

**LICENSING PANEL
1 MAY 2014**

**LICENSING ACT 2003
WAITROSE-SHELL, BAGSHOT ROAD, BRACKNELL RG42 9SE
APPLICATION FOR VARIATION OF PREMISES LICENCE
(Chief Officer: Environment and Public Protection)**

1 APPLICATION DETAILS

- 1.1 On 11 March 2014 an application was made by Waitrose Limited to vary their premises licence for the above premises. The existing licence is attached at **Annex A**. The application for variation and plan are attached at **Annex B**.
- 1.2 The variation is for the following:
- a) To extend the sale of alcohol from 06:00hrs until 02.00hrs Monday to Sunday
 - b) For the provision of late night refreshment, i.e. the sale of hot food and hot drink for consumption off the premises from 23:00 until 05:00, Monday to Sunday
 - c) To vary the opening hours to 24-hour operation Monday to Sunday
 - d) For the addition of new conditions

2 REPRESENTATIONS RECEIVED

- 2.1 Between 11 March 2014 and 8 April 2014, four (4) representations were received in respect of the application. The representations are attached from **Annex C** to **Annex F** inclusive.
- 2.2 None of the responsible authorities (Thames Valley Police, Environmental Protection, Trading Standards, Royal Berkshire Fire and Rescue, Child Protection Committee, Planning, Public Health and Environmental Health & Safety) have made representations against the application.

3 SUPPORTING INFORMATION

- 3.1 The proposed conditions arising from the operating schedule are attached at **Annex G** of this report.
- 3.2 The location of the premises is indicated on the attached map at **Annex H**.

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 (p 1.24).

- 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 (p 1.11).
- 4.3 When determining applications the Licensing Authority must be satisfied that the applicant's operating schedule seeks to promote the licensing objectives (p 1.13).
- 4.4 In appropriate cases, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the licensing objectives, as listed in the model conditions (p 2.12, 3.15, 4.8 & 5.17).
- 4.5 The Licensing Authority will apply a level of conditions proportionate to the individual style and characteristics of the premises concerned (p 6.8).

5 RELEVANT NATIONAL GUIDANCE

- 5.1 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 the representations (including supporting information) provided by all the parties and the steps that are necessary to promote the licensing objectives (p 5.69).
- 5.2 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of consideration of the representations (p. 7.5).
- 5.3 Licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises. It is important that conditions are proportionate (p 7.17).

6 RECOMMENDATION

- 6.1 The Licensing Authority must, having regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives, either:
 - a) to vary the licence subject to the conditions as proposed, or
 - b) to vary the licence subject to modified and/or additional conditions, or
 - c) to vary 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 2011)

Contact for further information

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