

## CENTRAL BEDFORDSHIRE COUNCIL

### Record of Licensing Sub Committee hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 on Friday, 13 January 2012

#### Licensing Sub Committee Composition

Cllrs L Birt (Chairman) I Shingler  
N Warren

#### Members' Interests

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

#### Name of Applicant

Sabran Hussain

#### Premises Address

Choice Foods  
62A High Street South  
Dunstable  
Bedfordshire  
LU6 3HD

#### Name of Parties (including the Applicant, Observers and Persons who have made relevant representations together with any person representing each party)

Cllr L Birt	- Central Bedfordshire Councillor
Cllr I Shingler	- Central Bedfordshire Councillor
Cllr N Warren	- Central Bedfordshire Councillor
Mr M Woolsey	- Managing Solicitor
Mrs M Clampitt	- Committee Services Officer
Mr D McBain	- Licensing Enforcement Officer
Mr T Argent	- Senior Enforcement Officer – Trading Standards
Mrs J Borthwick	- Service Manager
Mr D Dadds	- Counsel to the Applicant
Mr Weights	- Solicitor to the Applicant
Mr S Hussain	- Applicant
Mr A Hussain	- Designated Premises Supervisor

### **Names of Parties submitting representations and indications of their representations**

Mr T Argent – objecting to the granting of the premises licence for the sale of alcohol.

### **Procedures for Hearings of Applications for Authorisations under the Licensing Act 2005 by the Licensing Sub Committee**

The Procedures for hearing the applications for Authorisations under the Licensing Act 2005 by the Licensing Sub Committee was noted.

### **Amendment of Application (if any) requested by the Applicant**

There were no amendments to the application by the applicant.

### **The Application**

The Application was for the granting of a premises licence for Choice Foods, 62A High Street South, Dunstable, Beds LU6 3HD.

### **The Four Licensing Objectives**

The Chairman drew attention to the four licensing objectives which were set out in the report circulated with the Agenda.

### **LICENSING ACT 2003 - A hearing called to determine an application for a premises licence for Choice Foods, 62A High Street South, Dunstable, Beds LU6 3HD**

The Committee received and considered a report from the Head of Service, Public Protection which advised that an application had been submitted for a new premises licence for Choice Foods, 62A High Street South, Dunstable, Bedfordshire LU6 3HD. The Applicant, the Applicant's solicitors and an objector attended the meeting and made representations.

The Chairman outlined the procedure to be followed.

The Chairman invited the Licensing Enforcement Officer to present the report to the Sub-Committee. The Sub-Committee were advised that the Applicant, Choice Foods had submitted an application for a new premises licence. The application sought the following:-

Activity	Application Provision	Determination
Regulated Entertainment	No provision	N/A
Late Night Refreshment	No Provision	N/A
Supply of Alcohol (Off sales only)	Monday to Thursday 08.00hrs to 23.00hrs Friday & Saturday 08.00hrs to 04.00hrs Sunday 08.00hrs to 23.00 hrs	To determine the application following a representation by a responsible authority
Hours of Opening	Same as Supply of Alcohol	N/A

It was agreed that the outcome from the review of the previous licence should be withheld from the Sub-Committee as each application should be considered on its own merits.

The Chairman invited the Applicant's Counsel to present their case to the Sub-Committee. The application for a premises licence was set out as detailed in the table above. Mr Dadds explained to the Sub-Committee that there had been difficulties in the past for Mr Hussain but he had turned a new page and had obtained a personal licence in February 2011 following a training course. Mr Hussain had taken over the day to day management of the store and there had been three successful tests which resulted in no alcohol being sold to underage children.

The Chairman invited the rest of the Sub-Committee to question the Applicant's Solicitor.

The Objector, Mr Argent, was provided with the opportunity to explain why he felt the application should not be granted. Mr Argent explained the history of the store and the fact that Mr S Hussain had been involved in a couple of the underage sales when the store was under a different premises licence.

The Chairman invited the Applicant's Solicitor and the Objector to ask questions of each other. Mr Argent did not have any questions to ask. Mr Dadds asked Mr Argent to confirm the till prompt system had been installed within two months of the date of the additional conditions being agreed. Mr Argent confirmed it was in place by 21 September 2011. Mr Argent was also asked if Mr Hussain had said he was manager at the time of the 15 year old selling alcohol over the counter and Mr Argent confirmed Mr S Hussain had informed him he was manager at that time.

The Chairman invited the Applicant and the Objectors to sum up their cases.

The Sub-Committee adjourned to deliberate upon the application. The Managing Solicitor for Central Bedfordshire Council joined the panel to provide clarification of questions.

### **Decision**

That having taken into account the Licensing Act 2003 Guidance issued under Section 182, Central Bedfordshire Council's Licensing Policy and representations from the Applicant and parties, the application granted subject to the conditions set out below:-

1. No sale of alcohol to be undertaken by persons under the age of eighteen (18) years; and
2. The premises shall have an appropriate "challenge" system in place at all times, to verify the age of purchasers of alcohol.

The Sub-Committee considered the additional conditions necessary for the promotion of the licensing objectives. All Licences were granted subject to the mandatory conditions imposed by the Licensing Act 2003.

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 were notified of the decision.

(Note: The meeting commenced at 3.30 p.m. and concluded at 5.05 p.m.)