

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**please ask for** Martha Clampitt  
**direct line** 0300 300 4032  
**date** 8 December 2011

## NOTICE OF MEETING

### LICENSING SUB COMMITTEE

Date & Time

**Friday, 16 December 2011 at 10.00 a.m.**

Venue at

**Room C1 Watling House, Dunstable**

Richard Carr  
Chief Executive

To: The Chairman and Members of the LICENSING SUB COMMITTEE:

**Cllrs D Bowater, Mrs D B Green and I A MacKilligan**

**(Bold text indicates substitute Members who will act as Full Members on this Sub Committee on this occasion)**

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING**

# AGENDA

1. **WELCOME**

2. **Apologies For Absence**

Apologies and notification of substitute members.

3. **Members' Interests**

To receive from Members any declarations and the nature in relation to:

(a) Personal interests in any agenda item

(b) Personal and Prejudicial interests in any agenda item.

4. **Licensing Process**

(enclosed)

5. **Licensing Objectives**

(enclosed)

6. **To determine an application for a review for Costcutter Premier Store,  
Caddington**

(attached)



## **Procedure for the hearing of applications The Licensing Act 2003**

**The Licensing Act 2003 (Hearings) Regulations 2005**

**Public Protection  
Central Bedfordshire Council  
Priory House  
Monks Walk  
Chicksands  
Shefford  
SG17 5TQ**

**0300 300 8000**

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**Licensing Sub-Committee Procedure for  
Determining applications under the Licensing Act 2003**

**CONTENTS**

1. Introduction
2. General Principles

**PRE-HEARING**

3. Licensing Panels
4. Timescales for Convening a Hearing
5. Notice of Hearing
6. Persons to be Notified of a Hearing
7. Contents of Notice
8. Hearings to be open to the public
9. Failure to attend the hearing
10. Disruptive behaviour

**SUB - COMMITTEE AGENDA**

11. Licensing Sub-Committee agenda

**HEARING PROCEDURE**

12. Opening the Hearing
13. Licensing Officer's Report
14. Licensing Authority's request(s) for clarification
15. Presentation of Case / Submissions from Parties
16. Modification or Withdrawal of Application or Representation
17. Closing Submissions
18. Legal Advice
19. Committee Decision in Relation to Procedure
20. Determination of the Application

**POST HEARING**

21. Record of Proceedings
22. Irregularities
23. Decision Notice
24. Appeals
25. Closing the Hearing

**Licensing Sub-Committee Checklist**  
**Appendix 'A'**  
**Appendix 'B'**

## Introduction

- 1.1. The Licensing Act 2003 has placed local authorities at the centre of the decision making process for regulating the sale and supply of alcohol, provision of regulated entertainment and late night refreshment.
- 1.2. This document and the procedures detailed herein are based upon the guidance issued by the Local Government Regulation Service and with regards to the provisions of:
  - the Licensing Act 2003;
  - the Guidance issued by the Secretary of State for Culture, Media and Sport on 7 July 2004 under section 182 of the Licensing Act 2003; and
  - The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 1.3. This guidance is intended for all concerned in any way whatsoever with a hearing before a licensing panel (Licensing Sub-committee, the Licensing Committee or Council, as may be the case) in relation to the determination of applications under the Licensing Act 2003.

## 2. General Principles

- 2.1. All Members sitting on the determination of an application will always:
  - promote the right of all parties to have a fair hearing;
  - only have regard to such of the four licensing objectives that are subject to a relevant representation, namely:
    - the prevention of crime and disorder;
    - public safety;
    - the prevention of public nuisance; and
    - the protection of children from harm;
  - have regard to the Licensing Act 2003 and any relevant secondary legislation;
  - have regard to the Council's Statement of Licensing Policy;
  - have regard to the Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003;
  - treat each application on its own merits; and
  - undertake its decision-making responsibilities honestly and fairly, in an open, transparent and accountable way.

