

**LICENSING PANEL  
8 SEPTEMBER 2015**

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**LICENSING ACT 2003  
SHELL FILLING STATION, 78-82 BINFIELD ROAD, BRACKNELL, RG42 2AS  
APPLICATION FOR VARIATION OF A PREMISES LICENCE  
(Chief Officer: Environment and Public Protection)**

**1 APPLICATION DETAILS**

- 1.1 On 16 July 2015 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 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. The variation also removes a condition limiting licensable hours on Christmas Day and Good Friday and includes an updated plan and new conditions.

**2 REPRESENTATIONS RECEIVED**

- 2.1 During the period for making representations from 17 July 2015 to 13 August 2015, one representation was received in respect of the application. This representation is attached at **Annex C**, and is from a member of the public.

**3 SUPPORTING INFORMATION**

- 3.1 A map showing the location of the premises is attached at **Annex D**.
- 3.2 The proposed conditions including both the mandatory conditions and those arising from the operating schedule are attached at **Annex E** of this report.

**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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