

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



please ask for Helen Bell
direct line 0300 300 4040
date 14 March 2013

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Date & Time

Thursday, 28 March 2013 at 9.30 a.m.

Venue at

Room 15 - Priory House, Monks Walk, Shefford, SG17 5TQ

Richard Carr
Chief Executive

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

Cllrs D Bowater, Mrs D B Green and A Shadbolt

[Named Substitutes: Cllrs R D Berry, L Birt, I Dalgarno, K Janes, Mrs M Mustoe, R B Pepworth, I Shingler and N Warren

(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 for absence and notification of substitute members

3. **Members' Interests**

To receive from members any declarations of interest

4. **Licensing Procedure**

(attached)

5. **Licensing Objectives**

(attached)

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

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

Telephone 0300 300 8000
Email info@centralbedfordshire.gov.uk
www.centralbedfordshire.gov.uk

**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>	
------------------------	--

<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:

<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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SUBJECT	LICENSING ACT 2003 – A hearing called to determine an application for a review of a premises licence for Gills Mini Market, 53 High Street, Biggleswade, SG18 0JH
REPORT OF	Head Of Service Public Protection
Contact Officers; jo.borthwick@centralbedfordshire.gov.uk dave.mcbain@centralbedfordshire.gov.uk	

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
Supply of alcohol (off sales only)	Mon – Sun 05:00hrs to 00:00hrs	To review the existing authorisation with regard to the licensing objective of “ The Protection of Children from harm ”
Hours of opening	Mon – Sun 05:00hrs to 00:00hrs	

A copy of the existing Premises Licence is attached as Appendix 'B'

1.3 Location

The premise is situated on the main through route and close to a mini roundabout in the Town centre. Other retail properties are situated around this area. There is some residential property within the nearby surroundings. There is a large supermarket with 'off' licence authorisation situated just over 100 metres away to the rear of the premises. An additional 'off' licensed premises is situated within the central square and car parking area adjacent to the premises. There are a number of public houses in the surrounding area.

A copy of the location map is attached as Appendix 'C'.

1.4 Relevant History

The premise has a 4.5 metre frontage facing onto the main shopping street. It previously held a Licence under the Licensing Act 1964. A valid application to convert the existing licence to a Premises Licence under the Licensing Act 2003 was made to the former Mid Bedfordshire District Council on 20th July 2005. The licence was granted on 24th November 2005. The present Premises Licence Holder, and Designated Premises Supervisor, took leasehold of the premise in June 2006. An application to vary the licensing hours to

2. **Representations from the responsible Authorities**

Police – Report attached at Appendix ‘D’
Children’s Services – Supporting statement at Appendix ‘D’
Fire Service – No comments
Others – No reply

3. **Other Persons**

No representations from other persons, in support of the application,
have been received.

4. **Licensing Policy**

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

5. **Secretary of State’s Guidance**

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 October 2012. In particular Sections 2.25 to 2.34 on
pages 15 & 16 relating to ‘**The Protection of Children from harm**’
objective

6. **Observation and General Guidance**

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

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

Background Papers: Licensing Act 2003,
Home Office Guidance s182
Central Bedfordshire Council Licensing Policy

Location of Papers: Licensing Team, Dunstable

File Reference: 2000125

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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**

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 Gills Mini market 53 High Street	
Post town Biggleswade	Post code (if known) SG18 0JH
Name of premises licence holder or club holding club premises certificate (if known) Mr Joseph Thevachchandran Thevarasa 60 Chingford Road Walthamstow London E17 4PJ 0208 523 2775 or 0793 045 2624	
Number of premises licence or club premises certificate (if known) 2000125	

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 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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

An application for review has been submitted due to the repeated supply of age-restricted products to children from Gills Mini Market, 53 High Street, Biggleswade, Bedfordshire, SG18 0JH.

Alcohol namely; 6 x 300ml Bottles of Budweiser (4.8%abv) was sold from the store to a sixteen year old on the 6th December 2012. The seller was a Mr. Kowshik Sathuru (21/10/1988).

