

LICENSING SUB-COMMITTEE**4 AUGUST 2010**

SUBJECT	LICENSING ACT 2003 – DETERMINATION OF APPLICATION FOR REVIEW OF A PREMISES LICENCE AT THE WHITE SWAN, 91-93 HIGH STREET SOUTH, DUNSTABLE
REPORT OF	Head Of Service Public Protection
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1. The Application

- 1.1 An application has been submitted by an interested party for review of the premises licence at The White Swan, 91-93 High Street South, Dunstable. Copy application at Appendix A.

1.2

Activity	Current Provision	The Application
Regulated Entertainment	Films & Sporting events (indoors), Live music, recorded music and performance of dance (indoors and outdoors), anything similar (indoors), facilities for making music and dancing (indoors and outdoors) Sun to Thur 10.00hrs to 01.00hrs Fri & Sat 10.00hrs to 03.00hrs <i>Outdoor music/dancing to cease at 23.00hrs.</i>	N/A
Late Night Refreshment	Sun to Thur 23.00hrs to 01.30hrs Fri to Sat 23.00hrs to 03.30hrs	N/A
Supply of Alcohol	Sun to Thur 10.00hrs to 01.00hrs Fri to Sat 10.00hrs to 03.00hrs <i>Extension to all licensable activities until 02.00hrs on Bank Holiday Sundays and Mondays, Christmas Eve & Boxing Day and also on up to 20 occasions per annum upon 14 working days prior notice to the police and the licensing authority.</i>	N/A
Hours of Opening	Sun to Thur 10.00hrs to 01.30hrs Fri and Sat 10.00hrs to 03.30hrs	N/A

- 1.3 The premises is situated adjacent to residential properties and faces onto High Street South, Dunstable. The general area is a mixture of residential and commercial properties. A copy of the location map is attached at Appendix B.

2. **Relevant History**

2.1 The original application for conversion to a licence under the Licensing Act 2003 was received on 29/07/2005. 11 objections were received from interested parties, mainly concerning the Prevention of Public Nuisance. After evidence was duly presented, the license was granted as sought at a meeting of the licensing sub committee on 22/09/05.

The premises was risk rated by the Licensing Enforcement Officer and Police Licensing Officer in January 2006, as a low risk premises. Items discussed included keeping noise nuisance to local residents to a minimum.

Following a complaint of loud music in June 2006, a series of meetings between the premises licence holder and local residents were arranged. Proposals to control noise nuisance were discussed and agreed. See Appendix C.

No further complaints were received until July 2007, but this was attributed to a nearby Temporary Event Notice function and not to The White Swan.

The next complaint was received in March 2009, when the call out officer attended the next scheduled event, but did not observe a nuisance.

Meetings between the Premises Licence Holder and local residents are continuing.

The most recent complaint was made in February 2010, which led to this application for review. The applicant has suggested the following measures which could be taken to minimise nuisance:

- An automatic door closer to be fitted to all back doors
- The pub garden be closed and cleared of all customers by 23.00hrs
- No outside music or use of outside TV screens
- That the staff of the premises control the level of screaming, chanting and shouting that is allowed in the outside area's and that they are made aware that the pub is situated in a built up residential area.

3. **Promotion of Licensing Objectives**

3.1 The current conditions consistent with the operating schedule are included at Appendix D).

4. **Representations from responsible Authorities**

4.1 There are no representations from responsible authorities.

5. Interested Parties

- 5.1 Representations have been received from 2 further interested parties, and the relevant objective is the Prevention of Public Nuisance. Copies of these representations are attached at Appendix E.

6. Licensing Policy

- 6.1 Members' attention is drawn to the Council's Licensing Policy, in particular section 7.3, which refers to the relevant licensing objective which is The Prevention of Public Nuisance.

7. Secretary of State's Guidance

- 7.1 The sub committee must have regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, and Annex G refers to the relevant objective.

8. Observation and General Guidance

- 8.1 The Sub-Committee must consider the application and/or any submissions made in writing, and determine the application. The options available are:

- To modify the conditions of the licence - this includes altering or omitting any existing condition or adding any new conditions
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

- 8.2 The Sub-Committee determination must be based upon:-

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

- 8.3 The Sub-Committee must provide reasons for their decision

Background Papers: Licensing Act 2003, DCMS Guidance, Central Bedfordshire Council Licensing Policy
Location of Papers: Licensing Section
File Reference: 014036