
Meeting: Licensing Sub-Committee

Date: 29 August 2017

Subject: Application for a Premises Licence under The Licensing Act 2003 at Ampthill Fish Shop, 89 Dunstable Street, Ampthill, Beds MK45 2NG

Report of: Head of Public Protection

Summary: The report provides information on which the Sub-Committee may base its determination of a premises licence application.

Advising Officer: Marcel Coiffait, Director of Community Services

Contact Officer: Susan Childerhouse, Head of Service: Jo Borthwick, Service Manager: Margaret James, Principal Public Protection Officer (Licensing)

Function of: Licensing Committee of a licensing authority

Public/Exempt: Public

Wards Affected: Ampthill

Ward Councillors Cllr Mike Blair, Cllr Paul Duckett, Cllr Paul Downing

Location Ampthill Fish Shop, 89 Dunstable Street, Ampthill

Applicant Mr Esa Gokce

Applicant's agent NARTS, 53 Stoke Newington High Street, London N16 8EL

Reason for consideration by Sub-Committee There have been several representations against the licensing application. These were from Ampthill Town Council and local residents.

Recommended decisions: **The sub-committee determines the application in accordance with the Statutory Guidance issued under the Licensing Act 2003, our Licensing Policy and the information contained within this report**

That, having regard to the application and relevant representations, the sub-committee takes such steps mentioned below as it considered necessary for the promotion of the licensing objectives.

That the sub-committee provides the reasons for its decision

CORPORATE IMPLICATIONS

Council Priorities:

Determination of this matter meets a particular Council priority as follows:

- Promote health and wellbeing and protecting the vulnerable.

Financial:

1. There are no direct financial implications for the Council.

Legal:

2. Licensing applications are considered pursuant to specific legislation, explained within the report.
3. Any decision made by the Sub-Committee could be the subject of an appeal to the Magistrates Court by the license applicant or by an objector to the application.

Risk Management:

4. All Council members are aware that any licensing matter decision which is unreasonable or unlawful could be open to challenge and could result in reputational damage and potential financial penalty.
5. The report details the options available to the Sub-Committee in determining the application/s and recommends a decision/s which could be reached. Any decision taken by the Sub-Committee has a risk of appeal to the Magistrates Court.

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

7. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
8. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

Public Health

9. All licensing applications are sent to Health as a Responsible Authority they have the opportunity to make representations in relation to the four licensing objectives.

Community Safety:

10. The Sub-Committee is required under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and is reminded of the Council's responsibility to co-operate in the reduction of crime and disorder in Central Bedfordshire.

Sustainability:

11. Not Applicable.

Procurement:

12. Not applicable.

Location of the Premises

13. Situated opposite a Methodist Church and adjacent to a public house in a mainly residential area.

Details of the present application

14. This is an application for a premises licence for Late night refreshment, by NARTS acting as agents for Mr E Gokce.
A copy of the application is attached at Appendix A.

Representations

15. Representations have been received from local residents as well as Ampthill Town Council. See Appendix B.

16. No responsible authorities have made representations

Responsible authority	Comment
Police	No representations
Fire	No representations
Environmental Health	None
Health & Safety	None
Planning	None
Child Protection	No representations
Public Health	None
Trading Standards	No representations

17. In response to the objections, the applicant's agent provided a petition in support of the application, which was received on 8 August 2017, signed by 193 individuals. See Appendix C for cover sheet (*A full copy will be available for members at the hearing should they wish to view it.*)

Application Guidance

18. In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications with relevant representations must be determined by a sub-committee

19. When determining the application, Members should only consider issues, which relate to the licensing objectives , which in this case are:

The Prevention of Public Nuisance

20. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. (Section 7.3 refers to the relevant licensing objective).
21. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the representations and shall only determine the application having had an opportunity to consider all relevant facts.

Options

Option A: Grant the licence as sought

Option B: Grant the licence with conditions (may include restrictions on licensable activities/hours)

Option C: Reject the application

Appendices:

Appendix A – Application

Appendix B – Representations from interested parties

Appendix C – Cover sheet of petition in support of premises licence application

Background Papers: (open to public inspection)

The Licensing Act 2003

Central Bedfordshire Council Licensing Policy
(on website)