On the 4th November 2012 another age restricted product (Firework) was sold from the store to a sixteen year old. The seller on that occasion was Mr. Kowshik Sathuru.

It was noted that despite being advised to do so on the:

- 4th November 2012 (verbally following the sale and again in subsequent correspondence)
- 4th March 2013 (verbally during an advisory visit)
- 4th November 2011 (verbally during an advisory visit)
- 8th July 2010 (verbally following a sale of cigarettes to a minor and again in subsequent correspondence)
- 23rd March 2010 (verbally following a sale of alcohol and again in subsequent correspondence)
- 8th February 2009 (verbally during an advisory visit)

The store failed to implement the following recommended measure to prevent sales of age restricted products from occurring.

These measure which are:

- Documented training on preventing age restricted sales for all staff.
- Documented refresher training for all staff every 6 months they are employed
- The use of a refusal book or electronic record to record when members of staff make a refusal on the grounds of the customer not being able to verify their age (this gives 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).
- A weekly check of the refusals book, including a signature of the person carrying out the check.
- To implement an age check policy such as 'Think 21' or preferable 'Think 25'.
- Adequate signage to display the age check policy to customers and to remind staff.

In August 2012 the store was invited to attend a training session for all staff held at the Priory House Council Offices. Nobody from the store attended.

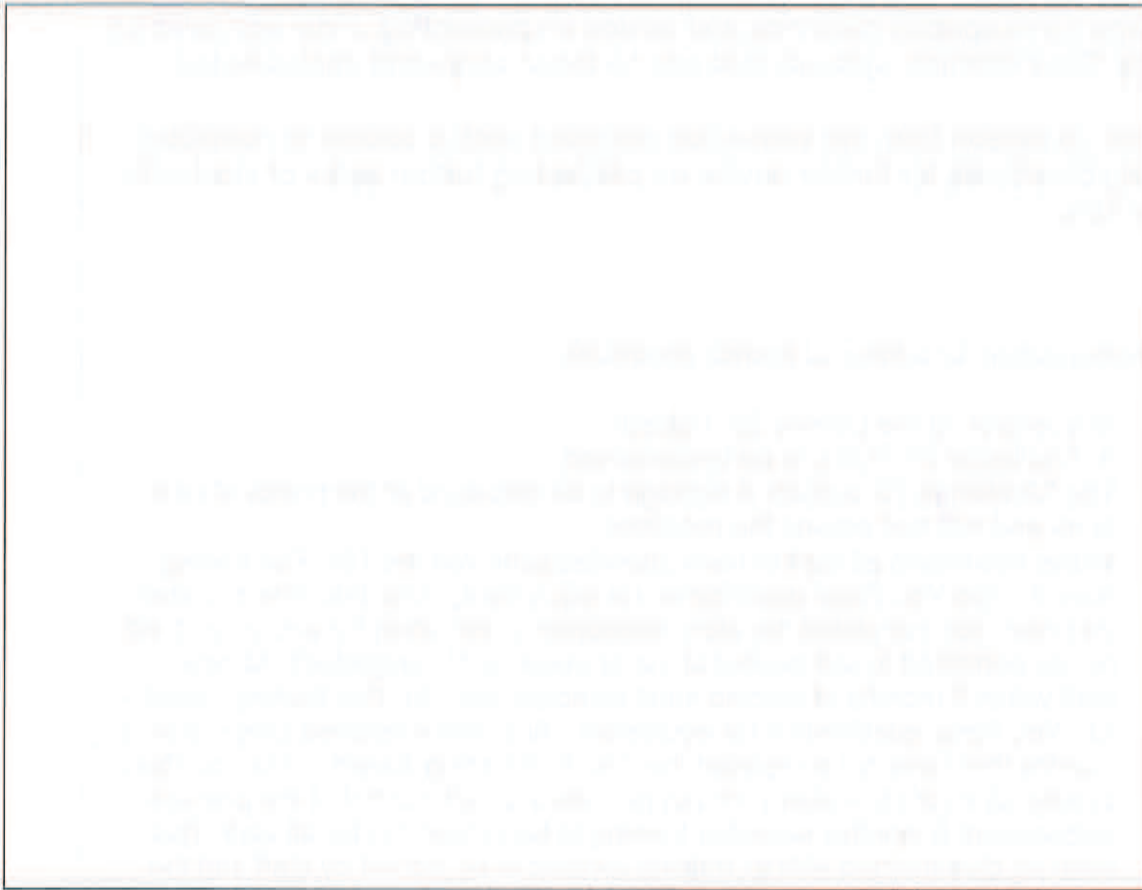
On the 13th January 2013 (following the sale of alcohol on the 6th December 2012) the store was offered the Trading Standards 'Alternative Enforcement Sanction' as an alternative joint working way of dealing with the offence. The offer required the 'seller' and two other members of staff to attend a Nationally recognised training qualification run by Trading Standards. The training

