

LICENSING SUB-COMMITTEE18TH April 2012

SUBJECT	LICENSING ACT 2003 – A hearing called to determine an application for a review of a premises licence for The Rose Inn Public House, 75 High Street, Biggleswade, SG18 0JH
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 Public Protection as a Responsible Authority. A Copy of the application is attached as Appendix 'A' of this report.

1.2

Activity	Current Provision	The Application
Regulated Entertainment	<u>Indoor Sporting events</u> Mon – Thurs 2000 to 0000hrs <u>Live Music</u> Fri – Sat 2000 to 0000hrs New Year Eve & Christmas Eve as Fri – Sat <u>Recorded Music</u> Sun – Thurs 1000 to 0000hrs Fri – Sat 1000 to 0100hrs	To review the existing authorisation with regard to regulated entertainment
Late Night Refreshment	Sun – Thurs 1000 to 0000hrs Fri – Sat 1000 to 0100hrs	N/A
Supply of Alcohol (On & Off sales)	Sun – Thurs 1000 to 0000hrs Fri – Sat 1000 to 0100hrs	N/A
Hours of Opening	Sun – Thurs 1000 to 0030hrs Fri – Sat 1000 – 0130hrs	N/A

1.3 Location

The premise is situated at a road junction close to the Town Centre. It is a traditionally built corner property standing at a traffic light and pedestrian crossing. The licensed area is ground floor only with a beer cellar and a beer garden at the rear. A number of residential and other commercial premises are within the vicinity. There is another public house a short distance away on the High Street. A copy of the location map is attached as Appendix 'B'.

2. **Relevant History**

2.1 The premise has been a licensed premise for many years and previously held a Justices Licence under the Licensing Act 1964. A valid application for conversion of an existing licence, and variation, under the Licensing Act 2003 was received on 28th July 2005. The present premises licence holders have held an authorisation for on and off sales of alcohol under the Licensing Act 2003 since being granted the authorisation on 24th November 2005.

A copy of the Premises Licence is attached as Appendix 'C'

3. **Promotion of Licensing Objectives**

3.1 A number of steps intended to be taken to promote the four licensing objectives were originally offered by the applicants and placed in the Operating Schedule. All relevant Mandatory conditions under the LA03 and certain embedded restrictions under the previous Act apply. The additional steps intended to promote the Prevention of Public nuisance objective can be seen on page 24 of the Premises Licence at Appendix 'C'

4. **Representations from responsible Authorities**

4.1 Public Protection, Environmental Health – Report attached
Public Protection, Health & Safety – No comments
Police Licensing Officer – No comments
Fire Service – No comments
Other Responsible Authorities – No Reply

5. **Interested Parties**

5.1 Two interested parties have sent letters of representation in support of the Premises Licence Holders. Copies of these are attached to this report at appendix 'D'

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 '**The Prevention of Public nuisance**' can be viewed at section 7.3.

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 Section 2.32 on pages 23 & 24, and Annex 'D' part 4, Pool of conditions relating to '**The Prevention of Public Nuisance**' objective on pages 144 & 145

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: 2000073