

LICENSING SUB-COMMITTEE**6 September 2011**

SUBJECT	LICENSING ACT 2003 – A hearing called to determine an application for a premises licence for Shell Garage, 101 Amptill Road, Flitwick, Beds, MK45 1BE
REPORT OF	Head Of Service Public Protection
Contact Officers; jenny.hillier@centralbedfordshire.gov.uk dave.mcbain@centralbedfordshire.gov.uk	

1. The Application

1.1 Representations have been submitted by two interested parties 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	Mon – Sat 23:00 to 05:00 Sun 23:00 – 05:00
Supply of Alcohol	No Provision	Mon – Sun 00:00 to 24:00
Hours of Opening	No provision	Mon – Sun 00:00 to 24:00

1.3 The premise is situated on a main road close to residential properties. An Upper School is situated a short distance from the premise at the opposite side of a roundabout. 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 has been operating as a garage and service station for a substantial amount of time.

The application is for a premises licence to authorise late night refreshment consisting of hot take-away food and drink for consumption on or off the premises and the sale of alcohol off the premises. The application under the Licensing Act 2003 was received on 12/07/2011.

Two relevant objections have been received from interested parties, concerning the Prevention of Crime and Disorder objective. Three additional representations have been rejected.

The Local Authority Pollution Team and Trading Standards have both replied with no comments. All other Responsible Authorities – No reply.

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 No Responsible Authorities have made representations

5. Interested Parties

5.1 Two interested parties have made relevant representations. The relevant objective is the Prevention of Crime and Disorder. Copies of these representations are attached at Appendix C.

6. Licensing Policy

6.1 Members' attention is drawn to the Council's Licensing Policy, in particular section 7.1 that refers to the relevant licensing objective of The Prevention of Crime and Disorder.

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: 2000426