

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



please ask for Martha Clampitt
direct line 0300 300 4032
date 6 June 2013

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Date & Time

Tuesday, 18 June 2013 at 10.00 a.m.

Venue at

Council Chamber, Priory House, Chicksands, Shefford

Richard Carr
Chief Executive

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

Cllrs D Bowater, K Janes and R B Pepworth

[Named Substitutes: Cllrs Mrs A Barker, R D Berry, I Dalgarno, C C Gomm,
Mrs D B Green, Mrs M Mustoe, A Shadbolt, 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. **Member's Interests**

To receive from Members any declaration of interest.

4. **Licensing Procedure**

(attached)

5. **Licensing Objectives**

(attached)

Report

6. **Licensing Act 2003 - A hearing called to determine an application for review by Trading Standards**

To consider an application for a review of a Premises Licence under the Licensing Act 2003 at The Best One Store, 25 Kitelands Road, Biggleswade.



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>	
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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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Meeting: Licensing Sub-Committee
Date: 18 June 2013
Subject: Application for Review of a Premises Licence under The Licensing Act 2003 at Best One Store, 25 Kitelands Road, Biggleswade SG18 8NX
Report of: Head of Public Protection
Summary: The report provides information so that the Licensing Sub Committee can determine the appropriate action to take with regard to the premises licence.

Advising Officer: Marcel Coiffait, Director of Community Services
Contact Officer: Jo Borthwick, Service Manager Public Protection
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Biggleswade South
Ward Councillors Cllr David J Lawrence, Cllr Tim Woodward
Applicant Tim Argent (Trading Standards Senior Enforcement Officer)
Premises Licence Holder Mrs Darshan Kaur Sohal
Designated Premises Supervisor Mrs Darshan Kaur Sohal
Agent for premises licence holder
Reason for consideration by Sub-Committee Review application from responsible authority
Recommended decisions: **The sub-committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, our Licensing Policy and the information contained within this report.**
That, having regard to the application and relevant representations, the sub-committee takes such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.
That the sub-committee provides the reasons for its decision

CORPORATE IMPLICATIONS
<p>Council Priorities:</p> <ul style="list-style-type: none">• Promote health and wellbeing and protecting the vulnerable.
<p>Financial:</p> <ol style="list-style-type: none">1. There are no direct financial implications for the Council.
<p>Legal:</p> <ol style="list-style-type: none">2. Licensing applications are considered pursuant to specific legislation, explained within the report.3. Any decision made by the Sub-Committee could be the subject of an appeal to the Magistrates Court by the license applicant or by an objector to the application.
<p>Risk Management:</p> <ol style="list-style-type: none">4. All Council members are aware that any licensing matter decision which is unreasonable or unlawful could be open to challenge and could result in reputational damage and potential financial penalty.5. The report details the options available to the Sub-Committee in determining the application/s and recommends a decision/s which could be reached. Any decision taken by the Sub-Committee could be the subject of an appeal to the Magistrates Court.
<p>Staffing (including Trades Unions):</p> <ol style="list-style-type: none">6. Not Applicable.
<p>Equalities/Human Rights:</p> <ol style="list-style-type: none">7. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.8. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.
<p>Public Health</p> <ol style="list-style-type: none">9. All licensing applications are sent to Health as a Responsible Authority they have the opportunity to make representations in relation to the four licensing objectives.

Community Safety:

10. The Sub-Committee is required under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and is reminded of the Council's responsibility to co-operate in the reduction of crime and disorder in Central Bedfordshire.

Sustainability:

11. Not applicable.

Procurement:

12. Not applicable.

Location of the Premises

13. A location map of the premises is included at Appendix A

The Current Licence

14. The current licence permits the sale of alcohol from 08.00hrs to 23.00hrs Monday to Saturday, and from 10.00hrs to 22.30hrs on Sunday

Details of the present application

15. This is an application by Tim Argent, Trading Standards Senior Enforcement Officer to review the premises licence (Appendix B), which contains all the relevant information required to determine the application.

