
Meeting: Licensing Sub-Committee

Date: 26 January 2015

Subject: Application for Review of a Premises Licence under The Licensing Act 2003 at The Crown, 9 High Street North, Dunstable, Beds

Report of: Head of Public Protection

Summary: The report provides information so that the Licensing Sub-Committee can determine what action to take with regard to the review application.

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: Exempt

Wards Affected: Dunstable Central

Ward Councillors Cllr Carole Hegley

Location: The Crown, 9 High Street North, Dunstable, Beds

Applicant: Emma Nee, Police Licensing Officer

Applicant's agent: N/A

Reason for consideration by Sub-Committee: The applicant requests the removal of the current Designated Premises Supervisor

Recommended decisions:

- 1 That 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 Licensing Sub-Committee takes such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives;**
- 3 That the Licensing Sub-Committee provides the reasons for its decision.**

CORPORATE IMPLICATIONS

Council Priorities:

- Promote health and wellbeing and protect 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 traditional town centre public house, comprising one bar serverly servicing a large open plan bar area and roof garden/terrace.

The Current Licence

14. The premises licence was granted on 24 November 2005 (see exempt Appendix A for current licence).
15. Mr Coyne became Designated Premises Supervisor (DPS) in February 2012.

Details of the present application

16. This is an application for review of the premises licence by Emma Nee, Police Licensing Officer (see exempt Appendix A).

Representations

17. No "other persons" have made representations, but Mr Coyne has indicated that he wishes to speak at the hearing.
18. There have been no representations from Responsible Authorities concerning the Police application:

Responsible authority	Comment
Police	Review submitted
Fire	None
Environmental Health	None
Health and Safety	None
Planning	None
Child Protection	None
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 review of a licence must be determined by a Licensing Sub-Committee.
20. When determining the application, Members should only consider issues, which relate to the relevant licensing objectives, which in this case are:
 - The Prevention of Crime & Disorder/Public Safety
21. The Licensing Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 (Sections 2.1-2.7 & 2.8-2.17 refer to the relevant objective) and the Council's Statement of Licensing Policy (Sections 7.1 & 7.2 refer to the relevant licensing objectives).
22. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the review and shall only determine the application having had an opportunity to consider all relevant facts.

Options

23. The Licensing Sub-Committee's options are as follows:
 - a) to modify the conditions of the premises licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the DPS;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence.

Appendices:

Appendix A (Exempt) – Review of Premises Licence (Bedfordshire Police)

Background Papers: (open to public inspection)

None