

**LICENSING PANEL
8 FEBRUARY 2024
10.00 - 10.50 AM**



Present:

Councillors Allen, Barnard and C Thompson

Also Present:

Mr D Singh, Applicant

Mr S Panchal, Agent

Objector

Riley Timney, Licensing Officer

Simon Bull, Legal Advisor

Lizzie Rich, Clerk

1. Election of Chair

RESOLVED that Councillor Allen be elected Chair for the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all parties.

4. Application for New Premises Licence in respect of Bracknell Local Store, 1B Ralphs Ride, Bracknell, RG12 9EE

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant,
- the Interested Parties;

together with reference to the appropriate Licensing objectives, the Council's own Licensing Policy and the Secretary of State's guidance. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no representations made by the Police, or any of the other Responsible Authorities. The Panel bore in mind the promotion of the four licensing objectives:

- the prevention of crime and disorder.
- public safety.
- the prevention of public nuisance.
- the protection of children from harm.

The Panel decided that granting the licence would not have an adverse impact on the promotion of the four licensing objectives and agreed to grant the Licence. Licensing officers will send you a copy of the Licence in due course.

Reasons

In making their decision, the Panel took note of residents' concerns about existing anti-social behaviour in the area. Objectors felt that this would increase as a result of a further licensed premises in the area, however the Panel agreed that pre-existing issues could not be associated with this premises which had not yet opened. The panel also noted that what might or could happen hypothetically was not a reason to refuse the licence. Any issues that arise can be addressed by a review. The panel noted that the licence holder had set out proposals for robust, well thought-out training and challenge arrangements to avoid under-age and inappropriate sales of alcohol. They would utilise Challenge 25 and they were planning extensive internal and external CCTV to capture anti-social behaviour associated with the premises. The Panel encouraged residents to raise issues of anti-social behaviour with the Police and noted that the Police had not submitted a representation to this application.

The Panel recognised that while there were 42 valid representations received in respect of this application, 37 of which were completed on a pro-forma which listed hypothetical scenarios rather than any specific breaches of the licensing objectives.

The Licensing Act 2003 includes the presumption that applications will be granted if the application meets the four Licensing Objectives. As this premises had not yet opened, there could be no evidence that an additional licensed premises in the area would increase the level of anti-social behaviour. It was noted that there were already several licensed premises in the area including an off-licence premises next door to this unit and several pubs, and panel members did not consider that an additional premises would lead to significantly increased footfall in the area. The council does not have a saturation policy and does not require one, as the concentration of licensed premises in Bracknell generally and in this area particularly is not as intense as a lot of areas of the country.

The Panel also noted that the licensing regime contains a provision for seeking a review if there were breaches of the licence and the licensing objectives were not met, and that this mechanism rather than denying the granting of a new licence is the appropriate decision under the Licensing Act. Residents were encouraged to keep a record of events and report any instances of anti-social behaviour to the Police, or to contact Licensing officers should future issues arise with Bracknell Local Store in particular.

Objecting residents also raised issues of parking in the area, however as this was a Planning or road traffic matter, the Panel could not take this into account when making their decision. Any issues with parking would be dealt with by the police, traffic enforcement officers or traffic wardens under traffic regulations rather than the Licensing Act.

In summary the Panel, while sympathetic to residents' concerns, agreed that there was no evidence that a premise licence for Bracknell Local Store would necessarily exacerbate any existing anti-social behaviour in the area.