

**LICENSING PANEL  
2 FEBRUARY 2015**

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**LICENSING ACT 2003  
RP JAI'S LIQUOR STORE, 1 MARKET STREET, BRACKNELL  
APPLICATION FOR GRANT OF NEW PREMISES LICENCE  
(Chief Officer: Environment and Public Protection)**

**1 APPLICATION DETAILS**

- 1.1 On 9 December 2014 an application was made by RP Jai's Liquor Stores Ltd for a new premises licence. The application is attached at **Annex A** and proposed plan at **Annex B**.
- 1.2 The application is for the sale of alcohol, 24 hours a day, 7 days a week. The premises proposes to operate as an off-licence premises and also as an online/phone order delivery depot, both operational 24 hours a day, 7 days a week.

**2 REPRESENTATIONS RECEIVED**

- 2.1 During the period for making representations from 9 December 2014 to 6 January 2015, seven representations were received in respect of the application. These representations are attached from **Annex C** to **Annex I** and include representations from a number of responsible authorities, namely Thames Valley Police, Trading Standards and Environmental Protection plus four other persons.

**3 SUPPORTING INFORMATION**

- 3.1 A map showing the location of the premises is attached at **Annex J**.
- 3.2 The proposed conditions including both the mandatory conditions and those arising from the operating schedule are attached at **Annex K** of this report.
- 3.3 At the time of writing this report, no mediation meeting has yet been arranged. It is hoped that this can be arranged prior to the Panel hearing and further details shall be circulated as soon as possible thereafter in respect of any agreement(s) reached.

**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 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 2011)

### Contact for further information

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