

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

**This meeting
may be filmed.***



please ask for Leslie Manning
direct line 0300 300 5132
date 17 June 2016

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Date & Time

Monday, 27 June 2016 at 11.00 a.m.

Venue at

Room 13, Priory House, Chicksands, Shefford

Richard Carr
Chief Executive

PLEASE NOTE THE START TIME

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

Cllrs Mrs A L Dodwell, T Nicols and P Smith

[Named Substitutes:

Cllrs Mrs A Barker, J Chatterley, K M Collins, I Dalgarno, K Janes, I Shingler,
T Swain, N Warren and R D Wenham]

All other Members of the Council - on request

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

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AGENDA

1. **Election of Chairman**

To elect a Chairman for the hearing.

2. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

3. **Members' Interests**

To receive from Members any declarations of interest.

4. **Procedure for the Hearing of Applications under the Licensing Act 2003]**

To note the procedure for hearing applications under the Licensing Act 2003 (copy attached).

5. **The Four Licensing Objectives**

To note the four Licensing Objectives (copy attached).

(Note: At this point the Licensing Sub-Committee will follow the Procedure for Determining Applications under the Licensing Act 2003 as set out under agenda item 4)

Report

Item	Subject	Page Nos.
6.	Temporary Event Notices - Pizza Town, 58 High Street, Biggleswade	* 25 - 46
	To consider objections by the Police Licensing Officer to two Temporary Event Notices for Pizza Town, 58 High Street, Biggleswade, Beds.	

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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
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**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

Date of Hearing	
-----------------	--

Applicant's Name:	
Premises Address:	

Application for:	
------------------	--

Reasons for Hearing:	
----------------------	--

Members of the Licensing Sub-Committee:	
---	--

Applicant:	
Person(s) Appearing on Behalf of the Applicant:	

Objector(s):	
Person(s) Appearing on Behalf of Objector(s):	

Other Persons Present:	
------------------------	--

If appropriate:

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

FINDINGS OF FACT

The Sub-Committee made the following findings of fact:

DECISION

The Sub-Committee have decided that the application should be:

☐ Granted (*as set out in the application*)

☐ Refused

☐ Amended to include the following conditions:

1.

2.

- The Sub- Committee considers the additional conditions necessary for the promotion of the licensing objectives.
- All Licences are granted subject to the mandatory conditions imposed by the Licensing Act, 2003.
- In coming to its decision, the Sub-Committee has taken into account:
 - The Licensing Act Section 18, which states that it must take such steps it considers necessary for the promotion of the licensing objectives;
 - The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003; and
 - Central Bedfordshire Council's Licensing Policy
 - The merits of the application and the representations (including supporting information) presented by all parties.

REASONS FOR DECISION

The reasons for the Committee's decision are as follows:

☐ Prevention of Crime and Disorder

☐ Public Safety

☐ Prevention of Public Nuisance

☐ Protection of Children from Harm

☐ General – all four licensing objectives

<u>Irrelevant Representations</u>	
The Sub-Committee determined that the following representations were irrelevant: Not applicable.	
<u>Representation</u>	<u>Reason Representation was Considered Irrelevant</u>
1.	
2.	

<u>Right of Review</u>
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.

<u>Effect of Failing to Comply with Conditions (Explained to Applicant)</u>
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.

<u>Right of Appeal</u>
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: _____

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The Four Licensing Objectives

To promote the following 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: 27 June 2016
Subject: Temporary Event Notices – Pizza Town, 58 High Street, Biggleswade
Report of: Head of Public Protection
Summary: The report provides information so that the Licensing Sub Committee can determine whether or not 2 Temporary Event Notices to which objections have been received should be allowed.

