

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



**TO EACH MEMBER OF THE
LICENSING SUB COMMITTEE**

02 August 2013

Dear Councillor

LICENSING SUB COMMITTEE - Wednesday 7 August 2013 – 10.45 a.m.

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following:

- 6. Application for variation of Premises Licence for The Office, 6 Lake Street, Leighton Buzzard.**

This report replaces pages **23 to 27** in the Agenda pack.

Should you have any queries regarding the above please contact Helen Bell on tel: 0300 300 4040.

Yours sincerely

Helen Bell
Committee Services Officer
email: helen.bell@centralbedfordshire.gov.uk

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Meeting: Licensing Sub-Committee
Date: 7 August 2013
Subject: Application for Variation of a Premises Licence under The Licensing Act 2003 at The Office, 6 Lake Street, Leighton Buzzard, Beds
Report of: Head of Public Protection
Summary: The report provides information so that the Licensing Sub Committee can determine whether or not a variation to the premises licence, to which an objection has been received, should be granted.

Advising Officer: Marcel Coiffait, Director of Community Services
Contact Officer: Jo Borthwick, Service Manager Public Protection
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Leighton Buzzard South
Ward Councillors Cllr Berry, Cllr Bowater, Cllr Dodwell
Location The Office, 6 Lake Street, Leighton Buzzard
Applicant Nutball Ltd
Applicant's agent Stephen B Pickering, Licensing Agent
Reason for consideration by Sub-Committee The applicant wishes to extend their hours for existing licensable activities and the Council has received a representation from an "other person" (member of the public)
Recommended decisions: **That the sub committee grants the application in the terms requested with the addition of the additional condition requested by the police set out at Appendix E**

CORPORATE IMPLICATIONS

Council Priorities:

- 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 could be the subject of an appeal to the Magistrates Court.

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

7. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

Public Health

8. 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:

9. 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:

10. Not applicable.

Procurement:

11. Not applicable.
12. An application has been received from Stephen Pickering, Licensing Agent on behalf of Nutball Ltd for variation of a premises licence at The Office, 6 Lake Street, Leighton Buzzard, Beds (Appendix C) to cover the following:
 - Extension of hours for supply of alcohol on Thursday, Friday, Saturday & Sunday
 - Extension of opening hours on Thursday, Friday, Saturday & Sunday
 - Extension of hours for live & recorded music, dance and making music on Thursday, Friday, Saturday & Sunday

A copy of this application is attached at Appendix C

Background

13. The premise is situated at 6 Lake Street, Leighton Buzzard this is a through route from the town bypass to the Market Square area and is close to other licensed premises in the same area. Other retail properties are situated in the same street. There is some residential property within the nearby surroundings; in particular there are some residential premises to the rear and above the premise. There are a number of public houses in the surrounding area with the nearest one being an adjoining property. An alleyway accessing the rear properties and public car park is situated to the opposing side of the premise

A copy of the location map is attached as Appendix A.

14. The licence was first granted on 24th November 2005, since which time variations have been applied for and granted. A copy of the current licence is at Appendix B
15. Details of the proposed variation with regard to hours are

Activity	Current provision	The application
Sale of alcohol	Mon to Thurs 11.00hrs to 02.00hrs Fri & Sat 11.00hrs to 04.00hrs Sun 12.00hrs to 02.00hrs	Mon to Wed 11.00hrs to 02.00hrs Thurs to Sun 11.00hrs to 05.00hrs
live and recorded music/dance	Mon to Thurs 11.00hrs to 02.00hrs Fri & Sat 11.00hrs to 03.45hrs. Sun 12.00hrs to 02.00hrs	Mon to Wed 11.00hrs to 02.00hrs Thurs to Sun 11.00hrs to 04.45hrs
Late night refreshment	Sun to Thurs 23.00hrs to 02.00hrs Fri & Sat 23.00hrs to 03.45hrs	No change
Hours open to the public	Mon to Thurs 11:00hrs to 02:30hrs Fri & Sat 11:00hrs to 04:30hrs Sunday 12.00hrs to 02.00hrs	Mon to Wed 11.00hrs to 02.30hrs Thurs to Sun 11.00hrs to 05.30hrs

Consultation

16. In line with the legislative requirements consultation was carried out by the applicant by means of notice affixed to the premises for the prescribed time
17. As a result of the consultation, 1 objection has been received by the licensing authority and this is presented to the Committee for consideration, attached at Appendix D

Other Relevant Information

18. There are no recorded incidents of noise nuisance associated with the premises
19. There are no recorded incidents of crime or anti social behaviour recorded against the premises

Options

20. To grant the application
21. To refuse the application
22. To grant the application with conditions

Analysis

23. Option 1 :This decision can be appealed to the Magistrates Court by the objector The magistrates will be required to consider the reasonableness of the committee in coming to its conclusion and will have to give reasons if they come to a different conclusion to that of the Committee
24. Option 2 :This decision can be appealed to the Magistrates Court by the applicant The magistrates will be required to consider the reasonableness of the committee in coming to its conclusion and will have to give reasons if they come to a different conclusion to that of the Committee
25. This decision can be appealed to the Magistrates Court by the applicant The magistrates will be required to consider the reasonableness of the committee in coming to its conclusion and will have to give reasons if they come to a different conclusion to that of the Committee

Conclusion

26. It is recommended that the Licensing Sub committee accepts the recommendations set out at the front of this report :

That the sub committee grants the application in the terms requested with the addition of the additional condition requested by the police set out at Appendix E

The reason for this recommendation is that there is no clear evidence to show that the licensing objectives would not be met if the licence is granted under the terms suggested

Guidance

27. In accordance with the provisions of the Licensing Act 2003 and the Councils scheme of delegation, all applications for variation of a licence where a relevant representation has been made must be determined by a sub-committee
28. When determining the application, Members should only consider issues, which relate to the relevant licensing objective, which in this case is:
The Prevention of Public Nuisance
29. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 (Annex G refers to the relevant objective) and the Council's Statement of Licensing Policy (Section 7.3 refers to the relevant licensing objective).

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- 30 Members are reminded that they must balance all of the relevant information that is heard and read through the course of this hearing and determine the appropriate outcome

Appendices:

Appendix A – Location map

Appendix B – Current Licence

Appendix C – Variation application

Appendix D – Representation

Appendix E – Requested police conditions

Background Papers: (open to public inspection)

The Licensing Act 2003

Central Bedfordshire Council Licensing Policy

(on website)

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