Representations

16. No other representations have been received.
17. Other Responsible Authorities have made no representations concerning the review application

Application Guidance

18. In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications for review of a licence must be determined by a sub-committee.
19. When determining the application, Members should only consider issues, which relate to the relevant licensing objective, which in this case is:
- The Protection of children from harm
20. 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
21. 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

22. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

Options

23. Take no action (this may include an informal warning)
24. 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.
25. To exclude a licensable activity from the scope of the licence.
26. To remove the Designated Premises Supervisor from the licence.
27. To suspend the licence for a period not exceeding three months.
28. To revoke the licence.

Appendices:

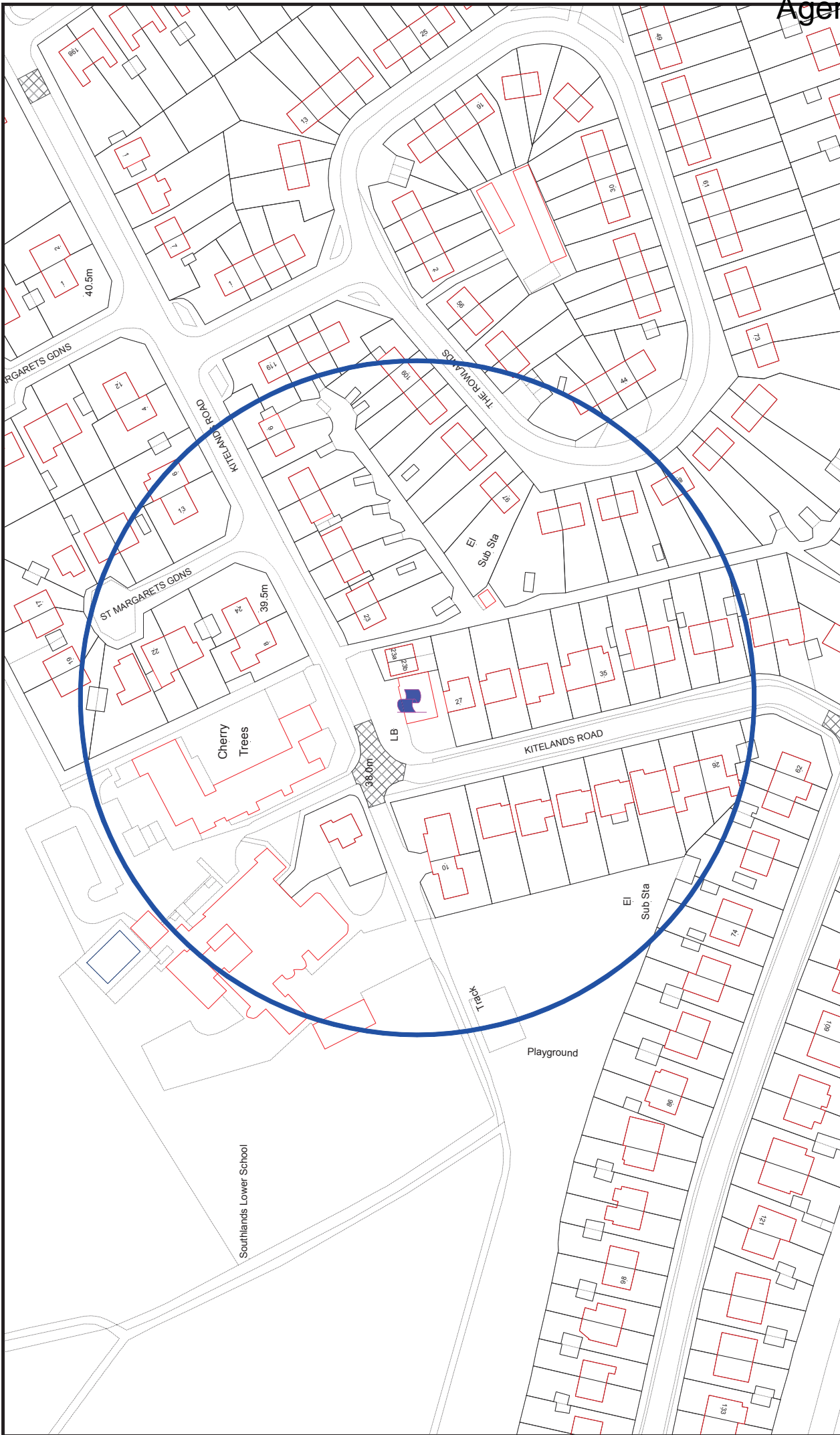
- Appendix A Location map
Appendix B Application for review

