

## LICENSING PANEL

**LICENSING ACT 2003**  
**SANDHURST SERVICE STATION, 102 YORKTOWN ROAD, SANDHURST, BERKSHIRE**  
**GU47 9BH**  
**APPLICATION FOR A VARIATION TO PREMISES LICENCE REFERENCE NUMBER;**  
**LI/20/00041/LAPRES**  
**(Chief Officer: Environment and Public Protection)**

### 1 APPLICATION DETAILS

- 1.1 On 15<sup>th</sup> January 2020 an application was made by Motor Fuel Limited for a full variation to the premises licence for the above-mentioned premises. The application is attached at **Annex A**
- 1.2 The application is for the premises to be varied to extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises and to remove condition 14 listed in Annex 2 of the current premises licence. The variation also seeks to amend the licence holders registered address to Motor Fuel Limited, Gladstone Place, 36-38 Upper Marlborough Road, St. Albans, AL1 3UU.

### 2 SUPPORTING INFORMATION

- 2.1 A map showing the location of the premises and proximity to residents is attached at **Annex B**.
- 2.2 A copy of the current licence including both the mandatory conditions and those arising from the operating schedule are attached at **Annex C** of this report.

### 3 REPRESENTATIONS RECEIVED

- 3.1 During the period for making representations from 16<sup>th</sup> January 2020 to 12<sup>th</sup> February 2020, five relevant representation were received in respect of the application from a local residents. The representations against the application raise concerns regarding the potential for an increase in public nuisance as a result of the application. The representations can be found at **Annex D** of this report.

#### 3.2 MEDIATION

Officers contacted each objector with a view to facilitate negotiations between the applicant and the objector. Each objector was asked if they felt there would be any proposals that would address their concerns that they wished to be put forward to the applicant.

No proposals were put forward to address the concerns raised by the objectors regarding the application.

#### 3.3 MEDIATED REPRESENTATION

During the statutory consultation period Thames Valley Police agreed a condition with the applicant the condition is listed below:

“The entrance door to the shop will be closed to customers between the hours of 23:00 and 05:30. Any sales between these hours will be made through the night pay window”

Further confirmation was requested by licensing officers from Bracknell Forest Council regarding this condition as it contradicted an existing condition on the licence.

The applicant was requested to confirm that the condition proposed by Thames Valley Police would replace condition 13 on the premises licence.

The applicant confirmed this would be the intention. Copy of the email exchange can be found at **Annex E**.

#### **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)

#### **4 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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