

LICENSING SUB-COMMITTEE**2 March 2011**

SUBJECT	LICENSING ACT 2003 – A hearing called to determine an application for a premises licence for Speedy Pepper, 14a Woburn Street, Ampthill, Beds MK45 2HP
REPORT OF	Head Of Service Public Protection
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1. The Application

1.1 Representations have been submitted by several interested parties and two responsible authorities in response to the application. A Copy of the application is attached as Appendix A.

1.2

Activity	Current Provision	The Application
Regulated Entertainment	No provision	None applied for
Late Night Refreshment	No Provision	Sun – Thurs 23:00 to 00:00 Fri – Sat 23:00 to 02:00 Non standard timings – 23:00 to 02:00 on Christmas Eve, New Years Eve and all Sundays immediately preceding a UK Bank Holiday Monday
Supply of Alcohol	No Provision	None applied for
Hours of Opening	No provision	Sun – Thurs 23:00 to 00:00 Fri – Sat 23:00 02:00 Non standard timings – 08:00 to 02:00 on Christmas Eve, New Years Eve and all Sundays immediately preceding a UK Bank Holiday Monday

1.3 The premise is situated on a main road close to residential properties. A public house is situated within a few metres of the premise. Other commercial properties are in the vicinity. A copy of the location map is attached at Appendix B.

2. Relevant History

- 2.1 The premise was formerly a coffee shop opening until approximately 18:00 hours daily and 16:00 hours on Sundays
The application is for a premises licence to authorise late night refreshment consisting of hot take away food and drink. There is no application for sales of alcohol. The application under the Licensing Act 2003 was received on 19/01/2011.
19 relevant objections have been received from 30 interested parties, mainly concerning the Prevention of Crime and Disorder and the Prevention of Public Nuisance. An additional representation has been rejected as not being “within the vicinity”.
The Police and Local Authority Pollution Team have both provided representations concerning the Crime and Disorder and Public Nuisance objectives. The Pollution Team have offered 3 suggested conditions to satisfy their objection to the Public Nuisance objective. At the time of writing this report these conditions were being offered to the applicant for consideration.
The conditions are:
- Ingress and egress notwithstanding, all external doors and windows to the premises are to be kept closed
 - Prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect the local residents and to leave the premises and area quietly
 - The placing of commercial waste into receptacles external to the premises must not take place between 19:00 and 09:00 hours

3. Promotion of Licensing Objectives

- 3.1 Conditions offered by the applicant in support of the Licensing objectives can be seen at Appendix A in the operating schedule

4. Representations from responsible Authorities

- 4.1 Representations from the Police and Local Authority Pollution Team can be viewed at Appendix C
No other Responsible Authorities have made representations

5. Interested Parties

- 5.1 19 Representations have been received from 30 interested parties. The relevant objectives are the Prevention of Crime and Disorder and the Prevention of Public Nuisance. Copies of these representations are attached at Appendix D.

6. Licensing Policy

- 6.1 Members' attention is drawn to the Council's Licensing Policy, in particular section 7.0. that refers to the relevant licensing objective of The Prevention of Crime and Disorder and section 8.0. 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, in particular Part 2. The licensing objectives, Part 3.32 – 3.39 Late night refreshment and to Schedule 2, Annex B.

8. Observation and General Guidance

- 8.1 The Sub-Committee must consider the application and any submissions made in writing, and determine the application. The options available are:
- To grant the application
 - To modify the application to include conditions that it considers are necessary for the promotion of the Licensing objectives - this includes altering or omitting any existing condition within the operating schedule and/or adding any new conditions
 - To exclude a licensable activity from the scope of the licence
 - To refuse the licence
- 8.2 The Sub-Committee determination must be based upon:-
- The merits of the application and the representations (including supporting information) presented by all the parties.
 - The steps that are necessary for promotion of the four Licensing objectives.
 - The Policy of the Licensing Authority.
 - The Guidance issued by the Secretary of State for the Home Office under s182 of the Licensing Act 2003
- 8.3 The Sub-Committee must provide clear and relevant reasons for their decision

Background Papers: Licensing Act 2003, Home Office Guidance s182, Central Bedfordshire Council Licensing Policy

Location of Papers: Licensing Team, Dunstable

File Reference: 2000422