

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



please ask for Helen Bell
direct line 0300 300 4040
date 29 May 2012

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Date & Time

Wednesday, 13 June 2012 at 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

Cllrs D Bowater, Mrs D B Green and Mrs M Mustoe

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 for absence and notification of substitute members

3. **Members' Interests**

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

(a) personal interests in any agenda item

(b) personal and prejudicial interests in any agenda item

4. **LICENSING PROCEDURES**

5. **LICENSING OBJECTIVES**

Report

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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

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

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

<u>Application for:</u>	
-------------------------	--

<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:

<u>COMMENCEMENT DATE</u>
<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>

<u>FINDINGS OF FACT</u>

The Sub-Committee made the following findings of fact:

<u>DECISION</u>
<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"> • <u>The Sub- Committee considers the additional conditions necessary for the promotion of the licensing objectives.</u> • <u>All Licences are granted subject to the mandatory conditions imposed by the Licensing Act, 2003.</u> • <u>In coming to its decision, the Sub-Committee has taken into account:</u> <ul style="list-style-type: none"> ○ <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> ○ <u>The Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003; and</u> ○ <u>Central Bedfordshire Council’s Licensing Policy</u> ○ <u>The merits of the application and the representations (including supporting information) presented by all parties.</u>

<u>REASONS FOR DECISION</u>
<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>

<u>Irrelevant Representations</u>	
<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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LICENSING SUB-COMMITTEE
13 June 2012

SUBJECT	LICENSING ACT 2003 – A hearing called to determine an application for a review of a premises licence for Camp Store, 20 Bedford Road, Henlow Camp, Lower Stondon, SG16 6EA
REPORT OF	Head Of Service Public Protection
<i>Contact Officers; dave.mcbain@centralbedfordshire.gov.uk</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)	Mon – Thurs 0800 to 2300hrs Sun - 1000 to 2230hrs	To review the premises licence in relation to the Licensing Objective of “The Protection of Children from Harm”
Hours of Opening	N/A	N/A

1.3 Location

The premise is situated in a small shopping parade, close to a roundabout and near to the Village Centre. Other retail properties are situated around the road junction. These include a Public House which is positioned directly on the roundabout. A copy of the location map is attached as Appendix 'B'.

2. **Relevant History**

2.1 The premise has been a licensed premise for a number of years and previously held a Justices Off Licence under the Licensing Act 1964. A valid application for conversion of an existing licence, and variation, under the Licensing Act 2003 was received on 29th July 2005. The present premises licence holder has held an authorisation for off sales of alcohol under the Licensing Act 2003 at the premises since being granted a transfer of authorisation on 19th October 2006.

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

3. **Promotion of Licensing Objectives**

3.1 Some steps intended to be taken to promote the four licensing objectives were offered by the original applicants and placed in the Operating Schedule. These can be seen at Annex 2 of the Premises Licence at Appendix 'C'. All relevant Mandatory conditions under the LA03 and certain embedded restrictions under the previous Act apply.

4. **Representations from responsible Authorities**

4.1 Public Protection, Trading Standards – Application attached
Public Protection, Health & Safety – No comments
Police Licensing Officer – No comments
Other Responsible Authorities – No Reply

5. **Interested Parties**

5.1 None

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. on pages 17 & 18 of that document

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, as amended in April 2012, in particular Section 2.41 to 2.51 "**The Protection of Children from Harm**" on pages 16, 17 & 18

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: 2000088

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APPENDIX 'A'



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**

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

Postal address of premises or, if none, ordnance survey map reference or description Camp Stores 20 Bedford Road Henlow Camp Beds	
Post town Henlow Camp / Lower Stondon	Post code (if known) SG16 6EA

Name of premises licence holder or club holding club premises certificate (if known) Dhimant Patel
--

Number of premises licence or club premises certificate (if known)

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

I am 18 years old or over

Please tick yes

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

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 Camp Store, 20 Bedford Road, Lower Stondon, Henlow Camp, Bedfordshire, SG16 6EA

Mr Dhimant Patel claims to have owned the store for 3 years; in addition he has owned a similar store in Luton for over 20 years. In the last 3 years the store has received 4 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 allows the licensee the ability to monitor members of staff to make sure they are refusing, it allows for identification of peak times that refusals are made and have additional experienced staff on duty at such times, it also identifies any possible training needs or identifies weak members of staff). Advice was also given on checking the refusals book at least weekly and signing to record the check. The advice also includes the implementation of an age check policy such as 'Think 21' or preferable 'Think 25' to assist staff and signage to display this to customers.

