
Meeting: Licensing Sub-Committee
Date: 28 July 2017
Subject: Application for Review of a Premises Licence under The Licensing Act 2003 at Buzz Wine, 17 North Street, Leighton Buzzard, 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: Guy Quint/Margaret James, Principal Public Protection Officers (Licensing)
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Leighton Buzzard South
Ward Councillors Cllr R Berry, Cllr D Bowater, Cllr A Dodwell
Location Buzz Wine, 17 North Street, Leighton Buzzard, Beds
Applicant Imogen Best, Senior Enforcement Officer – Trading Standards
Applicant's agent N/A
Reason for consideration by Sub-Committee The applicant requests the revocation of the premises licence
Recommended decisions: **The sub-committee determines the application in accordance with the Statutory Guidance issued under s182 of 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 of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.

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.

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. Situated in the town centre with both commercial and residential premises in the near vicinity.

The Current Licence

14. The premises licence was first granted on 24 November 2005, and was transferred to the current licence holder on 31 August 2010. (See Appendix 1 of the review application for details of the current licence) *Please note that on 12/07/2017 an application to transfer the premises licence to Mrs Kiresantiny Naykunam was received and is being processed. An application to vary the Designated Premises Supervisor is also expected.*
15. The licence is held by Ali Iraj Azhir, who is also the Designated Premises Supervisor

Details of the present application

16. This is an application for review of the premises licence by Imogen Best, Senior Enforcement Officer – Trading Standards. (See Appendix A, and supporting evidence at Appendices 1 to 25)

Representations

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18. Other Responsible authorities have made 2 representations concerning the application

Responsible authority	Comment
Police	See Appendix B
Fire	None
Environmental Health	None
Health and Safety	None
Planning	None
Child Protection	Support for review – see Appendix C
Public Health	None
Trading Standards	Review submitted see Appendix A

Application 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 objectives, which in this case are:

The Prevention of Public Nuisance/The Protection of Children From Harm

21. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 (Sections 2.15-2.21 and 2.22-2.32 refer to the relevant objectives) and the Council's Statement of Licensing Policy (Sections 7.3 and 7.4 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. **To modify the conditions of the premises licence**
24. **To exclude a licensable activity from the scope of the licence**
25. **To remove the DPS**
26. **To suspend the licence for a period not exceeding three months**
27. **To revoke the licence**

Appendices:

Appendix A – Review application
Appendix A (1-8) – supporting evidence
Appendix A (9-14) – supporting evidence
Appendix A (15 & 16) – supporting evidence
Appendix A (17-21) – supporting evidence
Appendix A (22-25) – supporting evidence
Appendix B – Police support for review
Appendix C – Child protection support for review

Background Papers: (open to public inspection)

The Licensing Act 2003
Central Bedfordshire Council Licensing Policy
(on website)