

**LICENSING SUB-COMMITTEE**

13 January 2011

<b>SUBJECT</b>	<b>LICENSING ACT 2003 – A hearing called to determine an application for a premises licence for Choice Foods, 62A 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 A representation has been submitted by a Trading Standards officer. A Copy of the representation is attached at Appendix A.

1.2

Activity	Application Provision	Determination
Regulated Entertainment	No provision	N/A
Late Night Refreshment	No Provision	N/A
Supply of Alcohol (Off sales only)	Monday to Thursday 08.00hrs to 23.00hrs Friday & Saturday 08.00hrs to 04.00hrs Sunday 08.00hrs to 23.00 hrs	To determine the application following a representation by a responsible authority
Hours of Opening	Same as Supply of Alcohol	N/A

**1.3 Location**

The premise is situated close to the 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 An application for conversion and variation of a premises licence under the Licensing Act 2003 was originally made on 5<sup>th</sup> August 2005. The present owner, Mr Arfan Hussain, applied for transfer of the Premises Licence in his own name on 16<sup>th</sup> June 2009.
- 2.2 An application for review of that premises licence, due to have taken place in June 2011, was withdrawn following an agreement between Trading Standards officers and the licensee to vary the licence to include additional conditions designed to promote the Licensing Objective of '**The Protection of children from harm**'.
- 2.3 At the time of writing this report a 2<sup>nd</sup> application for review of the premises licence, applied for by Trading Standards officers, is due to be determined. Any determination by that hearing will form part of the relevant history of the premises. A verbal report of any decision of that review hearing will be given at this hearing by The Licensing Enforcement Officer

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

- 3.1 There are a number of steps stated in the operating schedule at Section P that the licensee intends to take to promote the four licensing objectives. The application can be seen as Appendix 'C' of this report. The steps can be seen at page 19 of the application.

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

- 4.1 The representation 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. All relevant licensing objectives can be viewed at this section.

## 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' Pool 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:
- To grant the application
  - To grant the application, subject to conditions that are consistent with the operating schedule and are necessary for the promotion of the four licensing objectives
  - To exclude a licensable activity from the scope of the licence
  - To remove the Designated Premises Supervisor from the licence
  - To refuse the application
- 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

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

**Location of Papers:** Licensing Team, Dunstable

**File Reference:** 2000430