Advising Officer: Marcel Coiffait, Director of Community Services
Contact Officer: Guy Quint/Margaret James - Principal Public Protection Officers - Licensing
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Biggleswade North and South
Ward Councillors Cllr M Jones, Cllr J Lawrence, Cllr D Lawrence, Cllr T Woodward
Location 58 High Street, Biggleswade, Beds SG18 0JL
Applicant Mr Suleyman Ustek
Applicant's agent N/A
Reason for consideration by Sub-Committee Objection by the Police Licensing Officer in regard to which allowing 2 Temporary Event Notices would undermine the Prevention of crime & disorder objective.
Recommended decisions: **The sub-committee determines the notices 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 notices 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

Council Priorities:

- Promote health and wellbeing and protecting the vulnerable.

Financial:

1. There are no direct financial implications for the Council.

Legal:

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.

Risk Management:

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.

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

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.

Public Health

9. N/A

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.

Details of the application

13. This is notice of 2 Temporary Event Notices from Suleyman Ustek . Attached as Appendix A (30/06/2016 to 06/07/2016) and Appendix B (10/07/2016). These are to extend the current hours permitted by the premises licence for the provision of late night refreshment and to include the sale of alcohol for consumption on the premises whilst having a meal, for the duration of Euro 2016. This is for the dates specified, between the hours of 13.00 and 02.00.

Representations

14. Representations have been received from the Police Licensing Officer. Attached as Appendix C. Any other relevant information will be provided by the Police Licensing Officer at the hearing.

Application Guidance

15. In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all Temporary Event Notices where a relevant representation has been made must be determined by a sub-committee.
16. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 Section 7(7.32 to 7.40). See Appendix D and the Council's Statement of Licensing Policy.
17. Members should not allow themselves to pre-determine the notice or to be prejudiced in favour or opposed to the notice and shall only determine the notice having had an opportunity to consider all relevant facts.

Options

18. The Sub-Committee must consider the notice and any submissions made in writing, and determine the notice.
The options available are:
 - Accept the notice
 - Accept the notice (to include extending the conditions on the premises licence and to apply these to the Temporary Event Notices) Appendix E shows current conditions.
 - To refuse the notice. (Following which the Council will issue a Counter Notice)

19. The Sub-Committee determination must be based upon:-

- The merits of the notice and the representation (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

20. The Sub-Committee must provide clear and relevant reasons for their decision

Appendices:

Appendix A – Temporary Event Notice (30/06/2016 – 06/07/2016)

Appendix B – Temporary Event Notice (10/07/2016)

Appendix C – Objection notice

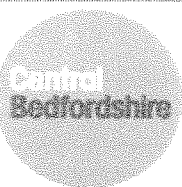
Appendix D – Guidance on Temporary Event Notices

Appendix E – Premises licence conditions

Background Papers: (open to public inspection)

The Licensing Act 2003

Central Bedfordshire Council Licensing Policy
(on website)



30/6 - 6/7 2016 Pizza Town

Central Bedfordshire Council

Temporary Event Notice

13 JUN 2016

Public Protection

Premises User

Information

Before completing this form, please make payment of the fee for the application (£21.00) via our [online payment pages](#) (please select 'Miscellaneous' on the payments page for the licensing payments options). You will be given a payment reference number; this must be entered into the 'Online payment reference number' box below. **If a valid reference number is not entered, we will be unable to process your application, causing a delay in acknowledging your notice.**

Payment reference number

Your application must be submitted **at least 10 working days** before the event, not including the day of submission and the day of the event. Or in the case of a late temporary event notice, 5 working days prior to the event, not including the day of submission. Failure to do so will result in the temporary event notice being refused.

We will email you a copy of the completed form upon submission. You should keep this for your records. If you do not receive this email, then we have not received your application.

We will forward copies to the Police Licensing Officer on behalf of the Chief of Police and to the Environmental Health Team. The Licensing Authority will provide written acknowledgement of the notice.

Premises User

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Title

Forename

Surname

Address

Postcode

E-mail address

Telephone number

Mobile number

☐ Additional contact details

Date of birth

Place of birth

National Insurance Number

Please provide details of any previous names.

Previous Names

Title	Forename	Surname

Premises Details

Premises Details

Address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

Pizza Town
58High Street
Biggleswade
Beds
Sg18 0JL

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Yes

Premises licence number

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description

Describe the nature of the premises

Late Night Takeaway Restaurant

Describe the nature of the event

To Celebrate the Euro 2016.