Mr Patel has also received 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 5th September 2011, following complaints from members of the public a test-purchase operation was conducted by Trading Standards who sent underage operatives into the store to attempt to purchase age-restricted products. Alcohol namely: 1 x 70cl bottle of Smirnoff Black Ice 5%abv was sold to the 16 year old operative by a Kiran Patel. Following the sale Officers entered the store there was no staff training record, signage or apparent age check policy. There was no refusals book produced. The store was again advised to implement measure to prevent further sales. There were informed that the store would be re-tested within 3 months. A business card was left with the instructions that should the owner require further advise on setting up systems to prevent further sale he should contact the number on it.

On the 8th November 2011 a re-test was carried out. Alcohol was again sold to a 16 year old operative namely 1 x 75cl Bottle of Ecco Falls Rose wine 12%abv as well as a packet of cigarettes. The seller was a Suneel Mamidipalli. Mr Mamidipalli claimed to have received little training, none of it was documented. He stated there was no refusals book or age check policy. There were no posters or signage indicating any age check policy. Advice on setting up systems to prevent further sales was again given, including the use of till prompts and an Date of Birth identifier to help staff working out some bodies date of birth. The store was informed that a further test-purchase would be carried out in the next 3 month. Again a business card was left giving instruction for the owner of the store to call should they require additional advice.

On the 25th January 2012 a re-test was carried out. On this occasion the 16 year old operatives purchased alcohol and cigarette, namely 1 x 75cl Bottle of Ecco Falls Red wine 13%abv, 1 x 35cl Bottle of Glens Vodka 37.5% abv and 1 x Packet of 10 Mayfair Cigarettes. The seller was again Mr Kiran Patel. Following the sale officers entered the store and identified that still no refusals book was in operation. Mr Patel stated there was a Think 21 policy in store but no signage or indication of this was evident. No staff training record was present and Mr Patel stated he had no signed any such records. There was no till prompt in operation either.

On the 8th February 2012 Mr Dhimant Patel attended a formal tape-recorded interview at the Council. During the interview he claimed no knowledge of the advisory visits but did acknowledged receiving the Traders Charter Diligence pack. He claimed that after each of the sales he had spoken to all the staff reaffirming not to sell to under 18's. He produced a signed training record single sheet of paper for all the staff but he failed to bring the training manual/workbook that the staff signed to say they had completed.

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 the last two occasions was classed as high strength (13%,37.5%,2%) 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 2 sales of alcohol within a 3 month period. The penalty if found guilty of this offence in a criminal court can be up to £10,000.

Further attention should be given to the fact that in addition to the 4 separate advice visits from Trading Standards, Mr Patel had also received advise and guidance following each of the first two sales and a warning letter from this service stating that should he require advice and guidance on preventing further underage sales to children he should contact the Service. Mr Patel failed to implement any of these measures and another sale was made.

Recommendation for licence Conditions:

1. Suspension of the Licence for 3 Months.
2. A 'Challenge 25' Policy to be implemented.
3. The 'Challenge 25' posters & signage to be displayed in the areas alcohol is exposed for sale and at the point of sale.
4. Documented staff training records covering the prevention of age-restricted sales should be implemented with 6 monthly refresher training. All training records to be signed by staff and the deliverer of the training.
5. A personal licence holder must be on the premises at all times that alcohol is being sold. All sales of alcohol after 5pm must be made by a Personal Licence holder.
6. All sales of alcohol after 5 pm can only be made by production of valid Identification by All purchasers regardless of age. This should be for a 6 month period. This is to re-establish the stores reputation for not selling to underage people and in turn will reduce the number of attempts to purchase underage alcohol.
7. A documented refusals book or electronic log must be maintained. The log should be of all Challenges (not only refusals) allowing for a greater number of entries. The book or log must be checked and signed weekly by the DPS or premises licence holder. The check should include making sure staff are using the system and identifying any issues or training needs through lack of entries.
8. The store will implement and maintain cash registers with electronic 'till prompts' when selling alcohol.