## **PRE-HEARING**

### **3. Licensing Panels**

- 3.1. Generally, hearings will take place before a Licensing Sub-committee consisting of three Members of the Licensing Committee, although, to avoid unnecessary adjournments, a fourth Member may attend as a substitute Member.
- 3.2. If, for any reason whatsoever, it is not possible to have a matter determined by a Licensing Sub-Committee, the matter would be heard by the Licensing Committee. A Licensing Committee must consist of between ten and fifteen Members and at least one half of those Members must attend for a hearing to proceed before the Licensing Committee.
- 3.3. In the highly unlikely event of it not being possible, for any reason whatsoever, to have a matter determined by either a Licensing Sub-committee or the Licensing Committee, the matter would be heard by Council.

### **4. Timescales for Convening a Hearing**

- 4.1. Most hearings under the Licensing Act 2003 must normally take place within 20 working days from the last date in which representations can be made. There are exceptions to this rule.
- 4.2. Exceptions:
  - 4.2.1. A hearing must take place within 10 working days of the Authority receiving notification of a review of the premises following a closure order;
  - 4.2.2. A hearing must take place within 7 working days from the day after the end of the period within which the police can object to a temporary event notice;
  - 4.2.3. A hearing must take place within 5 working days beginning the day after the end of the last day for the police to object to an interim authority notice.
- 4.3. Hearings may be dispensed with where all relevant persons agree a hearing is unnecessary.

### **5. Notice of Hearing**

- 5.1. Generally 10 clear days notice will be given of a hearing. There are exceptions to this rule.
- 5.2. Exceptions:
  - 5.2.1. 5 days notice will be given of a hearing for a review of a premises licence following a closure order;
  - 5.2.2. 2 days notice will be given of a hearing following police objection to an interim authority notice;

- 5.2.3. 2 days notice will be given of a hearing following police objection to temporary events notice.

## **6. Persons to be Notified of a Hearing**

- 6.1. The following persons must be notified of a hearing:
  - 6.1.1. Any applicant for any licence, provisional statement or review;
  - 6.1.2. Premises user who submitted a temporary event notice;
  - 6.1.3. Any person who has made relevant representations;
  - 6.1.4. Any Responsible Authority; and
  - 6.1.5. Where an application is made for a review, the holder of a premises licence or club premises certificate.

## **7. Contents of Notice**

- 7.1. The notice of a hearing must contain:
  - 7.1.1. The date, time and place of the hearing;
  - 7.1.2. The procedure to be followed at the hearing;
  - 7.1.3. The right of a party to attend and to be assisted or represented by any person whether legally qualified or not;
  - 7.1.4. Any points upon which the authority considers that it will want clarification from a party at the hearing;
  - 7.1.5. The right of the party to provide additional information to provide any clarification sought by the Authority;
  - 7.1.6. The consequences of failing to attend the hearing or not being represented at the hearing;
  - 7.1.7. Any information the Licensing Authority has received in support or opposition of the application.

## **8. Hearings to be open to the public**

- 8.1. Hearings will generally be open to the public as the Licensing Authority is committed to taking decisions in an honest, accountable and transparent way, but on occasions a licensing panel may find it necessary to exclude a party or parties, the public and press from all or any part of a hearing.
- 8.2. A panel will only pass an exclusion resolution where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public. Such decisions will be made on an individual basis.

- 8.3. The panel's deliberations, which do not form part of the hearing, will be conducted in private. The announcement of the panel's decision is part of the hearing and will generally be open to the public, subject to any exclusion resolution.

**9. Failure to attend the hearing**

- 9.1. No party is obliged to attend a hearing, although the Licensing Authority encourages all parties to attend hearings to make their application or representation, as may be the case.
- 9.2. Regardless of whether a party attends a hearing or not, the matter will generally be heard and determined by the licensing panel (the Council, the Licensing Committee or a Licensing Sub-committee). At the hearing, the panel will consider any application, representation or notice made by an absent party in the same way as it will of any application, representation or notice made by a party that attends the hearing.
- 9.3. If, however, the hearing is adjourned to a specified date, all parties will forthwith be notified of the date, time and place to which the hearing has been adjourned.