To supply alcohol to customer to consume on the premises whilst having a meal.

Licensable Activities

Licensable Activities

Please state the licensable activities that you intend to carry on at the premises.

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☐ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ Are you giving a late temporary event notice?

Dates on which you intend to intend to use these premises for licensable activities

1. Thursday 30th June 2016
2. Friday 1st July 2016
3. Saturday 2nd July 2016
4. Sunday 3rd July 2016
5. Wednesday 6th July 2016

Times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock)

13.00hrs to 02.00hrs

Maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

30

Consumption of alcohol

Both

Personal Licence

Personal Licence Holders

Do you currently hold a valid personal licence?

Yes

Issuing licensing authority

Licence number

Date of issue

Date of expiry

Any further relevant details

Previous Temporary Event Notices

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

No

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or

No

b) begins 24 hours or less after the event period proposed in this notice?

No

Associates

Associates and Business Colleagues

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or

No

b) begins 24 hours or less after the event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice:

No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or

No

b) begins 24 hours or less after the event period proposed in this notice?

No

Submit Application

Data Protection

The information submitted in this document was collected for the following purposes:

- Reason of Licensing Services

Central Bedfordshire Council ensures any personal data collected will be retained securely for as long as necessary, and only used for legitimate Council activities to facilitate the delivery of Council services, or for the purpose of preventing and/or detecting fraud and/or crime, in accordance with the Data Protection Act 1998.

Central Bedfordshire Council's Data Protection policy is available from the website at www.centralbedfordshire.gov.uk or by writing to the Corporate Data Protection Officer at Central Bedfordshire Council Offices, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.

I have read the Central Bedfordshire Council personal information statement and consent to the personal information I have provided on this form being used for the purposes stated.

Please confirm you have read above statements

Yes, I have read above statements

Submit Application

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

By submitting this form I understand that it is an offence:

1. to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
2. to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Submission date

11/06/2016

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Central
Bedfordshire

10/7/16 - Pizza Town

Central Bedfordshire Council

Temporary Event Notice

13 JUN 2016

Public Protection

Premises User

Information

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Premises User

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Title Forename Surname Address Postcode E-mail address Telephone number Mobile number ☐ Additional contact detailsDate of birth Place of birth National Insurance Number

Please provide details of any previous names.

Previous Names

Title	Forename	Surname

Premises Details

Premises Details

Address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

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Please state the licensable activities that you intend to carry on at the premises.

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☐ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ Are you giving a late temporary event notice?

Dates on which you intend to intend to use these premises for licensable activities

7. Sunday 10th July 2016

Times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock)

13.00hrs to 02.00hrs

Maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

30

Consumption of alcohol

Both

Personal Licence

Personal Licence Holders

Do you currently hold a valid personal licence?

Yes

Issuing licensing authority

Licence number

Date of issue

Date of expiry

Any further relevant details

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Submission date

11/06/2016

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NOT PROECTIVELY MARKED



Internal Memorandum

FROM	Pc 421 Sparkes	TO	Pat Davies Central Bedfordshire Licensing Team
Extn			
Date	15/06/2016		
SUBJECT	Aksu Pizza Town TEN Applications 031144 & 031145		

Dear Licensing

Bedfordshire Police wish to object to the above temporary event notice applications on the grounds of upholding the licensing objectives namely crime and disorder.

The applicant has selected dates to reflect the Euro 2016 football championship with all matches kicking off at 2000 hours. It is extremely likely that persons watching these games will have consumed alcohol, possibly to excess, prior to visiting the applicants venue. It is an established fact that these sporting events are sadly associated with violence, often alcohol induced. This tournament has been no exception with violence at home and abroad.

In the last year there have been 20 incidents of anti-social behaviour and violence against the person within a 100m radius of the applicants venue.

Bedfordshire Police have planned for the Euro 2016 Tournament throughout the County and placed Officers accordingly taking into consideration demographic and flash point matches (ie England games etc).

