex C**.
- 2.2 The proposed conditions are attached at **Annex D** of this report. Please note that there are no mandatory conditions specified in the Licensing Act 2003 for licences where the only activity authorised is late night refreshment.
- 2.3 For information, the conditions which are attached to the trader’s existing Street Trading Consent are attached as **Annex E**.

3 REPRESENTATIONS RECEIVED

- 3.1 During the period for making representations from 3 January 2018 to 30 January 2018, three representations were received in respect of the application. These representations are attached at **Annexes F to H**. All of the representations are from members of the public.
- 3.2 The representations raise concerns regarding the potential for an increase in crime and disorder and public nuisance as a result of the application.
- 3.3 The stated addresses of all of those who have submitted representations are within 150m of the trading location, and two are within 100m. These distances are marked on the location map attached at **Annex C**.

- 3.4 Some comments are included within the representations that cannot be considered relevant, and should therefore not be taken into consideration by the panel when making their decision. For example, the representation attached at **Annex G** mentions alcohol sales, which are not part of this application and **Annex H** mentions that there are enough alternative food outlets in the town which is not a valid reason to object to an application under the Licensing Act 2003.

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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