

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

**This meeting
may be filmed.***



**Central
Bedfordshire**

please ask for Leslie Manning
direct line 0300 300 5132
date 27 October 2016

NOTICE OF MEETING

LICENSING SUB-COMMITTEE

Date & Time

Friday, 4 November 2016 at 1.00 p.m.

Venue at

Room 13, Priory House, Chicksands, Shefford

Richard Carr
Chief Executive

To: The Members of the LICENSING SUB-COMMITTEE:

Cllrs T Nicols, P Smith and N Warren

[Named Substitutes:

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

All other Members of the Council - on request

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

***Please note that phones and other equipment may be used to film, audio record, tweet or blog from this meeting. No part of the meeting room is exempt from public filming.**

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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).

6. **Reviews**

To note chapter 11 of the revised guidance (dated March 2015) issued under Section 182 of the Licensing Act 2003 which provides Members with advice relating to applications for the review of a premises licence (copy attached).

Report

Item	Subject	Page Nos.
7.	Application for Review of a Premises Licence under The Licensing Act 2003 at Gills Mini Market (also known as City Point), 53 High Street, Biggleswade, Beds, SG18 0JH	* 31 - 68

To consider an application by the Police Licensing Officer for the review of the premises licence for Gills Mini Market (also known as City Point), 53 High Street, Biggleswade, Beds.

(Note: Appendix C to the report is exempt).

8. Exclusion of the Press and Public

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in paragraph(s) 1, 2 and 7 of Part 1 of Schedule 12A of the Act.

Exempt Appendix

Item	Subject	Exempt Para.	Page Nos.
9.	Application for Review of a Premises Licence under The Licensing Act 2003 at Gills Mini Market (also known as City Point), 53 High Street, Biggleswade, Beds, SG18 0JH	* 1, 2, 7	69 - 72

To receive exempt Appendix C to the report.



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

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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	
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Applicant's Name:	
Premises Address:	

Application for:	
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Reasons for Hearing:	
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Members of the Licensing Sub-Committee:	
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Applicant:	
Person(s) Appearing on Behalf of the Applicant:	

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

Other Persons Present:	
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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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11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or

- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
 - the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
 - notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

- 11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Meeting: Licensing Sub-Committee
Date: 4 November 2016
Subject: Application for Review of a Premises Licence under The Licensing Act 2003 at Gills Mini Market (also known as City Point), 53 High Street, Biggleswade, Beds SG18 0JH
Report of: Head of Public Protection
Summary: The report provides information so that the Licensing Sub Committee can determine what action to take with regard to the review application.

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
Ward Councillors Cllr Maurice Jones, Cllr Jane Lawrence
Location 53 High Street, Biggleswade, Beds SG18 0JH
Applicant Police Licensing Officer
Applicant's agent N/A
Reason for consideration by Sub-Committee The applicant requests the revocation of the premises licence
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

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

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

The Current Licence

14. A valid application to convert the existing licence to a Premises Licence under the Licensing Act 2003 was made to the former Mid Bedfordshire District Council on 20th July 2005. The licence was granted on 24th November 2005. The present Premises Licence Holder, and Designated Premises Supervisor, took leasehold of the premise in June 2006. An application to vary the licensing hours to those stated on the present licence was made on 8th November 2006. The current licence is included in the police report at D8.
15. The licence is held by Mr Joseph Thevarasa, who is also the Designated Premises Supervisor

Details of the present application

16. This is an application for review of the premises licence by Civ 6747 Oakes, Police Licensing Officer. (See Appendix B)
There will also be exempt information provided to the sub committee by the police licensing officer. (Appendix C)

Representations

17. One "other person" has made representations. See Appendix D
18. Other Responsible authorities have made one representation concerning the application

Responsible authority	Comment

Police	Review submitted + Appendix D
Fire	None
Environmental Health	None
Health and Safety	None
Planning	None
Child Protection	None
Public Health	None
Trading Standards	See Appendix D

Application Guidance

19. 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.
20. When determining the application, Members should only consider issues, which relate to the relevant licensing objectives, which in this case are:

The Prevention of Crime & Disorder/The protection of children from harm
21. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 (Sections 2.1-2.7; and 2.25-2.35 refer to the relevant objectives) and the Council's Statement of Licensing Policy (Sections 7.1 and 7.4 refer to the relevant licensing objectives).
22. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the review and shall only determine the application having had an opportunity to consider all relevant facts.

Options

23. **To modify the conditions of the premises licence**
24. **To exclude a licensable activity from the scope of the licence**
25. **To remove the DPS**
26. **To suspend the licence for a period not exceeding three months**
27. **To revoke the licence**

