

**LICENSING PANEL
8 FEBRUARY 2024**

**LICENSING ACT 2003
BRACKNELL LOCAL STORE, 1B RALPHS RIDE, BRACKNELL, RG12 9EE
APPLICATION FOR NEW PREMISES LICENCE**

(Officer: RILEY TIMNEY – LICENSING OFFICER)

1. Purpose of the Report

1.1. To set out the background information pertaining to this Licensing Application.

2. Recommendation to Licensing Panel

2.1. Options available to Members are to:-

- a) Grant the application for a premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and to decide whether to modify any of those conditions to such extent as is considered appropriate for the promotion of the licensing objectives and subject to any mandatory condition.
- b) Refuse to specify a person in the licence as the Designated Premises Supervisor.
- c) Exclude from the licence any of the licensable activities to which the application relates.
- d) Reject the application for a premises licence.

Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.

3. Introduction and Background

- 3.1. On 04 December 2023 an application was received from Manpreet Singh Kapoor acting as an agent on half of Diljeet Singh for a new premises licence under the Licensing Act 2003, in respect to Bracknell Local Store, 1b Ralphs Ride, Bracknell, RG12 9EE.
- 3.2. The application was validated on 04 December 2023, with the consultation period starting on 05 December 2023 and ending on the 02 January 2024.
- 3.3. Responsible Authorities were notified on the 05 December 2023 as per the requirements of the Act.
- 3.4. The application for a premises licence was deemed to be invalid when the applicant advertised the application using an incorrect reference number. There is no legal requirement that the reference number be advertised by law (regulation 26), however the Licensing Authority determined that where one has been included, the correct reference number should be advertised.
- 3.5. Following this, the application's consultation period was put on hold. The consultation was then consequently restarted, with agreement of the applicant's agent, and the consultation period date of this application was 20 December 2023 until 16 January 2024. Responsible Authorities were notified of the restarting of the Consultation Period on the 20 December 2023. The Blue Notice was displayed at the premises and the application was advertised in a local newspaper on 03 January 2024. Neighbour Notification letters were given as per the Licensing Policy of Bracknell Forest Council.

- 3.6. Members of the Licensing Panel are asked to determine the application as the Licensing Authority has received representations stating that granting this application would undermine the four licensing objectives.
- 3.7. The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.
- 3.8. Members of the Licensing Panel are requested to determine the application having regard to the operating schedule, representations received, the Council's Statement of Licensing Policy, revised Section 182 guidance and the four licensing objectives.
- 3.9. An authorisation is required in respect of any premises where it is intended to conduct one or more of the licensable activities, these being:
 - a) Sale of alcohol
 - b) Supply of alcohol (in respect of a club)
 - c) Regulated Entertainment
 - d) Provision of Late Night Refreshment.

An authorisation is either, a premises licence, a club premises certificate, or a Temporary Event Notice.

- 3.10. Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains detail of all the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate be converted into enforceable conditions on any licence issued.

The four licensing objectives are:

- a) Prevention of crime and disorder
- b) Prevention of public nuisance
- c) Public Safety
- d) Protection of children from harm

No licensing Objective carries any more weight than any other and these are the only factors in which licensing can have regard in determining an application.

- 3.11. Where representations have been received from a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Licensing Act 2003 requires that these applications should be determined by the Licensing Authority's Licensing Committee. The Licensing Act 2003 allows for applications such as this one to be delegated to a Sub-Committee. In accordance with those rules, the Scheme of Delegation set out in the Council's Constitution states that the Licensing Sub-Committee has responsibility for dealing with this application.

4. Summary of Application sought

- 4.1. The Licensing Authority received an application on 04 December 2023 from Manpreet Singh Kapoor of Personal Licence Courses UK acting as an agent on behalf of Diljeet Singh. The applicant seeks a new premises licence under the Licensing Act 2003, in relation to Bracknell Local Store, 1b Ralphs Ride, Bracknell, RG12 9EE. This application has been recorded as application number **23398** dated 04 December 2023. A copy of the application is attached as **APPENDIX 1** and a Plan of the premises as **APPENDIX 2**. The details of the DPS (Designated Premises Supervisor) are attached as **APPENDIX 3**.

4.2. The application seeks a premises licence to permit the following activities:-

Supply of Alcohol:

Monday to Sunday 08:00hrs – 23:00hrs – for consumption Off the premises only.

