

**LICENSING PANEL
25 JULY 2018**

**LICENSING ACT 2003
SANDHURST TANDOORI, YORKTOWN ROAD, SANDHURST
APPLICATION FOR NEW PREMISES LICENCE
(Chief Officer: Environment and Public Protection)**

1 APPLICATION DETAILS

- 1.1 On 4 June 2018 an application was made by William Cowie 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 following licensable activities:
- Sale of alcohol (sales for consumption on and off the premises):
 - 18:00 - 23:00 Monday to Thursday
 - 18:00 - 23:30 Friday and Saturday
 - 18:00 - 22:00 Sunday
 - Late night refreshment:
 - 23:00 - 23:30 Friday and Saturday
- 1.3 The premises is proposed to be open to the public:
- 18:00 - 23:00 Monday to Thursday
 - 18:00 - 00:00 Friday and Saturday
 - 18:00 - 22:00 Sunday
- 1.4 The applicant has applied for the sale of alcohol and late night refreshment to be authorised until midnight on New Year's Eve and Christmas Eve

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.
- 2.3 The premises was previously licensed for the sale of alcohol. On 23 April 2018 the previous premises licence was revoked by a panel of the Council's Licensing Committee, following a review application by the responsible authority, Home Office (Immigration Enforcement). This review followed a number of visits to the premises by Immigration Enforcement officers, where illegal workers were found.

3 REPRESENTATIONS RECEIVED

- 3.1 During the period for making representations from 5 June 2018 to 2 July 2018, one representation was received in respect of the application. This was from Thames Valley Police and can be found at **Annex E**. The representation raises concerns regarding the potential for crime and disorder as a result of the application. The full report in support of this representation is attached at **Annex F**.
- 3.2 The representation raises concerns that the management of the business has not changed since the previous licence was reviewed, and therefore it is likely that further non-compliance or criminal offences will occur.

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 Having regard to all of the representation received, the Panel must decide what is appropriate to promote the licensing objectives. Options available include:
 - a) to grant the licence as applied for, or
 - b) to grant the licence subject to modified and/or additional conditions
 - c) to grant the licence but exclude any of the licensable activities sought
 - d) to grant the licence but with altered hours for any or all of the licensable activities sought
 - e) to grant the licence with a combination of options b), c), and d), or
 - f) refuse to grant a licence and 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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