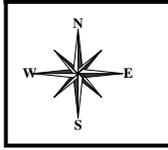
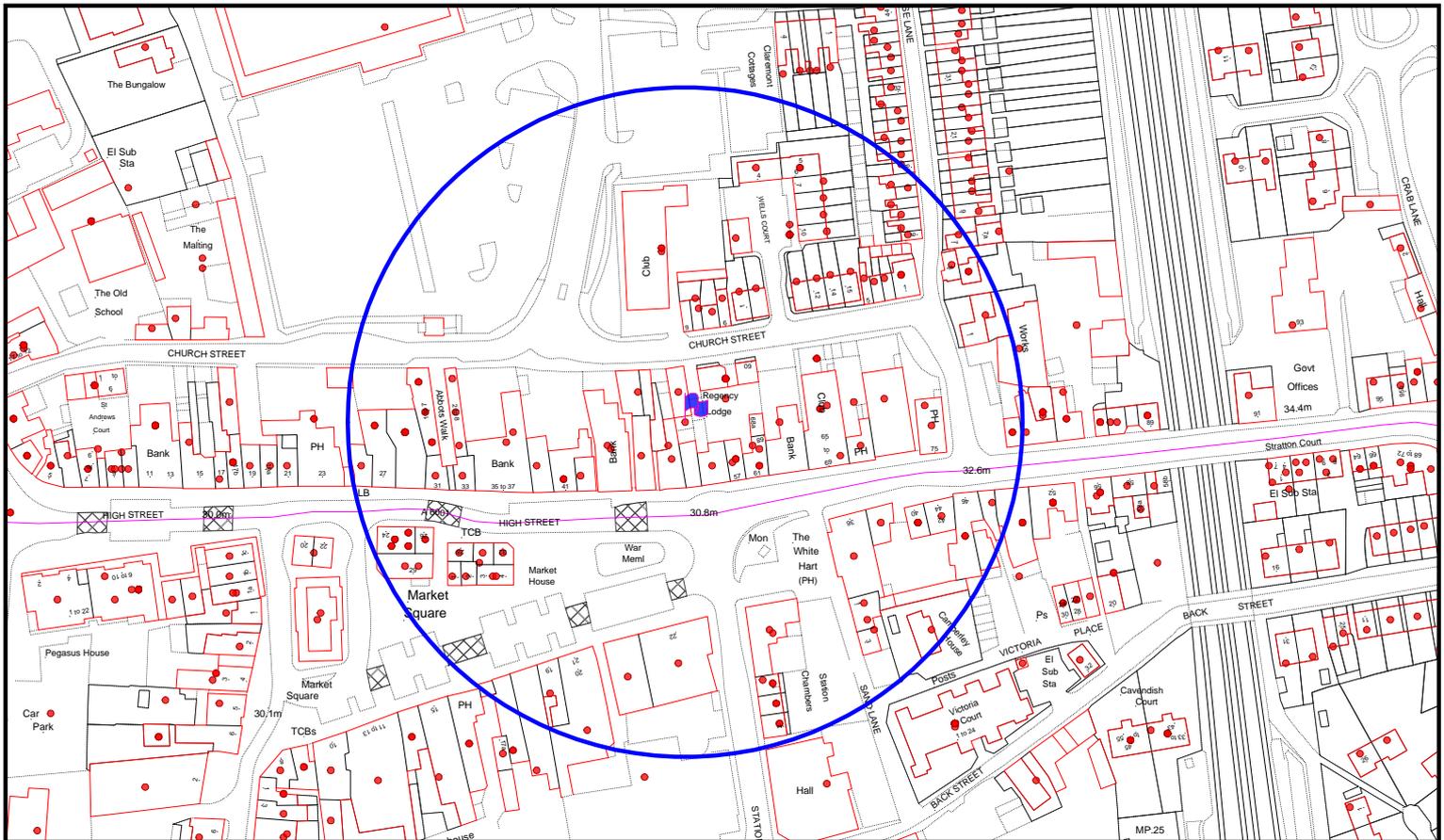
Appendices:

- Appendix A Location map
- Appendix B Application for review
- Appendix C Exempt information for sub committee only
- Appendix D Trading standards support for review

Background Papers: (open to public inspection)

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

APPENDIX A



Date: 20 October 2016

Scale 1:1500

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Ordnance Survey 100049029.
Central Bedfordshire Council.

Cities Revealed aerial photography copyright
The GeoInformation Group, 2010



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Premises Licence Review

Gills Mini Market

53 High Street

Biggleswade

SG18 0JH

Review paperwork compiled by

Civ 6747 OAKES – Licensing Officer for Bedfordshire Police

Luton Police Station Buxton Road Luton LU1 1SD



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Appendix B	D12-D21
Appendix C	D22-D23

Paperwork complied by

Civ 6747 OAKES – Licensing Officer for Bedfordshire Police

Luton Police Station Buxton Road Luton LU1 1SD



Appendix A
Review Application and Copy of Licence

Gills Mini Market
53 High Street
Biggleswade
SG18 0JH

Review paperwork compiled by
Civ 6747 OAKES – Licensing Officer for Bedfordshire Police
Luton Police Station Buxton Road Luton LU1 1SD

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 Civ 6747 Oakes Licensing Officer for Bedfordshire Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Gills Mini Market 53 High Street Biggleswade SG18 0JH	
Post town Biggleswade	Post code (if known) SG18 0JH

Name of premises licence holder or club holding club premises certificate (if known) Joseph Thevachchandran Thevarasa

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

Part 2 - Applicant details

I am

Please tick yes

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

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Civ 6747 Oakes Bedfordshire Police Licensing Team Luton Police Station Buxton Road Luton LU1 1SD
Telephone number (if any) [REDACTED]
E-mail address (optional) Centrallicensing@Bedfordshire.pnn.police.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 checked="" 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)

Prevention of Crime and Disorder and the Protection of Children from Harm.

