

LICENSING SUB-COMMITTEE4th August 2011

SUBJECT	LICENSING ACT 2003 – A hearing called to determine an application for a review of a premises licence for The Bell Public House, 4 Market Square, Toddington, Dunstable, LU5 6BP
REPORT OF	Head Of Service Public Protection
<i>Contact Officers; dave.mcbain@centralbedfordshire.gov.uk</i>	

1. The Application

1.1 An application has been submitted by An Interested Party. A Copy of the application is attached at Appendix A.

1.2	Activity	Current Provision	The Application
	Regulated Entertainment	<p>Live music - Indoors Friday and Saturday 20.00hrs to 01.00hrs Sunday 20.00hrs to 23.00hrs Further details - Use of amplified music turned down 30 mins before last order.</p> <p>Non-standard timings - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p> <p>Recorded music - Indoors Monday to Sunday 12.00hrs to 01.00hrs Non standard timings - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p> <p>Facilities for Making Music - Indoors Description of Facilities for Making Music - Disco, Karaoke, Dance Floor Friday, Saturday & Sunday 20.00hrs to 01.00hrs Non-standard timings - Except where Xmas Eve, New Years Eve & Bank Holidays fall</p>	To determine a review of the existing conditions

	<p>on Sunday/Monday where extended hours will include up to 02.00hrs.</p> <p>Facilities for Dance - Indoors Friday, Saturday & Sunday 20.00hrs to 01.00hrs Non-standard timings - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p>	
Late Night Refreshment	<p>Late Night Refreshment - Indoors Monday to Sunday 23.00hrs to 01.30hrs Non standard timings - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p>	To determine a review of the existing conditions
Supply of Alcohol (On sales only)	<p>Supply of Alcohol - On the Premises Monday to Sunday 12.00hrs to 01.00hrs Non-standard timings - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p>	To determine a review of the existing conditions
Hours of Opening	<p>Monday to Sunday 12.00hrs to 01.30hrs</p> <p>Seasonal variations – None</p> <p>Non-standard Timings - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p>	N/A

1.3 The premise is situated at a crossroads close to the Village Centre and Village Green. Other commercial premises are nearby. Other public houses are situated within a few metres of the premise. There are a substantial number of residential premises nearby. A copy of the location map is attached at Appendix B.

2. **Relevant History**

2.1 The premise has been a licensed premise for many years and previously had a Licence under the Licensing Act 1964. The premise first received a licence under the LA03 on 19th July 2005 following a sub-committee hearing at which a number of conditions, additional to those offered, were placed upon the licence.

Transfer of the Premises Licence to the present holder, Punch Taverns Plc, was made on 23rd November 2005. Since that date the premises licence holder has made application to vary the Designated Premises Supervisor on 15 occasions, the last one being on 24th March 2011. A copy of the Premises Licence is attached at Appendix 'C'

Objectors lodged an appeal on 12 August 2005. A preliminary hearing was set for 30 September 2005, and subsequently adjourned several times.

A meeting between all parties was held at The Bell on 5 May 2006, at which time the proposed actions to form a consent order were agreed.

On 6 July 2006 the parties agreed the Consent order and the appeal ended at that point. A copy of the Consent order is attached at Appendix 'D'

A number of subsequent complaints were received by the Licensing Authority culminating in an application by Toddington Parish Council on behalf of local interested parties for review of the licence.

This review was held on 19th March 2007. The decision of the licensing sub-committee resulted in a number of additional conditions being placed upon the licence. These can be viewed at Appendix 'C' Annex 3 – **Conditions attached after a hearing by the licensing authority** on pages 6 & 7

Since the previous review of the premises licence approximately 15 complaints have been made to the Licensing Authority resulting in involvement from Public Protection Officers. These have mainly involved noise nuisance complaints and allegations concerning the absence of the Designated Premises Supervisor.

3. **Promotion of Licensing Objectives**

3.1 There are a number of conditions given in the Operating Schedule. These can be viewed at Appendix 'C', Annex 2- **Conditions consistent with the operating schedule** on page 6

4. **Representations from responsible Authorities**

4.1

- Public Protection, Health & Safety – No comments
- Public Protection, Environmental Health – Report at Appendix 'G'
- Police Licensing Officer – Report attached at Appendix 'E'
- No additional comments
- Other Responsible Authorities – No Reply

5. **Interested Parties**

- 5.1 The review application is from 2 Interested parties
A further interested party has made a representation. This is attached at Appendix F

6. **Licensing Policy**

- 6.1 Members' attention is drawn to the Council's Licensing Policy, in particular section 7.0. Licensing Functions. The relevant licensing objectives can be viewed at sections 7.1, 7.2, 7.3, & 7.4.

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, and Annex 'D' – Pools of conditions

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:
- Take no action (this may include an informal warning)
 - To modify the licence to include conditions that it considers are necessary for the promotion of the Licensing objectives – this includes altering or omitting any existing condition (including a reduction of hours) within the operating schedule and/or adding any new conditions,
 - To exclude a licensable activity from the scope of the licence
 - To remove the Designated Premises Supervisor from the licence
 - 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 review 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: 013185 / 019784