
Meeting: Licensing Sub-Committee
Date: 5 August 2014
Subject: Application for Variation of a Premises Licence under The Licensing Act 2003 at The Vicars Inn, 68 Church Lane, Arlesey, Beds

Report of: Head of Public Protection

Summary: The report provides information so that the Licensing Sub-Committee can determine whether or not a variation to the premises licence, to which an objection has been received, should be granted.

Advising Officer: Marcel Coiffait, Director of Community Services
Contact Officer: Margaret James, Principal Public Protection Officer (Licensing)
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Arlesey
Ward Councillors Cllr Ian Dalgarno, Cllr Mrs Rita J Drinkwater, Cllr Richard D Wenham

Location The Vicars Inn, 68 Church Lane, Arlesey, Beds
Applicant Mrs Theresa Jackson
Applicant's agent N/A
Reason for consideration by Sub-Committee The applicant wishes to extend their hours and licensable activities and the Council has received one representation from another person (member of the public)

Recommended decisions:

- 1. The Licensing Sub-Committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Licensing Policy and the information contained within this report;**
- 2. That, having regard to the application and relevant representations, the Sub-Committee takes such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives;**
- 3. That the Sub-Committee provides the reasons for its decision.**

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. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
8. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.
When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.

Public Health

9. All licensing 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:

10. 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:

11. Not applicable.

Procurement:

12. Not applicable.

Location of the Premises

13. The premises is a public house, comprising of two bar areas, and a beer garden. There are residential properties in the vicinity. A location map is attached at Appendix A.

The Current Licence

14. The premises licence was granted on 24 November 2005.
15. There have been no recorded noise complaints against the premises since the licence was granted.

Details of the present application

16. This is an application for variation of a premises licence at The Vicars Inn (Appendix B) to cover the following:
- To extend the hours for recorded music late night refreshment and sale of alcohol from 23.00hrs to 24.00hrs Monday to Sunday
 - To extend the opening hours of the premises from 12.00hrs -23.00hrs, to 12.00hrs-24.00hrs.

Representations

17. A representation has been received from 1 other person; this is focused around the likelihood of noise issues and is attached at Appendix C.

18. Responsible authorities have made no representations concerning the application:

Responsible authority	Comment
Police	No representations
Fire	None
Environmental Health	No representations
Health and Safety	None
Planning	None
Child Protection	No representations
Public Health	None
Trading Standards	None

Application Guidance

19. In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications for variation of a licence where a relevant representation has been made must be determined by a Licensing 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 (Sections 2.18 – 2.24 refer to the relevant objective) and the Council's Statement of Licensing Policy (Section 7.3 refers to the relevant licensing objective) which can be found on the Council's website.
22. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

Options

23. The Sub-Committee has three options:
 1. To grant the application
 2. To refuse the application
 3. To grant the application with conditions

Appendices:

Appendix A – Location map

Appendix B – Variation application

Appendix C – Objection

Background Papers: (open to public inspection)

None