Bedfordshire Police are requesting a review of Gills Mini Market's Licence. We are requesting that the current daily licensable activity of the supply of alcohol, off the premise, between 05:00-00:00 hours, is revoked.

This review has been intelligence led, then supported by evidence gathered during recent visits due to the shop. There is a disregard for the current licence conditions, along with concerns of sales taking place after the premise licensed hours. These breaches give concern that the licensing objectives are not being promoted and question if the DPS is suitable for the responsibility of selling alcohol.

There is a concern regarding the safety for young people in the local area with intelligence highlighting the sale of alcohol to underage. There is also intelligence to suggest concerns of child sexual exploitation.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

Please see the review pack provided, which includes:

Statements from officers attending the premise
CCTV
Intelligence

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
1 1 1 1 2 0 1 3

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

.

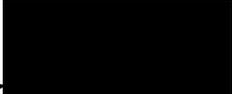
Please tick yes

- 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 15/09/16

Capacity Licensing Officer Beds Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Civ 6747 Oakes Bedfordshire Police Licensing Team Luton Police Station Buxton Road Luton LU1 1SD	
Post town Luton	Post Code LU1 1SD
Telephone number (if any) 	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Centrallicensing@bedfordshire.pnn.police.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.

Police Information

Bedfordshire Police are requesting a review of the premises licence of Gills Mini Market and are requesting that the premises licence be revoked.

This is due to a series of incidents undermining the licensing objectives, involving sales of alcohol after licensing hours have ended; a rise in anti-social behaviour in the area and concerns around child sexual exploitation.

The premise has a condition which states that their operating hours shall end at 00:00hrs for all days of the week.

We have had several reports suggesting that the venue has been breaching this condition and allowing people to enter the premises after 00:00hrs with the lights switched off, and checking for police officers before allowing them in. There have also been reports of staff allowing the sale of alcohol to take place just outside the premises. The first instance was whilst Acting Sergeant Howlett was on duty on the 18th November 2015 when at 01:30hrs an Asian male was seen talking to members of the public outside the shop and walking back in to select alcohol from the shelves. Alcohol was discovered in their possession; the male was subsequently questioned and was evasive.

The Sergeant for Licensing, as well as several police officers and a Council Official has spoken with the premises licence holder and DPS regarding concerns around the alleged last entry and sales after his conditions. When PC Sparkes and the Council Official visited on the 29th July 2016 Mr Thevarasa stated that this had not happened and nor would this in the future and he would rectify any other breaches. However, we have intelligence to suggest that this has continued to happen as PC Saddique attended the premises in his line of duty on the 12th August around 01:17hrs to find Mr Thevarasa allowing members of the public inside his premise with the lights switched off to purchase alcohol. This is quite clearly undermining the licensing objectives.

Mr [REDACTED], a staff member at the premises has also given false details and lied to the police regarding his address. He had told PC Sparkes that he lived in two different locations and upon investigation, he actually lived elsewhere. Every time police visit the premise he explains that he is a new member of staff. He told PC Sparkes that he had been working at the premise for 2-3 weeks on the 25th July but later told PC Read on the 31st August that he had been there 2-3 days. He quite clearly has not been trained in "Challenge 25" and was unaware of a refusals log, which is a condition on the licence, when PC Read visited. There is no training taking place by the owner and PC Read had noticed that no licence was on display within the shop which undermines the licencing objectives also.

Anti-Social behaviour in the area is up to 16.1% and with the constant sales of alcohol after midnight when the pubs are closed could be a contributing factor.

It has also been alleged that on more than one occasion Mr Thevarasa not only sells after his licensing conditions allow, but to under age children. More recently on the 12th July 2016, an informant told police that she had seen her daughter approach Gills Mini Market and was pulled in for a kiss by someone called [REDACTED] and was offered alcohol. This raises serious concerns for children within the area and together with the obvious evasion of licensing objectives and conditions; we wish to revoke his licence.

A chronological list of intelligence will be submitted separately to the panel due to data protection.



**THE LICENSING ACT 2003
CENTRAL BEDFORDSHIRE COUNCIL
PREMISES LICENCE
PART A**

Premises licence number	
--------------------------------	--

Part 1 – Premises details

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

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Supply of alcohol

The times the licence authorises the carrying out of licensable activities
Monday to Sunday 05.00hrs to 00.00hrs.

The opening hours of the premises
Monday to Sunday 05.00hrs to 00.00hrs.