package gives specific guidance and advice on preventing underage sales as well as 'Best Practise' systems that can be taken away and implemented.

To date no person from the venue has attended such a course or contacted Trading Standards for further advice on preventing further sales of alcohol to under 18's.

Recommendation for additional licence conditions:

1. Suspension of the Licence for 1 Month.
2. A 'Challenge 25' Policy to be implemented.
3. The 'Challenge 25' posters & signage to be displayed at the points of sale, entry and exit and around the premises.
4. Within this month all staff to have attended/achieved the TSI- Fair trading Award – 'Do You Pass' qualification (or equivalent), after this time any staff that have not completed the aforementioned qualification (or equivalent) will not be permitted to sell alcohol at the premise (until completed). All new staff within 3 months of starting must complete the TSI- Fair trading Award – 'Do You Pass' qualification (or equivalent). Any staff employed longer than 3 months that have not completed the TSI- Fair trading Award – 'Do You Pass' qualification (or equivalent) are not permitted to sell alcohol at the premise
5. Subsequent 6 monthly refresher training to be carried out for all staff. This must be documented with all training records to be signed by staff and the deliverer of the training.
6. A documented refusals book or electronic log must be maintained. The log should be of all refusals. 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.
7. The premises to implement a regular programme (at least quarterly) of independent internal test-purchases of entry and alcohol (using operatives over 18). The tests are to identify staffs compliance with the 'Think 25' policy and maintain a high profile for age restricted sales within the premise. (This contract can be arranged with Trading Standards or other providers such as 'Serve Legal')



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		

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

[The content of this form is extremely faint and illegible. It appears to be a large rectangular area for providing details of representations made before relating to the premises.]

Please tick yes

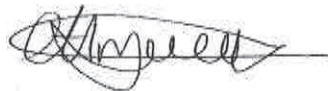
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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: 31/01/2013

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.



Licensing Section, Priory House, Monks Walk, Chicksands, Shefford, Beds SG17 5TQ
Telephone: 01525 842038 Fax: 08702 432151 DX: 153440 Shefford

PREMISES LICENCE

Premises licence number	2000125
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
Gills Mini Market 53 High Street			
Town	Biggleswade	Post code	SG18 0JH
Telephone number	01767 313978		

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	
Day	Start	Finish		Off the Premises	√
				Both	
Mon	05:00	00:00	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 None.		
Tue	05:00	00:00			
Wed	05:00	00:00			
Thur	05:00	00:00			
Fri	05:00	00:00			
Sat	05:00	00:00			
Sun	05:00	00:00			

The opening hours of the premises

Hours Premises are Open to the Public Standard days and timings			
Day	Start	Finish	
Mon	05:00	00:00	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.
Tue	05:00	00:00	
Wed	05:00	00:00	
Thur	05:00	00:00	
Fri	05:00	00:00	
Sat	05:00	00:00	
Sun	05:00	00:00	
			None

