
Meeting: Licensing Sub Committee
Date: 27 July 2009
Subject: Licensing Act 2003 – Determination of Application to Vary a Premises Licence
Report of: Head Of Service , Public Protection

Contact Officer: Susan Childerhouse,
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Public/Exempt: Public
Wards Affected: Harlington
Function of: Council

The application

1. An application has been submitted by Admiral Taverns (Cygnet) Ltd. to vary an existing premises licence for the premises known as the Old Sun Public House, 34 Sundon Road, Harlington, LU5 6NQ
2. The application seeks to allow the extension of opening hours of premises to permit the sale of alcohol from the present hours of 11:00 to 23:00 Monday to Sunday to 11:00 to 23:59 Monday to Thursday and from 11:00 to 02:00 Friday and Saturday 11:00 to 23:00 on Sunday and the provision for regulated entertainment including films, live music and recorded music.

A copy of the application form is attached at Appendix A.

3. The premises are a detached 2 storey building located close to the centre of the village, adjoining residential property and a church. A copy of the location map is attached at Appendix B.

Promotion of Licensing Objectives

4. The applicant has detailed in Section P of the application form steps that are intended to promote the four licensing objectives including the use of a Challenge 21 policy requiring identification from any individual who appears under the age of 21 when purchasing alcohol, no irresponsible drinking promotions, introduction of policies relating to disruptive behaviour and drugs together with introduction of a children's play area and a policy for staff to monitor noise levels of customers vacating the premises.

Representations from Responsible Authorities

5. The Council's Environmental Health Department have submitted representations with regard to the prevention of public nuisance and recommended that:-
 - Ingress and egress notwithstanding, all external doors and windows to the premises are to be kept closed during indoor regulated entertainment that involves amplified music and/or voices.
 - Prominent, clear and legible notices are to be displayed at all exits requesting patrons to leave the premises and area quietly.
 - The placing of bottles into receptacles external to the premises must not take place between 1900 and 0900.
 - Noise from entertainment events (involving music, speech and singing) shall not give rise to nuisance at the neighbouring residential premises.
 - No amplified music/speech is permitted outdoors and un-amplified music/speech is permissible outdoors up to 6 times in any calendar year starting on 1st January each year. Music outdoors shall be limited between 1200 and 1900 and not occur on consecutive days or weeks. Central Bedfordshire shall be notified of these events 14 days in advance.
 - A responsible person shall be assigned the responsibility of dealing with any noise complaints and liaising with representatives of Central Bedfordshire Council. The appointed person must be present throughout the duration of the event and the contact details of this individual should be provided to Central Bedfordshire Council not less than 14 days prior to the event
 - Prior to permitted live outdoor unamplified music, notification shall be given to neighbouring residents 7 days in advance of the event with a contact number for them to call should they experience problems with noise.

6. Bedfordshire Police have submitted representations with regard to preventing crime and disorder and have recommended that the following conditions be attached to the Licence:
 - To put in place a written policy to prevent the sale of alcohol to persons under the age of 18. The policy will require any person who appears to be under the age of 21 to produce a recognised proof of age card accredited under the proof of age standards scheme (pass) or if such a card is not available, a photo driving licence or passport indicating they are over 18 years of age.
 - All staff to be suitably trained in the operating procedures for refusing service to any person who is drunk or underage or appears to be underage.

- For the sale of alcohol written authorisation must be given to ensure that individuals must comply with the following:-
 - The persons authorised must be clearly identified.
 - The authorisation must specify the acts that may be carried out by the authorised person.
 - There must be arrangements in place for the personal licence holder to monitor the authorised activities on a regular basis.
- Open containers of alcohol (glass/bottles) must not be taken from the premises.
- The use of areas external to the premises for the consumption of alcohol, other refreshment or food must cease by 23:00 Monday to Saturday and 22:30 on Sunday.
- Prominent, clear and legible notices are to be displayed at all exits requiring patrons to respect the local residents and leave the premises and area quietly.
- To become an active member of Pubwatch.
- In addition the Police Licensing Officer would like to reassess the licence after 6 months.

Interested Parties

7. Representation from 6 residential addresses, have been received; and Harlington Parish Council a copy of these representations are attached at Appendix "C".

Licensing Policy

8. Members attention is drawn to the Council's Licensing Policy in particular:-
 - 3.3 relating to trading hours;
 - 8.4 relating to the operation of the premises.

Secretary of State's Guidance

9. Members attention is drawn to the Secretary of State's Guidance in relation to this application in particular:-
 - 3.32 – 3.39 relating to provision of late night refreshment;
 - 6.2 and 6.3 relating to trading hours.

Observation and General Guidance

10. The Sub-Committee must consider the application and/or any submissions made in writing at the Hearing and determine the application.

The Sub-Committee determination must be based upon:-

- The merits of the application.
- The promotion of the full Licensing objectives.
- The Policy of the Licensing Authority.
- The Guidance issued by the Secretary of State for Culture, Media and Sport.

Appendices:

Appendix A – (heading)

Appendix B – (heading)

Appendix C – (heading)