

**LICENSING PANEL
18 JUNE 2015**

**LICENSING ACT 2003
PIZZA HUT, UNIT 2 WEST VIEW, MARKET STREET, BRACKNELL
APPLICATION FOR GRANT OF NEW PREMISES LICENCE
(Chief Officer: Environment and Public Protection)**

1 APPLICATION DETAILS

- 1.1 On 20 April 2015 an application was made by Apnac Pizza Limited for a new premises licence. The application is attached at **Annex A** and proposed plan at **Annex B**.
- 1.2 The application is for late night refreshment, between the hours of 23:00-00:00 Sunday to Thursday and 23:00-02:00 Friday to Saturday. The premises proposes to operate as a take away premises offering food for collection and delivery, open between the hours of 11:00-00:00 Sunday to Thursday and 11:00-02:00 Friday to Saturday.

2 REPRESENTATIONS RECEIVED

- 2.1 During the period for making representations from 20 April 2015 to 18 May 2015, two representations were received in respect of the application. These representations are attached at **Annex C** and **Annex D** and are both from responsible authorities, namely Thames Valley Police and Environmental Protection.

3 SUPPORTING INFORMATION

- 3.1 A map showing the location of the premises is attached at **Annex E**.
- 3.2 The proposed conditions including both the mandatory conditions and those arising from the operating schedule are attached at **Annex F** of this report.
- 3.3 A mediation meeting was attended by the applicant on 21 May 2015. The conditions suggested by the responsible authorities were accepted but an agreement could not be reached in relation to the proposed closing time. Closing times of 23:30 Sunday to Thursday and 00:00 Friday to Saturday were suggested as a compromise but were not accepted by the applicant.

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

Charlie Fletcher, Licensing Officer - 01344 352550

charlie.fletcher@bracknell-forest.gov.uk