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

Mr Joseph Thevachchandran Thevarasa

60 Chingford Road
Walthamstow
London E17 4PJ

0208 523 2775 or 0793 045 2624

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

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

Mr Joseph Thevachchandran Thevarasa

60 Chingford Road
Walthamstow
London E17 4PJ

0208 523 2775 or 0793 045 2624

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

ZOINI 760 CH/1 – Waltham Forest Council – Expiry date 9 March 2016
020 8496 3000

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."
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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

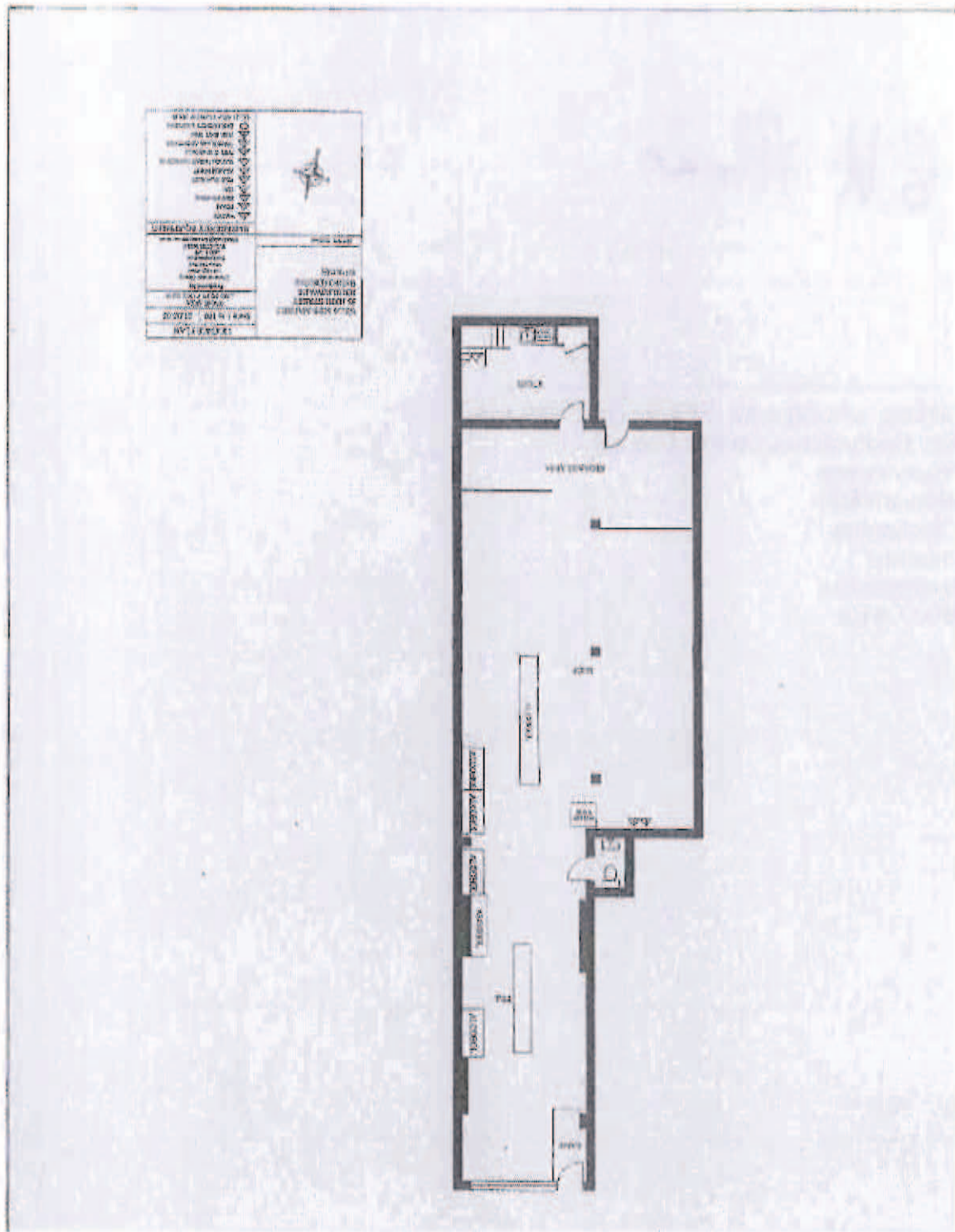
- 1) Operation of policy "Challenge 21" whereby any person not looking the age of 21 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are the Portman Card, Citizen Card or ten year Passport.