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

Part 2

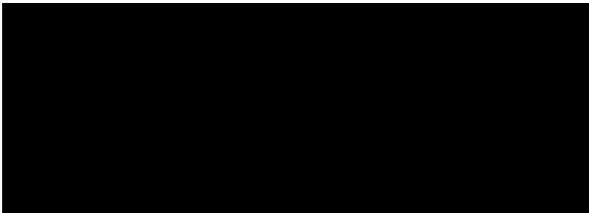
Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Joseph Thevachchandran Thevarasa



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

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

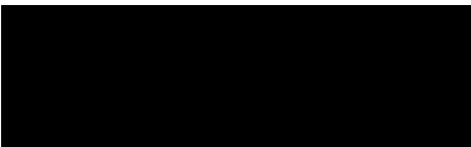


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

 – Issued by Waltham Forest Council

This licence is effective from 6th April 2013

Dated the 10th April 2013



**Susan Childerhouse
Head of Public Protection**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

- 1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

All relevant mandatory conditions as per current legislation

Annex 2 - Conditions consistent with the Operating Schedule

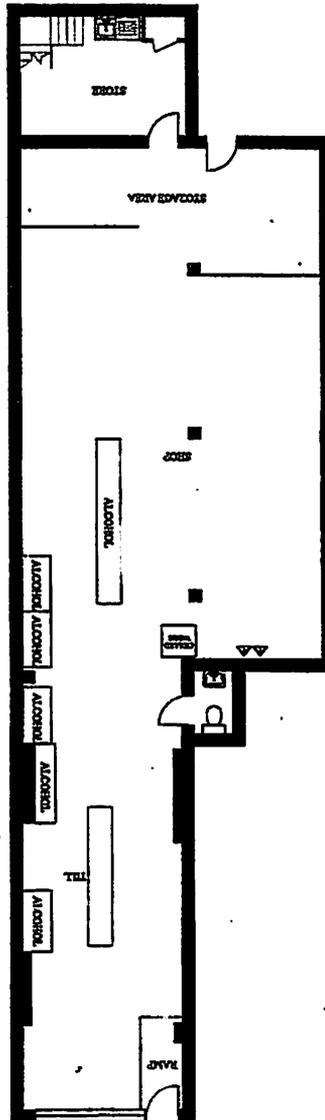
1. A 'Challenge 25' Policy to be implemented.
2. The 'Challenge 25' posters & signage to be displayed at the points of sale, entry and exit and around the premises.
3. Within 3 months from the variation of this licence all staff to have attended/achieved the TSI- Fair trading Award – 'Do You Pass' qualification (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.
4. 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.
5. 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.
6. 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')

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

None.

Annex 4 – Plans

<p>WOOD SHEDS TO THE EAST</p> <p>WOOD SHEDS TO THE WEST</p> <p>WOOD SHEDS TO THE NORTH</p> <p>WOOD SHEDS TO THE SOUTH</p> <p>WOOD SHEDS TO THE EAST</p> <p>WOOD SHEDS TO THE WEST</p> <p>WOOD SHEDS TO THE NORTH</p> <p>WOOD SHEDS TO THE SOUTH</p> <p>WOOD SHEDS TO THE EAST</p> <p>WOOD SHEDS TO THE WEST</p> <p>WOOD SHEDS TO THE NORTH</p> <p>WOOD SHEDS TO THE SOUTH</p>	
<p>UNIVERSITY ADMINISTRATION</p>	<p>UNIVERSITY ADMINISTRATION</p>



D/11



Appendix B

Officers Statements

Gills Mini Market

53 High Street

Biggleswade

SG18 0JH

Review paperwork compiled by

Civ 6747 OAKES – Licensing Officer for Bedfordshire Police

Luton Police Station Buxton Road Luton LU1 1SD



Bedfordshire Police
Witness Statement

FORM MG11(T)

(CJ Act 1967, s.9, MC Act 1980, ss.5A(3)(a) and 5B, MC Rules 1981, r.70)

Statement of Richard Adam HOWLETT

Age if under 18: 018 (if over 18 insert over 18) Occupation: Police Constable 5304

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature

 5304

Date: 23/08/2016

I am Acting Sergeant 5304 Howlett of Bedfordshire Police. I have held the position of Patrol Officer in Bedfordshire for approximately 15 years.

This statement is made in relation to an incident that occurred on Wednesday the 18th November 2015 at 'CITY POINT OFF LICENCE' HIGH STREET, BIGGLESWADE, BEDS.

This shop is locally known as 'GILLS' and is the main 'off licence', after hours in the town centre of Biggleswade.

On Wednesday the 18th November 2015, I was on patrol in a marked Police vehicle in the town of BIGGLESWADE.

At approximately 01:30hrs my attention was drawn to the above shop, as I noticed 3 persons stood outside on the pavement. I could also see the figure of an Asian male inside the shop that appeared to be speaking to the persons on the pavement outside. The shop was predominately in darkness with just a small light on in the rear of the shop. I made the decision to watch the premises from a distance to see what exactly was happening. I was aware that at 01:30hrs the shop should not be trading and should be closed.

I noticed the Asian male walking to the rear of the store and selecting alcohol from the shelves before passing it through the door to the persons on the street. I could see an exchange of cash through the door and the three persons approached a vehicle parked locally.

Signature

 5304

Signature Witnessed by

Continuation of statement of

Page No 2

At this stage I approached the 3 persons to see what they had purchased. They were in possession of approximately £30.00 of alcohol. One of the persons confirmed that they had purchased the alcohol from 'GILLS' and this was a regular occurrence for persons that needed alcohol after hours. They were aware that they should not have been served and even pleaded for no action to be taken against 'GILLS' as in their words "HE LOOKS AFTER EVERYONE THAT NEEDS A DRINK OR FAGS AFTER THE PUBS HAVE SHUT".

