

---

**Meeting:** Licensing Sub-Committee  
**Date:** 31 March 2017  
**Subject:** Application for a Premises Licence under The Licensing Act 2003 at The Four Horsemen, 7 High Street, Sandy, Beds, SG19 1AG  
**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:** Sandy  
**Ward Councillors** Cllr Caroline Maudlin, Cllr Peter Smith, Cllr Tracey Stock  
**Location** The Four Horsemen, 7 High Street, Sandy, Beds SG19 1AG  
**Applicant** Mr Liam Brittany  
**Applicant's agent** N/A  
**Reason for consideration by Sub-Committee** There have been several representations against the licensing application. These were from the Environmental Health Officer, Sandy Town Council and local residents.  
**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.

### **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 located on the ground floor on a main road in the town centre.

**Details of the present application**

14. This is an application for a premises licence by Mr Liam Brittany of The Four Horsemen Ltd. A copy of the application is attached at Appendix A.

**Representations**

15. Representations have been received from local residents as well as Sandy Town Council. See Appendix B.

16. A representation has also been received from the Environmental Health Officer. See Appendix C.

17. No other responsible authorities have made representations

<b>Responsible authority</b>	<b>Comment</b>
Police	None
Fire	No representations
Environmental Health	See appendix C
Health & Safety	None
Planning	None
Child Protection	No representations
Public Health	None
Trading Standards	No representations

18. In response to the objections, the applicant provided an email with details of the intended premises use and addressing some of the issues raised by the objectors. See Appendix D. Copies of the email were sent to the objectors, who declined to withdraw their objections. See Appendix E.

19. Applicant submitted photographs showing the type of atmosphere he would like to create. See Appendix F.

20. Further agreement has been reached between the applicant and the Environmental Health Officer, see Appendix G, which has also led to the

applicant requesting that the hours of opening and for licensable activities have been reduced to finish at 23.00hrs. A noise management plan is attached at Appendix H and the applicant's decision to withdraw from applying for live music is at Appendix I.

21. Members may wish to note that since The Live Music Act 2012 and deregulation under The Deregulation Act 2015:

- a) No licence permission is required for a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- b) No licence permission is required for a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- c) No licence permission is required for any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

### **Application Guidance**

22. 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

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

#### **Public Safety & The Prevention of Public Nuisance**

24. 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 7.2 and 7.3 refer to the relevant licensing objectives).

25. 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 licence as sought

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

Option C: Reject the application

**Appendices:**

Appendix A – Application

Appendix B – Representations from interested parties

Appendix C – Representation from Environmental Health Officer (EHO)

Appendix D – Applicant email

Appendix E – Emails from objectors

Appendix F – Photographs from applicant

Appendix G - Email agreement between applicant and EHO

Appendix H – Noise Management Plan

Appendix I – Applicant email no 2

**Background Papers:** (open to public inspection)

The Licensing Act 2003

The Live Music Act 2012

The Deregulation Act 2015

Central Bedfordshire Council Licensing Policy  
(on website)