[Large empty rectangular box for application details]

Please tick yes

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

Please tick yes

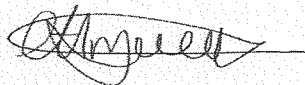
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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: 26/04/2012

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.



Date: 04 May 2012

Scale 1:1500

APPENDIX B

Camp Store, 20 Bedford Road, Henlow Camp, SG16 6EA

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Ordnance Survey 100049029.
Central Bedfordshire Council.

Cities Revealed aerial photography copyright
The GeoInformation Group, 2010



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APPENDIX 'C'



Licensing Section, Priory House, Monks Walk, Chicksands, Shefford, Beds SG17 5TQ
Telephone: 08452 304040 Fax: 08702 432151 DX 153440 Shefford

PREMISES LICENCE

Premises licence number	2000088
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
Camp Stores 20 Bedford Road			
Town	Lower Stondon	Post code	SG16 6EA
Telephone number	01462 813667		

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol Standard days and timings			<u>The supply of alcohol for consumption as indicated by area ticked</u>	On the Premises	
Day	Start	Finish		Both	
Mon	08:00	23:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left</u> Good Friday 08:00 to 22:30 Christmas Day 12:00 to 15:00 then 19:00 to 22:30		
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30			

The opening hours of the premises

Hours Premises are Open to the Public Standard days and timings			
Day	Start	Finish	
Mon			<u>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left,</u> No Restrictions.
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Dhimantkumar Somabhai Patel
735 Dunstable Road
Luton
LU4 0DU

01582 573511

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 the supply of alcohol

Dhimantkumar Somabhai Patel
735 Dunstable Road
Luton
LU4 0DU

01582 573511

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

051688 - Luton Borough Council

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises 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.

**Conversion of Existing Licenses
Schedule 8 paragraph 6 of the Licensing Act 2003**

This Licence has been granted upon conversion under Schedule 8 of the Licensing Act 2003 of the existing Justices Licence and such rights and restrictions that applied thereto are hereby incorporated into this Licence, subject to any terms herein to the contrary and/or any limitations or restrictions imposed by the Licensing Act 2003 or any subsequent amendment thereto.

Off Licences			
s. 60, 63, 86, Licensing Act 1964	Permitted hours (Off-licences and off-sales departments of on-licensed premises)	ER	<p>“Alcohol shall not be sold or supplied except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m. <p>The above restrictions do not prohibit:</p> <ol style="list-style-type: none"> (a) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours; (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.”

Off Licences			
S.164 Licensing Act 1964	Off-licence Consumption	ER	"Alcohol shall not be sold in an open container or be consumed in, the licensed premises."