The three persons were allowed to go on their way and I approached the front door to 'GILLS'. I could see the same Asian figure moving around to the rear of the premises but the small light at the rear had now been turned off. I knocked on the door and a male answered. I cannot recall his description but do know he was an Asian male of medium build.

I questioned the male and he was very evasive. He stated he had been locking up the shop and some friends had approached the front door of the shop. I did challenge this and explained I would be contacting the licencing sergeant.

During my time Policing BIGGLESWADE I have had cause to watch 'CITY POINT OFF LICENCE' on a number of occasions. I have seen groups of persons congregating outside on numerous occasions and believe transactions are being completed from a darkened shop. I suspect the small light is left on in the rear of the premises to alert customers they are willing to serve.

I have also spoken to at least 10 residents of Biggleswade in the last year that have told me that 'CITY POINT OFF LICENCE' will serve them after hours and it is the one place to get an extra drink after the pubs have shut.

This statement consists of my original notes and was made at 06:20hrs on Friday the 26th day of August 2016.  5204

Signature



5204

Signature Witnessed by

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B, MC Rules 1981, r.70)

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Statement of: Craig Robert Gurr

Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: [REDACTED] Date 14/09/2016

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a sergeant with Bedfordshire Police. I have been a police officer for 20 years. In my current role I head the licensing team for Bedfordshire Police.

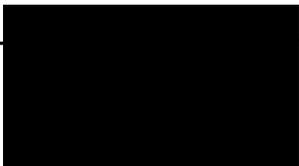
On Wednesday 11th November 2015 I was in Biggleswade Town Centre conducting an illicit tobacco operation in conjunction with Central Bedfordshire Council trading standards. At approximately 1400hrs I was on the market square when I was approached by a local officer, Pc 5304 Howlett. Pc Howlett told me about concerns that he had over an off licence known as City Point. This premises is also known as Gills mini market. Pc Howlett told me that he had witnessed the premises selling alcohol after it's licensing hours. Pc Howlett told me that after the shop had closed and was in darkness, people would approach and knock on the door. The owner would then come to the door, look up and down the street and then allow the customer inside where the transaction would take place.

Myself and Pc Howlett went to City Point. There was one member of staff on duty and I introduced myself and identified myself as a licensing officer. I asked to speak to the owner and was told that he was not available. I began to explain to the member of staff the reason for my visit and he contacted the owner on his mobile phone and passed it to me to speak to him. The owner identified himself to me as Joseph THEVARASA. I told THEVARASA what PC Howlett had told me. THEVARASA was quite evasive during the phone conversation but denied the incident. I explained to THEVARASA that a police officer had witnessed this and had no reason to lie about it. THEVARASA continued to deny the offence. I told THEVARASA that the premises would be monitored and that any further breaches of the licence

may result in formal action against the premises. The conversation was then ended.

I

Signature:



Signature witnessed by:

RESTRICTED (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: **Robert SPARKES**

Age if under 18: **018** (if over 18 insert 'over 18') Occupation: **Pc 421**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  cf 21 (witness) Date: 12/09/16

I am the above named and have been employed by Bedfordshire Police for over 25 years as a Police Officer, my current role is as the Licensing Officer for Bedford and North Central Beds.

On Monday 25th July 2016 I attended City Point Biggleswade regarding licensing issues, also present was Guy Quint, Principle Licensing Officer from Central Bedfordshire Council. At about 1305 hours I entered the shop, I was in Police Uniform and I had activated my body worn camera (BWC).

I could see an Asian male at the far end of the shop stacking shelves, I approached and identified myself as a Police Officer and pointed out that my BWC had been activated. I asked this male to lock the front door to avoid being disturbed by customers.

The male identified himself as  and stated that he had  when asked for an address Mr  stated that he lived in a flat at the rear of the premise. He had no identification on him, stating that it was all in the flat and a friend had gone with the key but would be back later. I asked Mr  to show me the flat and I knocked on the door, after a few moments a male opened the door and indicated that he lived in the flat. Mr  went in and I followed him upstairs, once in the flat it was apparent that Mr  did not live at this location, he had in fact lied about his address.

I took Mr  back to the main shop and asked him again for his address, he stated that he lived in  Mr  started to give a house number of  but then immediately corrected himself and gave an address of .

This conversation was recorded on my BWC device D7876, I can produce a copy of this incident as my exhibit RAS/1. At about 1323 on the same day I left the location.

Upon returning to Greyfriars Police Station I checked the details given by Mr  on the Police National Computer and discovered that he actually lived at .

Throughout the meeting Mr  had consistently lied to the Police about his involvement in the shop and his address. From my previous experience as a Police Officer with over 25 year's service persons that lie to this extent always have something they are hiding.

On Friday 29th July 2016 I returned to City Point with Guy QUINT and at about 1000 hours entered the premise and spoke to the owner Joseph THEREVESA in an arranged meeting.

Mr QUINT took the lead and ran through the Premise Licence conditions relevant to the location. It was pointed out to Mr THEREVESA that he was not abiding by several conditions on his premise licence, these had been imposed because the shop was historically known to be a problem place.