Officers have been allocated accordingly to the Mid County area to deal with local licensed premises. These venues have all put in place risk assessments and safety measures to operate on these football occasions ie door staff, plastic, regular glass collections etc.

The applicant has applied for both on and off sales of alcohol from 1300 – 0200 on each match day but has offered no explanation of how they will manage the alcohol sales or prevent any disorder etc. During the week games this will be the only venue able to sell alcohol beyond midnight or 0100 on Thursday in Biggleswade. It's highly possible that this venue would become a focal point for those wishing to continue drinking both inside and outside of the location. There has been no stipulation regarding the consumption of food for those purchasing alcohol either inside or out, meaning the venue could operate as a bar under these temporary event notice applications!

Bedfordshire Police believe this application is an ill-conceived idea with no regard to public safety, nuisance or any crime and disorder.

Bedfordshire Police have a statutory duty under the Licensing Act to uphold the licensing objectives, especially crime and disorder. We don't just have to consider issues that have happened but also those that might occur. As such Bedfordshire Police has no alternative but to object to these temporary event notice applications.

Regards

Pc 421 Rob Sparkes
Licensing Team
Greyfriars Police Station
Bedford

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GUIDANCE ON TEMPORARY EVENT NOTICES (EXTRACT FROM REVISED GUIDANCE ISSUED BY THE HOME OFFICE UNDER SECTION 182 OF THE LICENSING ACT 2003)

Police and environmental health intervention

7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.33 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

7.34 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.

7.35 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.

7.36 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid.

Modification

7.37 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree.

**GUIDANCE ON TEMPORARY EVENT NOTICES (EXTRACT FROM REVISED GUIDANCE
ISSUED BY THE HOME OFFICE UNDER SECTION 182 OF THE LICENSING ACT 2003)**

Applying conditions to a TEN

7.38 The 2003 Act provides that only the licensing authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

Hearings to impose conditions

7.40 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

CURRENT LICENCE CONDITIONS

Annex 2 - Conditions consistent with the Operating Schedule

a) General – all four licensing objectives (b,c,d,e)

See below

b) The prevention of crime and disorder

To put in place a written policy to prevent the sale of alcohol to persons under the age of 18. The policy will require any person who appears to be under the age of 21 to produce a recognised proof of age card accredited under the proof of age standards scheme (pass) or if such a card is not available, a photo driving licence or passport indicating that they are over 18 years of age. Staff must ask for proof of age at the point of delivery.

All staff to be suitably trained in the operating procedures for refusing the sale/supply of alcohol to any person who is drunk or underage or appears to be underage.

For the sale of alcohol written authorisation must be given to ensure that individuals must comply with the following; the persons authorised all staff/drivers must be clearly identified. The authorisation must specify the acts that may be carried out by the authorised person. There must be arrangements in place for the personal licence holder to monitor the authorised activities on a regular basis.

The supply/sales of alcohol only permitted with pre ordered deliveries only between 17:00 - 23:00 hours.

No on licensed sales to be made.

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.

Toilets shall be checked an average of two hourly while the premises are open to the public to deter the use of drugs.

Details of checks shall be documented and made available to Police on request.

The licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

The CCTV shall conform to the following points:

Cameras must be sited to observe the entrance and exit doors both inside and outside.

Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e capable of identification.

Cameras overlooking floor areas should be wide angled to give an overview of the premises.

Be capable of visually confirming the nature of the crime committed.

Provide a linked record of the date, time and place of any image.

Provide good quality images - colour during opening times.

Have the recording device located in a secure area or locked cabinet.

Have a monitor to review images and record picture quality.

Be regularly maintained to ensure continuous quality of image capture retention.

Digital images must be kept for 31 days.

Police will have access to images at any reasonable time.

The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be

APPENDIX E

CURRENT LICENCE CONDITIONS

replayed by the Police on a standard computer. Copies must be made available to Police on request.

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting.

All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly.

Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to neighbours.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 21 for photographic ID such as proof of age cards, the Connexions Card and Citizen card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

A register of refused sales shall be kept and maintained on the premises.