**10. Disruptive behaviour**

- 10.1. Any person who disrupts a hearing by the Council, the Licensing Committee or a Licensing Sub-committee of a matter under the Licensing Act 2003 may be required to leave the hearing.
- 10.2. It is for the panel hearing the matter to decide whether such person will be permitted to return to the hearing, but should they be allowed to do so, this may be on such conditions as the panel may specify.
- 10.3. If a disruptive person is a person who has a right to address the panel, then that person may, before the end of the hearing (i.e. before Stage 25 of the following procedure), put in writing any information they would have been entitled to give orally, had they not been required to leave the hearing.



**SUB - COMMITTEE AGENDA**

**11. Licensing Sub-Committee agenda**

- 11.1. The Licensing Sub-Committee Hearing shall be commenced in accordance with the Licensing Sub-Committee agenda. Any Committee matters shall be addressed at this stage.
- 11.2. The Licensing Sub-Committee Hearing procedure shall take over at the point at which the agenda item is called to be heard.
- 11.3. The Sub-Committee agenda shall deal with the issue of exclusion of press and public for the Licensing Sub-Committee Hearing.

## **HEARING PROCEDURE**

### **12. Opening the Hearing**

- 12.1. The Licensing Sub-Committee Hearing shall be formally opened by the Chair.
- 12.2. The Chair shall introduce Members of the licensing panel (a Licensing Sub-committee, the Licensing Committee or Council), officers present and all other parties present.
- 12.3. The Chair shall explain the procedure to be followed at the meeting and the nature of the decision to be taken by the panel.

### **13. Licensing Officer's Report**

- 13.1. The Licensing Officer presents his / her Report, including an outline of the application, the representation(s) and any points upon which the Licensing Authority has given notice that it required clarification; and identifies anything relevant in the legislation, the Council's Statement of Licensing Policy and the statutory guidance issued by the Secretary of State for Culture, Media and Sport.
- 13.2. Members of the panel may ask questions of the Licensing Officer with regards to the Report.

### **14. Licensing Authority's request(s) for clarification**

- 14.1. If points of clarification have been asked for, the Chair invites the Licensing Officer or relevant party to provide necessary information.
- 14.2. Members of the panel may ask questions with regards to the further information provided.

### **15. Presentation of Case / Submissions from Parties**

- 15.1. In the order of Applicant, Responsible Authority and Interested Party (or in the case of a review the relevant person), each party shall be invited to undertake the following:
  - 15.1.1. Set out their case;
  - 15.1.2. Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);
  - 15.1.3. Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and
  - 15.1.4. Respond to any questions asked of them by Members of the Licensing Panel.
- 15.2. At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair.

- 15.3. The Sub-Committee shall have the absolute discretion to restrict the number of witnesses and documents that any party can introduce, or the time spent on submissions or oral evidence, to ensure the proper running of the hearing.
- 15.4. Any witnesses that any party is seeking to call that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any witnesses to be heard, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.
- 15.5. Any documents that any party is seeking to adduce that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any documents to be adduced, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.

## **16. Modification or Withdrawal of Application or Representation**

- 16.1. The Chair shall ask the applicant whether the applicant wishes to modify the application (e.g. by way of withdrawing a licensable activity and / or reducing the times asked for and / or volunteering additional steps to promote the licensing objectives).
- 16.2. The Chair shall ask each party making a representation whether such party would like to withdraw their representation.

## **17. Closing Submissions**

- 17.1. The Chair shall invite each of the parties to present a closing submission to the Sub-Committee.
- 17.2. The Chair shall invite the Licensing Officer to make any final representations.
- 17.3. At the end of the Closing Submissions the Chairman may ask the Legal Advisor if there is any clarification or points they wish to make.

## **18. Legal Advice**

- 18.1. The role of the Legal Advisor is to provide Members with advice on:
  - Questions of law;
  - Matters of practice and procedure;
  - The options available to the sub-committee in making their decision;
  - Whether information or evidence is relevant to the licensing objectives;
  - Any relevant case law or guidelines.

- 18.2. The hearing shall be directed by the Chair and assisted by the Legal Advisor as appropriate and necessary.

**19. Committee Decision in Relation to Procedure**

19.1. The Sub-Committee shall be entitled to vary the order and procedure for the hearing, at its absolute discretion.

**20. Determination of the Application**

20.1. After all representations have been heard, the Chair will inform all parties that the panel will retire in private to determine the matter.