Mr THEREVESA apologised for these breaches and promised to rectify the situation immediately. I spoke to Mr THEREVESA and discussed with him Police intelligence around serving underage children and selling alcohol after the permitted hours on the premise licence. Mr THEREVESA assured me that these things had not happened and nor would they in the future. I explained very clearly to Mr THEREVESA that any breach of these conditions would almost certainly result in a Review of the premise licence.

Mr THEREVESA replied "Yes I understand that"



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I left the location at about 1030 hrs on the same day.



12/09/16

Signature:

[Handwritten signature]

Signature witnessed by:

.....

RESTRICTED (when complete)

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Sajid SADDIQUE

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable 6031

This statement (consisting of 2 TWO page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:.....  (witness) Date: 05/09/2016

This statement is in relation to an incident that occurred on FRIDAY 12TH AUGUST 2016 at CITY POINT OFF LICENCE situated at 53 HIGH STREET in BIGGLESWADE. This incident involves a unknown male being inside the premises at approximately 0115hours with the shop owner and it is suspected that he was there purchasing alcohol which in turn breaches the shop licencing conditions. On FRIDAY 12th AUGUST 2016 I was on duty in full uniform crewed with PC6397 WILSON in a marked police vehicle when at approximately 0112hours I drove out of BIGGLESWADE POLICE STATION heading towards HIGH STREET. As I drove towards the mini roundabout I noticed people inside CITY POINT OFF LICENCE situated at 53 HIGH STREET in BIGGLESWADE. The lights at this store were switched off and I found this very odd. I immediately suspected that somebody was inside the store purchasing goods past the store licencing hours. I have noticed people purchasing alcohol from the premises before and I was aware that this normally takes place after the store licencing hours. I was also aware that this activity normally takes place with the lights off in order to prevent the staff getting caught out. I have noticed this kind of activity taking place when I have been going to and from jobs and therefore I was unable to confront the staff at the store or its customers. I do remember on one occasion seeing a customer walk out of the store with wine bottles whilst the store was in darkness and this was past 0100hours. However I do not recall the date for when this occurred as I was on my way to another incident.

As I drove towards CITY POINT on FRIDAY 12th AUGUST 2016 I noticed a BLACK BMW index  parked up in the car park opposite. The vehicle was running and had 3 occupants inside

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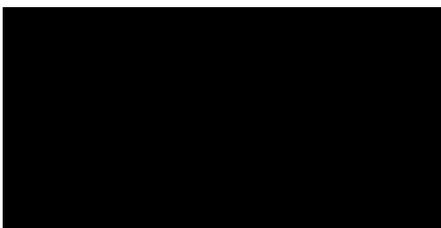
MG11

including the driver. I found this odd as there were no other vehicles nearby, no shops, clubs or any other premises open at this time. I decided to drive round to the vehicle in order to find out what the vehicle was up too. As I pulled up next to the vehicle I spoke to the driver and asked him if he was okay and what he was upto? The driver stated that he was waiting for his friend who had gone into the shop. The driver gestured towards CITY POINT. I looked at the time at it was approximately 0115hours and this heightened my suspicions of the premises trading past it licenced hours of 0100hours. I then drove round to CITY POINT and parked outside. I got out the vehicle and turned my body worn camera on. PC6397 WILSON and I walked over to CITY POINT off licence, the time was 0117HOURS and I noticed the lights were still switched off with 3 occupants inside, one of which was a white male and two were Asian males. I knocked on the shop door and an Asian male came and opened it. The Asian male identified himself as Joseph THEVARASA and stated he was the owner. I asked Joseph who the male in the shop was and he appeared startled at first and said he was someone who worked in the salon and was just visiting. I was referring to the white male and the other Asian male was stacking the shelves. The White Male walked towards the front door of the shop and looked confused and clearly out of place to what Joseph was telling me. I believe the White Male realised he was in the wrong place at the wrong time and he did not say anything to back what Mr Joseph was telling me. I asked the White Male what he was doing in the shop and he did not say anything, Mr Joseph appeared to do all the talking. I told Joseph that I had spoken to the lads in the car opposite and that they told me that they were waiting for their mate who had gone into the store. The White Male left the store without making any purchases. I believe Mr Joseph was lying about the White Male as the both appeared shocked after seeing me and me questioning them. I told Mr Joseph that I would be informing the licensing team about the incident.

I produce the Body Camera footage as my exhibit SS/1 and it has been saved under reference CAD BP-12082016-0018.

I make this statement as my original notes.

Signature:



Signature witnessed by:

2010/11

RESTRICTED (when complete)

D/18



Bedfordshire Police
Witness Statement

(CJ Act 1967, s.9, MC Act 1980, ss.5A(3)(a) and 5B, MC Rules 1981, r.70)

Statement of Esther READ

Age if under 18: over 18 (if over 18 insert over 18) Occupation: Police Constable 5850

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature



Date: 31/08/16

I am a serving Police Officer for Bedfordshire Police and have been an officer for 9 years, I am currently a Licensing Officer and have been in this role for just under 3 years,

This statement relates to CITY POINT shop, a licensed premise operating on a Licence named GILLS MINI MARKET 53 HIGH STREET BIGGLESWADE SG18 0JH. Licence number 2000125 issued by Central Bedfordshire Council. The Licence authorises the supply of alcohol off the premise between 05:00-00:00 hours daily.

