

Meeting: Licensing Sub-Committee
Date: 24 October 2013
Subject: Application for Review of a Premises Licence under The Licensing Act 2003 at The Waterside Bar, 24-30 Leighton Road, Linslade, Leighton Buzzard, Beds
Report of: Head of Public Protection
Summary: The report provides information so that the Licensing Sub Committee can determine what action should be taken regarding the premises licence following request for review by Environmental Health Officer.

Advising Officer: Marcel Coiffait, Director of Community Services
Contact Officer: Jo Borthwick, Service Manager Public Protection
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Leighton Buzzard South
Ward Councillors Cllr Berry, Cllr Bowater, Cllr Dodwell
Location The Waterside Bar, 24-30 Leighton Road, Linslade, Leighton Buzzard
Licence holder Brian Allan
Designated Premises Supervisor Shirley Ruffles-Hunt
Reason for consideration by Sub-Committee Request for review of licence following on-going noise complaints from residents.
Recommended decision: To restrict the hours that the premises are open to 2330 hours Monday to Sunday and regulated entertainment to cease by 2300 hours Monday to Sunday.

CORPORATE IMPLICATIONS

Council Priorities:

- Promote health and wellbeing and protecting the vulnerable.

Financial:

1. There are no direct financial implications for the Council.

Legal:

2. Licensing applications are considered pursuant to specific legislation, explained within the report.
3. Any decision made by the Sub-Committee could be the subject of an appeal to the Magistrates Court by the license applicant or by an objector to the application.

Risk Management:

4. All Council members are aware that any licensing matter decision which is unreasonable or unlawful could be open to challenge and could result in reputational damage and potential financial penalty.
5. The report details the options available to the Sub-Committee in determining the application/s and recommends a decision/s which could be reached. Any decision taken by the Sub-Committee could be the subject of an appeal to the Magistrates Court.

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

7. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

Public Health

8. All review applications are sent to Health as a Responsible Authority they have the opportunity to make representations in relation to the four licensing objectives.

Community Safety:

9. The Sub-Committee is required under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and is reminded of the Council's responsibility to co-operate in the reduction of crime and disorder in Central Bedfordshire.

Sustainability:

10. Not applicable.

Procurement:

11. Not applicable.

Background

13. This is an application for review of the premises licence at The Waterside Bar, requested by John Eden, Environmental Health Officer following a number of complaints regarding noise nuisance under the Prevention of Public Nuisance licensing objective.
Full and detailed reports are included at Appendix A (Documents 1 to 11).
14. The licence was first granted on 23 November 2009. A copy of the current licence is at Appendix A, Document 1.

Consultation

15. In line with the legislative requirements consultation was carried out by the applicant by means of notice affixed to the premises for the prescribed time

Other Relevant Information

16. There are several recorded incidents of noise nuisance associated with the premises, these are detailed in Appendix A, Documents 2-10.

Options

17. 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

Conclusion

18. 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.

Guidance

19. In accordance with the provisions of the Licensing Act 2003 and the Councils scheme of delegation, all applications for review of a licence must be determined by a sub-committee
20. When determining the application, Members should only consider issues, which relate to the relevant licensing objective, which in this case is:
The Prevention of Public Nuisance
21. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 (Annex G refers to the relevant objective) and the Council's Statement of Licensing Policy (Section 7.3 refers to the relevant licensing objective).
22. Members are reminded that they must balance all of the relevant information that is heard and read through the course of this hearing and determine the appropriate outcome
23. The Sub-Committee must provide clear and relevant reasons for their decision

Appendices:

Appendix A – Documents 1-11

Background Papers: (open to public inspection)

The Licensing Act 2003

Central Bedfordshire Council Licensing Policy

(on website)