20.2. Either the panel will retire alone to a private room or all parties, officers and members of the public will be required to leave the room, although the panel may invite their legal adviser to join them for the purpose of providing only legal advice - the details of which will be disclosed upon the hearing reconvening.

20.3. Should the sub-committee need to ask any further questions of any party, all parties shall be invited to return for the purposes of asking and answering questions.

20.4. Where the hearing is for:

- a review of a premises licence following a closure order;
- a personal licence by holder of a justices licence; or
- a counter notice following police objection to a temporary event notice.

The Sub-Committee must make its determination at the conclusion of the meeting.

20.5. For all other hearings the determination must be made within 5 working days of the hearing. The Sub-Committee will generally announce the determination at the end of the hearing.

20.6. The Sub-Committee may consider adding any conditions necessary in order to promote one or more of the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

20.7. All decisions shall be made in line with the general principles as detailed in Appendix A, the range of options available for determining each type of application.

20.8. The Sub-Committee shall complete the decision notice as shown at Appendix B.

20.9. The hearing will reconvene and the Chair will either:

- announce the Sub-Committee determination including reasons for the determination; or
- advise those persons present that the Sub-Committee has not reached a decision, but will make a determination as soon as it can and, in any event,

within five working days. All parties will then be notified forthwith of the decision.

## **POST HEARING**

### **21. Record of Proceedings**

- 21.1. The authority shall ensure that a record is taken of the hearing.
- 21.2. The record shall be kept for a period of six years from the date of the final action on the matter.

### **22. Irregularities**

- 22.1. Proceedings shall be rendered void due to a failure to comply with the procedures set out in this document.
- 22.2. Any failure to comply with the Hearing Regulations shall not render the process or the decision void.
- 22.3. Where the Authority considers any person to have been prejudiced from the irregularity it shall take such steps as it considers fit to remedy the irregularity, before reaching its determination.
- 22.4. Clerical mistakes may be corrected by the Authority.

### **23. Decision Notices**

- 23.1. The Authority shall provide a written notice of its determination as soon as practicable after the hearing and within 5 working days.

### **24. Appeals**

- 24.1. An appeal against the determination of the Authority must be made to the appropriate Magistrates Court within 21 days of the date of delivery of the decision.

### **25. Closing the Hearing**

- 25.1. The Chair shall thank all parties for attending and draw the hearing to a close.
- 25.2. Should there be another hearing to be heard the Sub-Committee shall begin the procedure again.

**Licensing Sub-Committee Checklist**  
**Procedure for determining applications under the Licensing Act 2003**

Item				
1.	Chair to introduce Sub-Committee, Committee Administrator, other Officers and all Parties present.			
2.	Chair to explain procedure for hearing to all parties.			
3.	Licensing Officer to introduce application, including details of the premises, application, objections, references to the Licensing Objectives and Policy and Statutory Obligations.			
4.	Chair to invite Sub-Committee to ask any questions of the Licensing Officer, in relation to the report provided.			
5.	Chair to ask Licensing Officer whether there are any points requiring Clarification.			
Steps 6 to 9 to be completed for each party in the order of Applicant (A), Responsible Authority (RA) and Interested Party (IP) or Relevant Person (RP). The chair will invite each party to:		A	RA	IP/ RP
6.	Set out their case			
7.	Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);			
8.	Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and			
9.	Respond to any questions asked of them by Members of the Licensing Panel.			
Repeat steps 6 to 9 for each party				
10.	At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair.			
11.	Chair asks Applicant if they wish to modify or withdraw their application in any way.			
12.	Chair to invite closing submissions from applicant, responsible authorities and interested parties.			
13.	The Sub-Committee will retire into private to consider its decision.			
14.	Chair will announce the decision of the Sub-Committee and the reasons for the decision. The Chair will advise all parties of their right of appeal.			