I would describe CITY POINT as a generous size shop in the middle of Biggleswade, it is situated on the main High Street of the market town. It has a bright yellow frontage to the shop with the name of the shop in large black writing. When you enter the shop it first appears quite narrow, the main counter is to the left, with a cigarette display behind the main till. At the end of the main counter the shop then doubles in width, with a number of shelving housing stock. There is a large stock of alcohol products for sale as well as day to day groceries.

On Wednesday 31st August 2016 at approx. 10:35hours I visited the premise in my role as Licensing Officer to check the current conditions were being adhered to. On my arrival I met an Asian male who was behind the counter and I introduced myself. The male seem rather evasive about working there, [REDACTED]. I took his details and he showed me his driving licence to prove his ID, he was a Mr [REDACTED].

Signature



SSR

Signature Witnessed by

Continuation of statement of

Page No 2

I made the following observations in the shop. My first one being that there was not a copy of the PART B of the premise licence on display, which is a requirement of the Licensing Act. When I asked Mr [REDACTED] where it was he did not know, he then called the DPS to ask him after I explained that it needed to be displayed. By the end of their phone call they still had not found the Licence.

Mr [REDACTED] confirmed that he had not received any training, claiming to be new, he knew how to operate the till.

I saw one 'CHALLENGE 25' poster behind the main counter, as well as a 'NO ID, NO SALE' poster near to the cigarette display shutter.

I asked Mr [REDACTED] to show me the refusal log, which he was also unaware or unable to supply. This is a condition of the Licence.

I noticed CCTV cameras in the premise, however the footage on the screen in the shop appeared distorted, the images were flickering.

Without the DPS being present and Mr [REDACTED] claiming to be a new member of staff I did investigate further about the staff training records. I shared my concerns with Mr [REDACTED] and confirmed that I would be taking enforcement action against the premise, I left my business card and asked Mr [REDACTED] to pass this to the DPS to make contact with me.

The visit was captured on my Body Worn Video. This statement has been made on my return to Luton Police Station while still clear in my mind.

[REDACTED]

SSSO

Signature

[REDACTED]

SSSO

Signature Witnessed by



Appendix C

Anti-Social Behaviour Statistics

Gills Mini Market

53 High Street

Biggleswade

SG18 0JH

Review paperwork compiled by
Civ 6747 OAKES – Licensing Officer for Bedfordshire Police
Luton Police Station Buxton Road Luton LU1 1SD

ASB Statistics for Market Square Biggleswade

Breakdown by Incident Closing Type

Closing Category	Incident Count	% of Inc
Administration - Messages	2	3.2%
Administration Total	2	3.2%
Anti-Social Behaviour - Nuisance	9	14.5%
Anti-Social Behaviour - Environmental	1	1.6%
Anti-Social Behaviour Total	10	16.1%
Crime - Other Offences	2	3.2%
Crime - Violence Against The Person	2	3.2%
Crime - Theft - Theft Of Vehicle	1	1.6%
Crime - Fraud and Forgery	1	1.6%
Crime Total	6	9.7%
Public Safety/Welfare - Protest/Demonstration (spontaneous)	5	8.1%
Public Safety/Welfare - Hoax Calls	2	3.2%
Public Safety/Welfare - Civil Disputes	1	1.6%
Public Safety/Welfare - Concern For Safety	1	1.6%
Public Safety/Welfare - Wanted Persons/Police Court Orders/Bail	1	1.6%
Public Safety/Welfare Total	10	16.1%
Transport - Road Related Offence	1	1.6%
Transport - RTC/Incident - RTC - Damage Only	1	1.6%
Transport - Highway Disruption	1	1.6%
Transport Total	3	4.8%

Breakdown by Incident Opening Type

Opening Category	Incident Count	% of Inc
Administration - Police Generated Resource Activity	1	1.6%
Administration - Messages	1	1.6%
Administration Total	2	3.2%
Anti-Social Behaviour - Rowdy or Inconsiderate Behaviour	7	11.3%
Anti-Social Behaviour - Street Drinking	2	3.2%
Anti-Social Behaviour - Vehicle Related Nuisance/Inappropriate Vehicle Use	1	1.6%
Anti-Social Behaviour - Begging/Vagrancy	1	1.6%
Anti-Social Behaviour Total	11	17.7%
Crime - Theft	2	3.2%
Crime - Violence Against The Person	1	1.6%
Crime - Fraud and Forgery	1	1.6%
Crime - Other Offences	1	1.6%
Crime Total	5	8.1%
Public Safety/Welfare - Suspicious Circumstances/Insecure premises or vehicles	5	8.1%
Public Safety/Welfare - Concern For Safety	2	3.2%
Public Safety/Welfare - Civil Disputes	1	1.6%
Public Safety/Welfare - Abandoned Calls to Emergency Services	1	1.6%
Public Safety/Welfare - Missing Persons	1	1.6%
Public Safety/Welfare Total	10	16.1%
Transport - RTC/Incident - RTC - Damage Only	1	1.6%
Transport - Road Related Offence	1	1.6%
Transport - Highway Disruption	1	1.6%
Transport Total	3	4.8%

