

**LICENSING SUB-COMMITTEE**

13 January 2011

<b>SUBJECT</b>	<b>LICENSING ACT 2003 – A hearing called to determine an application for a review of a premises licence for Choice Foods, 62 High Street South, Dunstable, Beds LU6 3HD</b>
<b>REPORT OF</b>	<b>Head Of Service Public Protection</b>
<i>Contact Officers; <a href="mailto:dave.mcbain@centralbedfordshire.gov.uk">dave.mcbain@centralbedfordshire.gov.uk</a></i>	

**1. The Application**

1.1 An application has been submitted by a Trading Standards officer. A Copy of the application is attached at Appendix A.

1.2

Activity	Current Provision	The Application
Regulated Entertainment	No provision	N/A
Late Night Refreshment	No Provision	N/A
Supply of Alcohol (Off sales only)	Monday to Saturday 08.00 hrs to 23.00 hrs Sunday 10.00 hrs to 22.30 hrs	To determine a review of the existing conditions
Hours of Opening	0700 hrs to 23.00hrs	N/A

**1.3 Location**

The premise is situated close to Dunstable Town Centre and close by a bus and taxi stop. It is part of a multi occupied building with other commercial premises. A public house is situated within a few metres of the premise at the opposite side of the road. Other commercial properties are in the vicinity including a local Job Centre. There is some residential accommodation 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 a number of years and was previously known as Costcutter. An application for conversion and variation under the Licensing Act 2003 was originally made on 5<sup>th</sup> August 2005. The present owner applied for transfer of the Premises Licence in his own name on 16<sup>th</sup> June 2009.
- 2.2 An earlier application for review, due to have taken place in June 2011, was withdrawn following an agreement between Trading Standards officers and the licensee to vary the licence to include additional conditions at paragraph (e) of the premises licence under the licensing objective “The protection of children from harm”. Please see Appendix ‘C’

## **3. Promotion of Licensing Objectives**

- 3.1 There are no other additional conditions given in the Operating Schedule to assist in the promotion of the Licensing Objectives

## **4. Representations from responsible Authorities**

- 4.1 The review application from Trading Standards Service  
Environmental Health – No comments  
Police – No comments  
Other Responsible Authorities – No Reply

## **5. Interested Parties**

- 5.1 There have been no representations from interested parties.

## **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 objective of ‘The Protection of Children from Harm’ can be viewed at section 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. s2.41. of The licensing objectives, and Annex ‘D’ Part 5 ‘Conditions relating to the Protection of Children from Harm’

## **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

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<b>Background Papers:</b>	Licensing Act 2003, Home Office Guidance s182, Central Bedfordshire Council Licensing Policy
<b>Location of Papers:</b>	Licensing Team, Dunstable
<b>File Reference:</b>	014243