Annex 3 - Conditions attached after a hearing by the licensing authority

None.

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Annex 4 – Plans



This licence was granted on 24th November 2005

B U. Morin

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



Licensing Section, Priory House, Monks Walk, Chicksands, Shefford, Beds SG17 5TQ
Telephone: 01525 842038 Fax: 08702 432151 DX: 153440 Shefford

Part B
Premises licence summary

Premises licence number	2000125
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Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Gills Mini Market 53 High Street	
Town Biggleswade	Post code SG18 0JH
Telephone number 01767 313978	

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	
Day	Start	Finish			Off the Premises
Mon	05:00	00:00	<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> None	Both	
Tue	05:00	00:00			
Wed	05:00	00:00			
Thur	05:00	00:00			
Fri	05:00	00:00			
Sat	05:00	00:00			
Sun	05:00	00:00			

The opening hours of the premises

Hours Premises are Open to the Public Standard days and timings			<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> None
Day	Start	Finish	
Mon	05:00	00:00	
Tue	05:00	00:00	
Wed	05:00	00:00	
Thur	05:00	00:00	
Fri	05:00	00:00	
Sat	05:00	00:00	
Sun	05:00	00:00	

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

OFF

Name, (registered) address of holder of premises licence

Mr Joseph Thevachchandran Thevarasa
60 Chingford Road
Walthamstow
London E17 4PJ

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

Mr Joseph Thevachchandran Thevarasa

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

Not applicable



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 Ordnance Survey 100049029.
 Central Bedfordshire Council.
 Cities Revealed aerial photography copyright
 The GeoInformation Group, 2010

Gills Mini Market
 53 High Street, Biggleswade, Bedfordshire, SG18 0JH

Date: 01 February 2013

Scale 1:1500



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BEDFORDSHIRE POLICE

FROM: PC 431 JOHNSON
LICENSING
CENTRAL BEDFORDSHIRE
Ext: 3180
Date: 12/02/2013

TO: LICENSING COMMITTEE
CENTRAL BEDFORDSHIRE COUNCIL

Subject: Hearing re Gills Mini Market, 53 High Street, Biggleswade. SG18 0JH.

Sir,

Historically Gills' has been associated with the unlawful sale of age restricted products to children, however, during the last 6 months we have received only one such intelligence report.

CIRR00818218 of 17/01/2013 states –

"Intelligence suggests that GILLS MINI MARKET regularly sells alcohol to persons no older than 15 years."

Neville JOHNSON PC 431

Appendix 'D'

From: Pete Hardy
Sent: 06 February 2013 14:07
To: Licensing Enquiries
Subject: Gills Mini Market, Biggleswade. Application for review of premises licence

I have read the application identified above. I support this application on the grounds of the potential harm being caused to young people by illegal sales of age-restricted merchandise.

Pete

Pete Hardy
Compliance and Risk Adviser
Childrens' Services

Central Bedfordshire Council

Unit 16, Stephenson Court

Fraser Road

Priory Business Park

Bedford

MK44 3WJ

Ph: 0300 300 4955 Internal: 74955

Mob: 07969 200161

e: pete.hardy@centralbedfordshire.gov.uk

Information security classification* of this email:

Not protected

* Information status definition

RESTRICTED - sensitive data - not for onward broadcast

PROTECTED - contains personal data covered by DPA

NOT PROTECTED - general data