Appendix 'A'

Options for determining applications

Determination of application for premises licence

- To grant the licence
- To grant with the addition of conditions necessary to promote any of the licensing objectives
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application

Determination of application for variation of a premises licence

- To grant the variation
- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To reject the whole or part of the application

Determination of application for review of a premises licence

- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

Appendix 'B'



**CENTRAL BEDFORDSHIRE COUNCIL**

**DECISION NOTICE**

**LICENSING ACT 2003**

**DECISION OF THE LICENSING SUB – COMMITTEE**

<u>Date of Hearing</u>	
------------------------	--

<u>Applicant's Name:</u>	
<u>Premises Address:</u>	

<u>Application for:</u>	
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<u>Reasons for Hearing:</u>	
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<u>Members of the Licensing Sub-Committee:</u>	
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<u>Applicant:</u>	
<u>Person(s) Appearing on Behalf of the Applicant:</u>	

<u>Objector(s):</u>	
<u>Person(s) Appearing on Behalf of Objector(s):</u>	

<u>Other Persons Present:</u>	
-------------------------------	--

*If appropriate:*

<b><u>COMMENCEMENT DATE</u></b>
<u>This licence will come into effect from:</u>
<input type="radio"/> <u>The date of this decision</u>
<input type="radio"/> <u>The end of the period for appeal.</u>

<b><u>FINDINGS OF FACT</u></b>
--------------------------------

The Sub-Committee made the following findings of fact:

<b><u>DECISION</u></b>
<u>The Sub-Committee have decided that the application should be:</u>
<input type="radio"/> <u>Granted (as set out in the application)</u>
<input checked="" type="checkbox"/> <u>Refused</u>
<input type="radio"/> <u>Amended to include the following conditions:</u>
1.
2.
<ul style="list-style-type: none"> <li>• <u>The Sub- Committee considers the additional conditions necessary for the promotion of the licensing objectives.</u></li> <li>• <u>All Licences are granted subject to the mandatory conditions imposed by the Licensing Act, 2003.</u></li> <li>• <u>In coming to its decision, the Sub-Committee has taken into account:</u> <ul style="list-style-type: none"> <li>○ <u>The Licensing Act Section 18, which states that it must take such steps it considers necessary for the promotion of the licensing objectives;</u></li> <li>○ <u>The Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003; and</u></li> <li>○ <u>Central Bedfordshire Council’s Licensing Policy</u></li> <li>○ <u>The merits of the application and the representations (including supporting information) presented by all parties.</u></li> </ul> </li> </ul>

<b><u>REASONS FOR DECISION</u></b>
<u>The reasons for the Committee’s decision are as follows:</u>
<input checked="" type="checkbox"/> <u>Prevention of Crime and Disorder</u>
<input type="radio"/> <u>Public Safety</u>
<input checked="" type="checkbox"/> <u>Prevention of Public Nuisance</u>
<input type="radio"/> <u>Protection of Children from Harm</u>
<input checked="" type="checkbox"/> <u>General – all four licensing objectives</u>

<b><u>Irrelevant Representations</u></b>	
<u>The Sub-Committee determined that the following representations were irrelevant: Not applicable.</u>	
<u>Representation</u>	<u>Reason Representation was Considered Irrelevant</u>

1.	
2.	

**Right of Review**

At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.

**Effect of Failing to Comply with Conditions (Explained to Applicant)**

The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.

**Right of Appeal**

Applicants or any person who has made a relevant representation who is dissatisfied with this decision or the imposition of any condition or restriction has the right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

Signed: .....

[Name]

Chair of Licensing Sub-Committee

Date: .....

## **The 4 Licensing Objectives**

**To promote the Licensing Objectives:**

- 1. Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of public nuisance**
- 4. Protection of children from harm.**

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<b>LICENSING SUB-COMMITTEE</b>
<b>16<sup>TH</sup> December 2011</b>

<b>SUBJECT</b>	<b>LICENSING ACT 2003 – A hearing called to determine an application for a review of a premises licence for Costcutter Premier Caddington Store, 5 Manor Road, Caddington, LU1 4EE</b>
<b>REPORT OF</b>	<b>Head Of Service Public Protection</b>
<i>Contact Officers; <a href="mailto:dave.mcbain@centralbedfordshire.gov.uk">dave.mcbain@centralbedfordshire.gov.uk</a></i>	

## 1. The Application

- 1.1 An application has been submitted by Trading Standards as a Responsible Authority. A Copy of the application is attached as Appendix 'A' of this report.

