
Meeting: Licensing Sub-Committee

Date: 22 June 2015

Subject: Application for the Grant of a Premises Licence at Unique, 25-27 High Street North, Dunstable, Beds

Report of: Head of Public Protection

Summary: The report provides information on which the Sub-Committee may base its determination of a premises licence 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: Public

Wards Affected: Dunstable Central

Ward Councillors: Cllr Carole Hegley

Location: Unique, 25-27 High Street, Dunstable

Applicant: Mr Tayyab Mushtaq

Applicant's agent: N/A

Reason for consideration by Sub-Committee: There have been three representation against the licensing application – 1 from the Police Licensing Officer, 1 from Mr Edd Clayson, Director of Honeylove Entertainments Limited (operator of Club Cookies, Dunstable), and 1 from a Central Bedfordshire Council Environmental Health Officer

Recommended decisions: **The sub-committee determines the application in accordance with the Statutory Guidance issued under the Licensing Act 2003, our Licensing Policy and the information contained within this report**

That, having regard to the application and relevant representations, the sub-committee takes such steps mentioned below as it considered necessary for the promotion of the licensing objectives.

That the sub-committee provides the reasons for its decision

CORPORATE IMPLICATIONS

Council Priorities:

Determination of this matter meets a particular Council priority as follows:

- 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 has a risk of 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 are located on a main road in the town centre. It consists of two floors, with two bars for consumption of alcohol inside the premises only.

Details of the present application

14. This is an application for the grant of a premises licence by Mr Tayyab Mushtaq. The hours requested for the sale of alcohol are 10.00hrs to 02.00hrs Sunday to Wednesday, 10.00hrs to 03.00hrs on Thursday, and 10.00hrs to 06.00hrs on Friday and Saturday. The hours requested for regulated entertainment are various times between 10.00hrs and 06.30hrs. A copy of the application is attached at Appendix A.

Representations

15. A representation has been received from the Police Licensing Officer. See Appendix B
16. One "other person" has made representations. See Appendix C
17. The Environmental Health officer for pollution has made representations concerning the application. See Appendix D

Responsible authority	Comment
Police	See Appendix B
Fire	No representations
Environmental Health	See Appendix D
Health & Safety	None
Planning	None
Child Protection	No representations
Public Health	None
Trading Standards	No representations

Application Guidance

18. In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications with relevant representations must be determined by a sub-committee

19. When determining the application, Members should only consider issues, which relate to the licensing objectives, which in this case are:

The Prevention of Crime & Disorder/Public Safety/The prevention of public nuisance

20. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. (Sections 7.1; 7.2 and 7.3 refer to the relevant licensing objectives).

21. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the representations and shall only determine the application having had an opportunity to consider all relevant facts.

Options

Option A: Grant the premises licence

Option B: Grant the premises licence with conditions (may include restrictions on licensable activities/hours)

Option C: Reject the application

Appendices:

Appendix A – Application for the premises licence

Appendix B – Representation from the Police Licensing Officer

Appendix C – Representation from Mr Edd Clayson

Appendix D – Representation from Environmental Health Officer

Background Papers: (open to public inspection)

The Licensing Act 2003

Central Bedfordshire Council

(on website)