ASB Statistics for High Street Biggleswade

Breakdown by Incident Closing Type

Closing Category	Incident Count	% of Inc
Administration - Police Generated Resource Activity	9	11.0%
Administration - Messages	3	3.7%
Administration - Duplicate	1	1.2%
Administration Total	13	15.9%
Anti-Social Behaviour - Nuisance	4	4.9%
Anti-Social Behaviour - Environmental	1	1.2%
Anti-Social Behaviour Total	5	6.1%
Crime - Violence Against The Person	3	3.7%
Crime Total	3	3.7%
Crime Related Incident	1	1.2%
Crime Related Incident Total	1	1.2%
Public Safety/Welfare - Concern For Safety	5	6.1%
Public Safety/Welfare - Protest/Demonstration (spontaneous)	3	3.7%
Public Safety/Welfare - Suspicious Activity	2	2.4%
Public Safety/Welfare Total	10	12.2%
Transport - Road Related Offence	5	6.1%
Transport - Highway Disruption	3	3.7%
Transport - RTC/Incident - RTC - Injury	1	1.2%
Transport Total	9	11.0%

Breakdown by Incident Opening Type

Opening Category	Incident Count	% of Inc
Administration - Police Generated Resource Activity	10	12.2%
Administration - Advice Matter Only	5	6.1%
Administration Total	15	18.3%
Anti-Social Behaviour - Rowdy or Inconsiderate Behaviour	5	6.1%
Anti-Social Behaviour - Abandoned Vehicles (Not Stolen Or Causing Obstruction)	1	1.2%
Anti-Social Behaviour Total	6	7.3%
Crime - Violence Against The Person	2	2.4%
Crime Total	2	2.4%
Public Safety/Welfare - Suspicious Circumstances/Insecure premises or vehicles	5	6.1%
Public Safety/Welfare - Concern For Safety	3	3.7%
Public Safety/Welfare - Collapse/Illness/Injury/Trapped	1	1.2%
Public Safety/Welfare - Abandoned Calls to Emergency Services	1	1.2%
Public Safety/Welfare Total	10	12.2%
Transport - Road Related Offence	4	4.9%
Transport - Highway Disruption	3	3.7%
Transport - RTC/Incident - RTC - Injury	1	1.2%
Transport Total	8	9.8%

CENTRAL BEDFORDSHIRE COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

~~Police / Fire / Environmental Protection / Health and Safety / Child Protection / Weights and Measures / Planning Authority / Public Health~~

Your Name	Imogen Best
Job Title	Senior Enforcement Officer
Postal and email address	Central Bedfordshire Council, Priory House, Chicksands, SG17 5TQ [REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	City Point
Address of the premises you are making a representation about	53 High Street, Biggleswade, SG18 0JH

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
Prevention of crime and disorder	No	
Public safety	Yes	Please see attached supporting evidence
Prevention of public nuisance	No	
Protection of children from harm	Yes	Please see attached supporting evidence
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	N/A	

Signed: [REDACTED]

Date: 12th September 2015

NOTES

1. If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the statutory period of 28 days from the date the application was displayed on the premises of the date given in the public notice in a local newspaper or other local publication.
3. You must live, work or represent a body that is in the vicinity of the premises that you are writing about in order to make representations.
4. These can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available. Names and addresses will only be withheld from the Committee report at your request.
6. Please return this form when completed to:

Central Bedfordshire Council
Public Protection
Watling House
High Street North
Dunstable
Bedfordshire
LU6 1LF

Tel: [REDACTED]

**COMMUNITY SAFETY AND PUBLIC PROTECTION
TRADING STANDARDS**

Information supporting a Premises Licence Review under the Licencing Act 2003 of:-

City Point 53 High Street Biggleswade SG18 0JH

The following evidences breaches of the licencing objective of ‘public safety’:-

On the 5th December 2015 a letter was sent to Mr Theravarasa revoking his explosives license – as a result of problems found during a previous inspection (see letter attached letter):-

- A quantity of fireworks which were found to be damp/mouldy or stored immediately adjacent to damp/mouldy fireworks
- Christmas lights (source of ignition), which had been plugged into the mains supply and placed into the shop floor cabinet, in which fireworks were stored
- A lack of suitable and sufficient staff training in relation to fireworks
- Failure to display age restrictive signage relating to fireworks sales

The following evidences breaches of the licencing objective of ‘protection of children from harm’:-

In April 2016 a Community Alcohol Partnership (CAP) was launched in Biggleswade. CAP's are funded by the alcohol industry and look to tackle drinking in local communities through co-operation between alcohol retailers, licensees and local stakeholders. A CAP encourages local partnership working to tackle alcohol misuse and the associated anti social behaviour. Biggleswade was identified as a town that would benefit from this kind of initiative as intelligence shows that there is a problem with under age drinking and street drinking.

On the 19th May 2016 I carried out an advisory visit to the premises to discuss due diligence principals (Challenge 25, the acceptance of appropriate ID only, the use of refusals books, legal implications of proxy sales). I provided CAP display material relating to proxy sales.

On the 5th December 2012 an inspection was carried out at the premises and a quantity of counterfeit wine was found, this was seized and Mr Theravarasa was prosecuted under the Trade Marks Act 1990 – he was found guilty at Bedford Magistrates Court and was fined £800 and ordered to pay £1500 in costs.

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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