1.2

Activity	Current Provision	The Application
Regulated Entertainment	N/A	N/A
Late Night Refreshment	N/A	N/A
Supply of Alcohol (Off sales only)	Monday to Saturday 06.00 hrs to 23.00 hrs Sunday 10.00 hrs to 22.00 hrs  <b>Non standard timings – Bank Holidays 10.00 hrs to 17.00 hrs</b>	To review the existing authorisation with regard to off sales of alcohol
Hours of Opening	Monday to Saturday 06.00 hrs to 23.00 hrs Sunday 10.00 hrs to 22.00 hrs	N/A

1.3 **Location**

The premise is situated at a road junction close to the Village Centre and Village Green. It is a central property within a block containing other commercial premises. Two public houses and a licensed restaurant are situated within a short distance of the premise. There is also a licensed Co-Operative store next door. There are a substantial number of residential premises nearby. A copy of the location map is attached as Appendix 'B'.

2. **Relevant History**

2.1 The premise has been a licensed premise for many years and previously held a Justices Licence under the Licensing Act 1964. A valid application for conversion of an existing licence under the Licensing Act 2003 was received on 26<sup>th</sup> April 2005. The present premises licence holder has held an authorisation for off sales of alcohol under the Licensing Act 2003 since being granted on 24<sup>th</sup> January 2006.

A copy of the Premises Licence is attached as Appendix 'C'

3. **Promotion of Licensing Objectives**

3.1 No additional conditions have been given in the Operating Schedule. All relevant Mandatory conditions under the LA03 and certain embedded restrictions under the previous Act apply. These can be seen on page 3 of the Premises Licence at Appendix 'C'

4. **Representations from responsible Authorities**

4.1 Trading Standards – The Application report is at Appendix 'A'  
Public Protection, Health & Safety – No comments  
Public Protection, Environmental Health – No comments  
Police Licensing Officer – No comments  
Other Responsible Authorities – No Reply

5. **Interested Parties**

5.1 No interested parties have made representations

6. **Licensing Policy**

6.1 Members' attention is drawn to the Council's Licensing Policy, in particular section 7.0. Licensing Functions. The relevant licensing objective '**The Protection of Children from Harm**' can be viewed at section 7.4.



7. **Secretary of State's Guidance**

- 7.1 The sub committee must have regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, in particular Section 2.41 and Annex 'D' part 5, Pool of conditions relating to '**The Protection of Children from Harm**' objective

8. **Observation and General Guidance**

- 8.1 The Sub-Committee must consider the application and any submissions made in writing, and determine the application. The options available are:
- Take no action (this may include an informal warning)
  - To modify the licence to include conditions that it considers are necessary for the promotion of the Licensing objectives – this includes altering or omitting any existing condition (including a reduction of hours) within the operating schedule and/or adding any new conditions,
  - To exclude a licensable activity from the scope of the licence
  - To remove the Designated Premises Supervisor from the licence
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
- 8.2 The Sub-Committee determination must be based upon:-
- The merits of the review application and the representations (including supporting information) presented by all the parties.
  - The steps that are necessary for promotion of the four Licensing objectives.
  - The Policy of the Licensing Authority.
  - The Guidance issued by the Secretary of State for the Home Office under s182 of the Licensing Act 2003
- 8.3 The Sub-Committee must provide clear and relevant reasons for their decision

**Background Papers:** Licensing Act 2003, Home Office Guidance s182, Central Bedfordshire Council Licensing Policy  
**Location of Papers:** Licensing Team, Dunstable  
**File Reference:** 012758

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**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I Tim Argent**  
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**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> ADREES LATIF Premier Store Caddington Store 5 Monor Road Caddington Beds	
<b>Post town</b> Caddington	<b>Post code (if known)</b> LU1 4EE

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Adrees LATIF
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<b>Number of premises licence or club premises certificate (if known)</b>
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**Part 2 - Applicant details**

I am Tim Argent

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**Please tick yes**

I am 18 years old or over

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address <b>Tim Argent – Senior Enforcement Officer – Trading Standards Central Bedfordshire Council – Public Protection Priory House Monks Walk Chicksands Beds SG17 5TQ</b>
Telephone number (if any) <b>0300 300 5090</b>
E-mail address (optional) <b>tim.argent@centralbedfordshire.gov.uk</b>

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note 1)

An application for review has been submitted due to the continued supply of age-restricted products to children from the Premier Store, 5 Manor Road, Caddington, Bedfordshire.