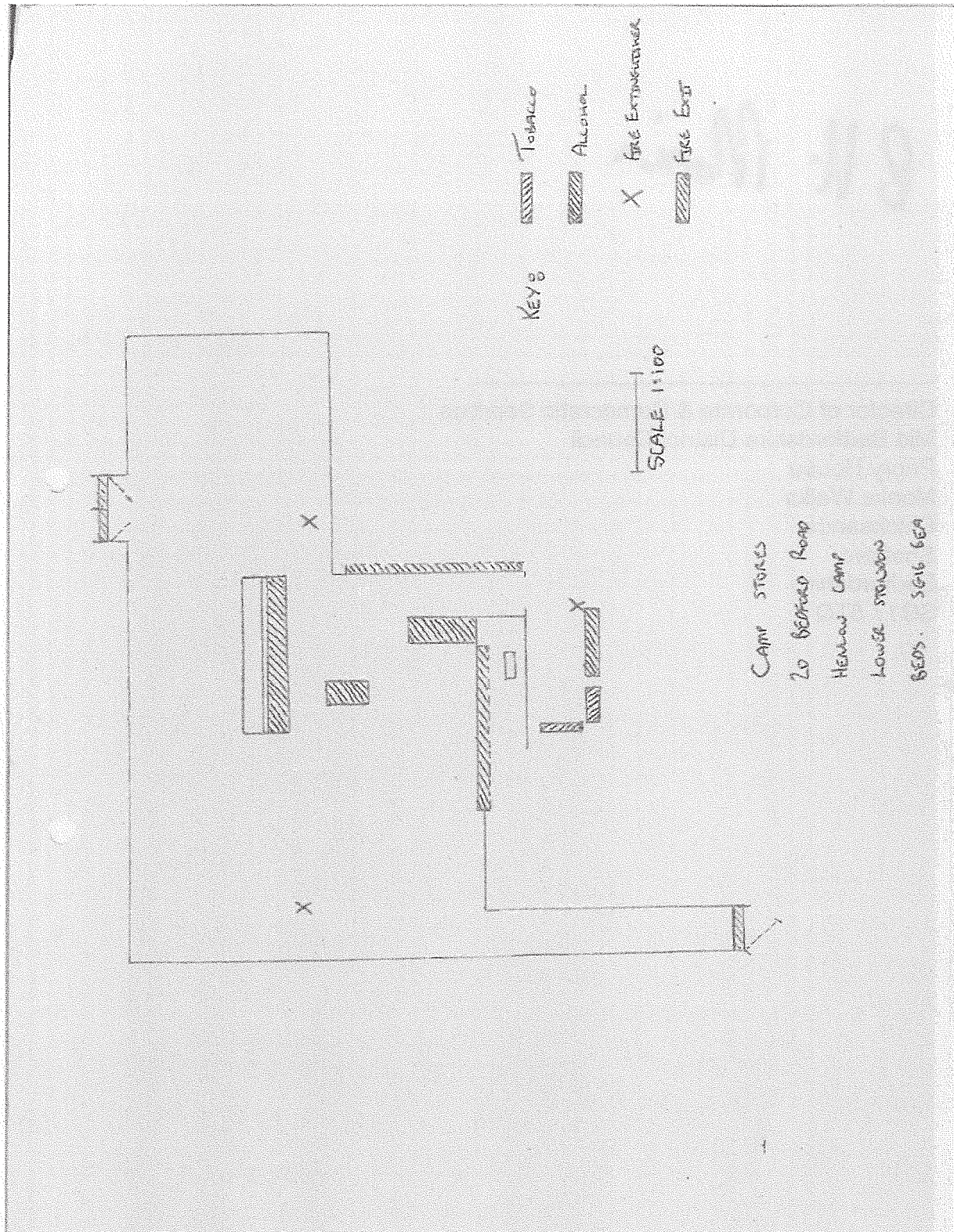
Annex 2 - Conditions consistent with the Operating Schedule

- 1) CCTV fitted to Crime Prevention officers requirements.
- 2) Nationally recognised proof of age cards and other photographic ID cards to be requested as verification of proof of age.

Annex 3 – Conditions attached after a hearing with the licensing authority.

None.

Annex 4 – Plans



This licence was granted on 24th November 2005

B. U. Martin

Director of Corporate & Democratic Services
Mid Bedfordshire District Council
Priory House
Monks Walks
Chicksands
Shefford
Bedfordshire
SG17 5TQ



Licensing Section, Priory House, Monks Walk, Chicksands, Shefford, Beds SG17 5TQ
Telephone: 08452 304040 Fax: 08702 432151 DX 153440 Shefford

Part B
Premises licence summary

Premises licence number	2000088
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Premises details

Postal address of premises, or if none, ordnance survey map reference or description Camp Stores 20 Bedford Road	
Town Lower Stondon	Post code SG16 6EA
Telephone number 01462 813667	

Where the licence is time limited the dates
--

Licensable Activities authorised by the licence Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol Standard days and timings			The supply of alcohol for consumption as indicated by area ticked	On the Premises	
				Off the Premises	√
Day	Start	Finish	Both		
Mon	08:00	23:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left Good Friday 08:00 to 22:30 Christmas Day 12:00 to 15:00 then 19:00 to 22:30		
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30			

The opening hours of the premises

Hours Premises are Open to the Public Standard days and timings			
Day	Start	Finish	
Mon			Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, No Restrictions.
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF

Name, (registered) address of holder of premises licence

Dhimantkumar Somabhai Patel
735 Dunstable Road
Luton
LU4 0DU

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

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Dhimantkumar Somabhai Patel

State whether access to the premises by children is restricted or prohibited

Not applicable