

**LICENSING PANEL**  
**26 July 2017**

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**LICENSING ACT 2003**  
**SHELL FILLING STATION, 102 YORKTOWN ROAD, SANDHURST, GU47 9BH**  
**APPLICATION FOR VARIATION OF A PREMISES LICENCE**  
**(Chief Officer: Environment and Public Protection)**

**1 APPLICATION DETAILS**

- 1.1 On 01 June 2017 an application was made by Motor Fuel Limited to vary the premises licence for the above mentioned premises. The application is attached at **Annex A** and an amended plan at **Annex B**.
- 1.2 The application is to:
- Vary the licensable hours for the supply of alcohol from 06:00 to 23:00 Monday to Sunday to 24 hours a day, seven days a week.
  - Add the licensable activity of provision of late night refreshment between 23:00 to 05:00 seven days a week.
  - Deposit an updated plan.

**2 SUPPORTING INFORMATION**

- 2.1 The current licence is attached at **Annex C** and the current plan at **Annex D**.
- 2.2 The premises licence was varied in 2015 to extend the opening hours of the premises to be 24 hours a day, seven days a week and to extend the licensable hours for the supply of alcohol from 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 on Sunday to 06:00 to 23:00 Monday to Sunday.
- 2.3 A map showing the location of the premises is attached at **Annex E**.
- 2.4 The proposed conditions including both the mandatory conditions and those arising from the operating schedule are attached at **Annex F** of this report.

**3 REPRESENTATIONS RECEIVED**

- 3.1 During the period for making representations from 02 June 2017 to 29 June 2017, three representations were received in respect of the application. These representations are attached at **Annex G**, **Annex H** and **Annex I**. All of the representations are from members of the public.
- 3.2 The representations raise concerns regarding the potential for an increase in crime and disorder and public nuisance as a result of the application.

**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)

## **5 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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