Mr Latif claims to have owned the store (in partnership with his brothers Shahid & Wasin Latif) since 24<sup>th</sup> October 2001. Since that date the store has received 12 separate advisory visits from Trading Standards specifically on setting up and maintaining systems and procedures in the store to prevent sales of age-restricted products to children. These systems include adequate documented staff training, the use of a refusal book to record when members of staff make a refusal (this affords the licensee to monitor members of staff to make sure they are refusing, highlight hot-spots when refusals are at their highest and have additional experienced staff on duty at such times, and it allows any possible training needs or weak members of staff to be highlighted). Mr Latif was also advised to check the refusals book at least weekly and sign it to record the check. The advice also includes the implementation of an age check policy such as 'Think 21' to assist staff and signage to display this to customers.

Mr Latif has also received on 3 separate occasions the Trading Standards Traders Charter Pack which includes a refusals book, signage and basic staff training as well as the penalties faced if such products are sold to children. The pack also gives contact details of the service should any further advice or guidance be wanted.

On the 18<sup>th</sup> August 2011, following complaints from members of the public and Cllrs of Central Bedfordshire Council a test-purchase operation was conducted by Trading Standards who sent underage operatives into the store to attempt to purchase age-restricted products. A large amount of alcohol namely: 1 x 70cl bottle of WKD Purple 4%abv, 1 x Litre bottle of Archers 23% abv, 1 x 70cl bottle of Disaronno 28% abv was sold to the 16 year old operative by Wasin Latif. Following the sale Officers entered the store and examined the 3 Refusals books. It was clear that neither were being used (last date over 1 year before). There were no staff training record, signage or apparent age check policy. Mr Adrees Latif and Wasin Latif were again advised to implement measure to prevent further sales. There were informed that the store would be re-tested within a month.

On the 27<sup>th</sup> August 2011 a re-test was carried out. Alcohol was again sold to a 16 year old operative namely 1 x 70cl Bottle of Smirnoff Vodka 37.5%abv. The seller was a Robert Deacock who has worked in the store for many years. Mr Deacock claimed to have received little or no training in relation to underage sales. The refusals books were again checked and 3 refusals had been recorded since the last sale. It is worth noting that during the operation that cigarette's (also age-restriction of 18) was sold on 3 separate occasions (2 of the sales was made by Shahid Latif). There were again no staff training records, no apparent age check policy. Advice on setting up systems to prevent further sales was again given and the store was informed that a further test-purchase would be carried out in the next month.

On the 3<sup>rd</sup> September 2011 a re-test was carried out. On this occasion the 16 year old operatives only asked for cigarettes which were duly sold to them again by Wasun Latif. Following the sale the refusals register was examined. No refusals had been recorded since the previous sale implying the book had not been used. There were no staff training documents, no age check policy appeared to be in operation. Wasin Latif was informed that I would be re-testing within the next month.

On the 15<sup>th</sup> September 2011 a re-test was carried out. On this occasion 1 x Bottle of 750ml Lindemans Shiraz Wine 13.5%abv was sold (as well as cigarettes) to the 16 year old operative. The seller on this occasion was Aqib Latif the owner's son. The

refusals book had 5 entries in it since the last sale. There were no training records and Aqib claimed he had not been trained since he started many years ago. It is worth noting that Aqib had previously sold cigarettes to underage operatives on the 25<sup>th</sup> January 2010.

On the 19<sup>th</sup> October 2011 Mr Adrees Latif attended a formal tape-recorded interview at the Council. During the interview he acknowledged receiving the advisory visits from Trading Standards. He claimed that after each of the sales he had spoken to all the staff reaffirming not to sell to under 18's. He gave no explanation as to why none of the staff recalled this on each occasion asked. He produced a signed training record single sheet of paper for all the staff (dated 15/09/2011) but he failed to bring the training manual/workbook that the staff signed to say they had completed.