5. Background information

- 5.1. An application for the grant of a premises licence was received by the Licensing Authority on 4th October 2023, for the premises of 'Bracknell Local Store, 1b Ralphs Ride, Bracknell, RG12 9EE. This application was stored on the licensing database under reference 22784. This application was withdrawn by the applicant on 9th October 2023.
- 5.2. An application for the grant of a premises licence was received by the Licensing Authority on 16th October 2023, for the premises of 'Bracknell Local Store, 1b Ralphs Ride, Bracknell, RG12 9EE. This application was stored on the licensing database under reference 22890. This application was deemed invalid by the Licensing Authority due to a failure to advertise the application in accordance with The Licensing Act 2003 (Premises Licences and club premises certificates) Regulations 2005 Section 25 – Advertisement of applications.
- 5.3. 1b Ralphs Ride is located as one of two retail units on the entrance to Ralphs Ride. The property comprises the main retail space, with a yard out the back. There is no immediate parking for the unit.
- 5.4. The immediate area nearby is primarily a residential area, however there is another retail premises next door to 1b Ralphs Ride.
- 5.5. The premises next door (1a Ralphs Ride) is a licensed premises, authorised for the sale of alcohol for consumption off the premise between the hours of 0800 hours until 2300 hours Monday – Saturday, and 1000 hours until 2230 hours on Sunday.
- 5.6. The applicant has offered additional conditions in support of their application, in relation to the four licensing objective, and if the premises licence is granted, will form part of the operating schedule.

6. Consultation

- 6.1. The 28 day consultation period ran from 20 December 2023 until 16 January 2024. Responsible Authorities were advised by email on 20 December 2023. The application was advertised, in accordance with the regulations, with the required blue notices being placed at the premises and checked by an officer from the Public Protection Partnership and an advert was placed in the Bracknell News on 03 January 2024.
- 6.2. A total of 46 representations were received from members of the public, who objected to the application. 4 of these representations did not meet the criteria set out in the Revised Guidance issued under section 182 of the Licensing Act 2003. The 42 valid representations received from members of the public are attached as **APPENDIX 4**.

7. Responses Received

Fire Authority – **NO OBJECTION**

The Chief Officer of Police (Thames Valley) – **NO OBJECTION**

Environmental Health – **NO OBJECTION**

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – **NO RESPONSE**

Trading Standards – **NO OBJECTION**

Children's Safeguarding Board – **NO OBJECTION**

Public Health – **NO RESPONSE**
Home Office Immigration – **NO RESPONSE**
Planning – **NO RESPONSE**
The Licensing Authority – **NO RESPONSE**

8. Summary of Relevant Representations

8.1. A total of forty-six (46) representations were received from members of the public, who objected to the application. 4 of these representations did not meet the criteria set out in the Revised Guidance issued under section 182 of the Licensing Act 2003. Forty-two (42) valid representations were received from members of the public, who objected to the application, believing that the granting of the new premises licence would undermine the Licensing Objectives; Prevention of crime and disorder, Prevention of public nuisance, Public Safety and the Protection of children from harm.

9. Options

- 9.1. The Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2023) must be taken into account when determining this Application.
- 9.2. Members are asked to consider, after taking the representations both oral and written into account, and having due regard to the licensing objectives, whether the application for the Premises Licence should be granted or rejected. Members will need to give reasons for their decision.
- 9.3. If Members are minded to approve the application they need to consider any additional conditions, other than those contained in the operating schedule, and any relevant mandatory conditions in ss19—21 of the Licensing Act 2003. Modification of conditions includes adding, omitting or altering a condition.
- 9.4. If Members are minded including any conditions they will need to provide their reasons for doing so in the decision notice.

Background Papers: Relevant Legislation

- (1) The Licensing Act 2003
- (2) Appropriate Regulations including but not limited to The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, The Licensing Act 2003 (Hearings) Regulations 2005 and The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005
- (3) Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003
- (4) The Council's Statement of Licensing Policy Licensing Act 2003
- (5) The Council's Constitution

10. Appendices

Appendix 1 – Application

Appendix 2 – Plan

Appendix 3 – Designated Premises Supervisor details

Appendix 4 – Representations from members of the public objecting to the application

Contact for further information

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