Background Papers: (open to public inspection)

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



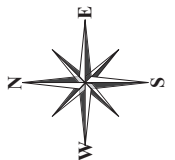
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Best One
Post Office, 25 Kitelands Road, Biggleswade, SG18 8 NX

Date: 24 May 2013

Scale 1:1500



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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 Best-One Store 25 Kitelands Road	
Post town Biggleswade	Post code (if known) SG18 8NX

Name of premises licence holder or club holding club premises certificate (if known) Mrs Darshan Kaur Sohal 25 Kitelands Road Biggleswade Beds SG18 8NX 01767 225367

Number of premises licence or club premises certificate (if known) 2000312
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Part 2 - Applicant details

I am Tim Argent

Please tick yes

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

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

Please tick

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address 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 repeated supply of age-restricted products to children from The Best-One Store, 25 Kitelands Road, Biggleswade, Beds, SG18 8NX. In total 3 separate sales of alcohol were made over a 4 month period.

In August 2012, complaints were received by Trading Standards with regards to two shops within walking distance of Holmemead Middle School that were reportedly selling alcohol and cigarettes to children.

On the 3rd September 2012, I (Tim Argent) carried out a test-purchase operation in the area, testing all of the shops. The Best-One store sold a high strength (40% abv) bottle of Martell Cognac alcohol to the 16 year old operative. Although the offence for selling alcohol to children is the same for all alcoholic drinks additional concerns with regards to the licensing objective of protecting children from harm were raised, as had a 16 year old consumed the entire contents of the 35cl bottle the consequence could have been dire.

The seller on this occasion was the licensee's husband and joint owner of the business Mr Jaspal SOHAL. Further attention should be drawn to the manor of the sale considering his comments made before the sale was completed "Your 18 aren't you... if not just hide it".

It was apparent no systems were operational within the store. A comment was made that they were going to sell the store anyway so implementing new things 'weren't worth it'.

The store was advised that they would be re-tested within two months.

Alcohol was again sold to underage operatives on the :

- 29th October 2012
- 23rd January 2013

On both occasions high strength alcohol was again sold (29/10/12 Large Smirnoff Vodka, 23/01/13 Bottle of wine).

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

- 9th November 2010 (verbally during an advisory visit)
- 9th August 2011 (verbally during an advisory visit)
- 3rd September 2012 (verbally following a sale of alcohol to a minor)
- 29th October 2012 (verbally following a sale of cigarettes & Alcohol to a minor)
- 13th January 2013 (correspondence)
- 23rd January 2013 (verbally following a sale of alcohol to a minor)
- 29th January 2013 (correspondence)

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.
- Implementation of 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 February 2013 following a formal interview with the licensee Mrs Sohal she asked what action she could take to prevent further sales and rectify the problems within the store. It was recommended that all staff within the store should attend a nationally recognised training qualification held at the Priory House Council Offices, to which Mrs Sohal responded that she would like to reserve several places. Despite numerous telephone calls to the store and messages inviting them to attend nobody from the store has responded or attended.

During the sale on the 29th October 2012 the seller who was a Bobby MANGHLN who (according to D SOHAL following the tape-recorded interview) was looking to buy the store. The SOHAL's had let him run it for a period of time to see how he got on. It is worth noting that no checks had been carried out by the SOHAL's to make sure MANGHLN understood the law relating to age restricted products, that he knew the stores policies or procedures or was competent in assessing and asking for the appropriate identification to establish a person age.

Further attention should be given to the fact that at the time despite recently selling alcohol to an under age person and were informed that the store would be re-tested they still left MANGHLN on his own to run their store.

The store was tested on the 4th November 2012. The sale of alcohol was refused.

Recommendation for additional licence conditions:

To revoke the licence.

Or if not deemed appropriate the following conditions to be added:

1. Suspension of the Licence for 3 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 the 3 months 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

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

Please tick yes

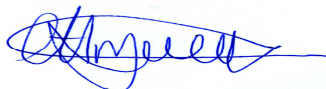
- § I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- § I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date: **25/04/2013**

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.