Alcohol Sales to Children	Cigarette sales to Children
18/08/11	25/01/10
27/08/11	27/08/11
15/09/11	27/08/11
	27/08/11
	03/09/11
	15/09/11

Attention should also be drawn to the type of alcohol sold to the underage operatives. Although any alcohol sale to a child is an offence, the alcohol sold on all occasions was classed as high strength (23%,28%,37.5%,13.5%) and in large volume (1 litre, 70cl & 75cl). Had the purchasing operative consumed the entire product they could have been caused serious harm.

The Licensing Act 2003 makes it an offence to persistently sell alcohol to children (Section 147a). This is classed as two sales of alcohol within a 3 month period. The store sold alcohol on 3 occasions within a 1 month period. The penalty if found guilty of this offence in a criminal court can be up to £20,000.

Further attention should be given to the fact that in addition to the 12 separate advice visits from Trading Standards, Mr Latif had also received several letters and warning letters from this service each of which stated that should he require advice and guidance on preventing further underage sales to children he should contact the Service. Mr Latif to date has refused to do this.

Recommendation for licence Conditions:

It is recommended that the Licence to sell alcohol is revoked permanently





**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

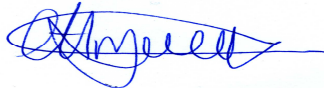
- § I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- § I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date: **02/11/2011**

Capacity : **Senior Enforcement Officer – Trading Standards**

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) tim.argent@centralbedfordshire.gov.uk**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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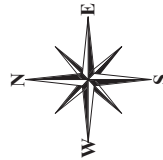


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Costcutter  
Premier Caddington Store  
5 Manor Road  
Caddington  
LU1 4EE

Date: 08 November 2011

Scale 1:1500



# Caddington

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South Bedfordshire  
taking pride in our district

**Appendix 'C'**

**THE LICENSING ACT 2003**

**SOUTH BEDFORDSHIRE DISTRICT COUNCIL  
PREMISES LICENCE  
PART A**

**Premises licence number**

012758

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Costcutter 5 Manor Road	
<b>Post town</b>	<b>Post code</b>
Caddington	LU1 4EE
<b>Telephone number</b>	
01582 731027	

<b>Where the licence is time limited the dates</b>
Not applicable

<b>Licensable activities authorised by the licence</b>
Supply Of Alcohol

<b>The times the licence authorises the carrying out of licensable activities</b>
<b>Alcohol - Off The Premises</b>
Monday to Saturday 06.00hrs to 23.00hrs Sunday 10.00hrs to 22.00hrs
<b>Non standard timings - Bank holidays 10.00hrs to 17.00hrs.</b>

<b>The opening hours of the premises</b>
Monday to Saturday 06.00hrs to 23.00hrs Sunday 10.00hrs to 22.00hrs

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Alcohol - Off The Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Adrees Latif  
5 Manor Road  
Caddington  
Luton  
LU1 4EE  
  
01582 731027

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Adrees Latif  
5 Manor Road  
Caddington  
Luton  
LU1 4EE  
  
01582 731027

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

012757

**Issued by**

South Bedfordshire District Council

This licence is effective from 24 November 2005, thereby repealing any current licences issued by the Justices.

Dated 24 January 2006

Environmental Health Manager



**Annex 1 - Mandatory conditions**

**a) MANDATORY CONDITIONS WHERE A LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

1. No supply of alcohol may be made under the premises licence -
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**EMBEDDED RESTRICTIONS UNDER THE LICENSING ACT 1964**

**Off-licences and off-sales departments of on-licensed premises**

Alcohol shall not be sold or supplied except during permitted hours.  
In this condition, permitted hours means, those shown in this licence.  
The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- a) on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

**Off- licence**

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

**Annex 2 – Conditions consistent with the operating schedule**

None

**Annex 3 – Conditions attached after a hearing by the licensing authority**

Not applicable

**Annex 4 – Plans**

Attached

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