

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 2 August 2017

NOTICE OF MEETING

LICENSING SUB-COMMITTEE

Date & Time

Friday, 11 August 2017 at 10.00 a.m.

Venue at

Room 15, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Members of the LICENSING SUB-COMMITTEE:

Cllrs R D Berry, D Bowater and T Nicols

[Named Substitutes:

Cllrs J Chatterley, K M Collins, I Dalgarno, Mrs A L Dodwell, K Janes,
P Smith, T Swain, N Warren and R D Wenham]

All other Members of the Council - on request

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

***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 April 2017) 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 the Review of a Premises Licence under the Licensing Act 2003 at The Railway Steamer, 142 Clifton Road, Shefford, Beds, SG17 5AH | * 31 - 60 |
| | To consider an application by Bedfordshire Police for the review of the premises licence for The Railway Steamer, 142 Clifton Road, Shefford, Beds. | |
| 8. | Exclusion of 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 Paragraphs 3 and 7 of Part I of Schedule 12A of the Act. | |

Exempt Appendix

Item	Subject	Exempt Para.	Page Nos.
9.	Application for the Review of a Premises Licence under the Licensing Act 2003 at The Railway Steamer, 142 Clifton Road, Shefford, Beds, SG17 5AH	* 3, 7	61 - 66

To receive exempt Appendix 1 to Appendix E of 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	
-----------------	--

Applicant's Name:	
Premises Address:	

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

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:	
------------------------	--

If appropriate:

COMMENCEMENT DATE
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.	

Right of Review
 At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.

Effect of Failing to Comply with Conditions (Explained to Applicant)
 The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.

Right of Appeal
 Applicants or any person who has made a relevant representation who is dissatisfied with this decision or the imposition of any condition or restriction has the right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

Signed:
 [Name]
 Chair of Licensing Sub-Committee

Date:

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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 14 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 promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

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

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.
- 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 and the prevention of illegal working 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 the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. 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: 11 August 2017
Subject: Application for Review of a Premises Licence under The Licensing Act 2003 at The Railway Steamer, 142 Clifton Road, Shefford, Beds, SG17 5AH
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: Margaret James/Guy Quint , Principal Public Protection Officers (Licensing)
Function of: Licensing Committee of a licensing authority
Public/Exempt: Exempt
Wards Affected: Shefford
Ward Councillors Cllr A D Brown, Cllr M Liddiard
Location The Railway Steamer, 142 Clifton Road, Shefford, Beds
Applicant A/Sergeant Liam Mitchell, Police Licensing Officer
Applicant's agent N/A
Reason for consideration by Sub-Committee Full review required following receipt of Summary Review from police.
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.

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. Situated on a main through road from Shefford to Clifton in a mainly residential area.

The Current Licence

14. The premises licence was granted from 24 November 2005. (See Appendix A for current licence)
15. The licence is held by Admiral Taverns Ltd, and the Designated Premises Supervisor (DPS) is Wendy Rudd.

Details of the present application

16. An application for a Summary Review of the premises licence was received on 17 July 2017 from the Licensing Sergeant of Bedfordshire Police, on behalf of the chief officer, under section 53a of the Licensing Act 2003. (See Appendix B)

On receipt of such an application the licensing authority is required to consider, within 48 hours, whether it is necessary to take interim steps.

The interim steps that the licensing authority must consider taking are:

- The modification of the conditions of the premises licence
- The exclusion of the sale of alcohol by retail from the scope of the licence
- The removal of the DPS from the licence
- The suspension of the licence

There is no requirement for a formal hearing in order to take interim steps, meaning that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision

A telephone conference between members of the licensing sub committee was held on 18 July 2017, and the decision was made to suspend the premises licence pending full review. (See Appendix C)

The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. At the hearing the licensing authority must:

- Consider what steps it considers to be appropriate for the promotion of the licensing objectives; and
- Decide which interim steps cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination of the review.

The steps the licensing authority can take are listed in the "Options" section of this report.

Representations

17 One “other person” has made representations. See Appendix D

18. Other Responsible authorities have not commented on the application

Responsible authority	Comment
Police	Review submitted
Fire	None
Environmental Health	None
Health and Safety	None
Planning	None
Child Protection	None
Public Health	None
Trading Standards	None

Application Guidance

19. In accordance with the provisions of the Licensing Act 2003 and the Councils 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

21. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 (Section 2.1-2.6 refers to the relevant objective) and the Council’s Statement of Licensing Policy (Section 7.1 refers to the relevant licensing objective).

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 Premises licence

Appendix B Application for summary review

Appendix C Decision Notice re interim steps

Appendix D Representation from other persons

Appendix E Police – Additional Information (Note: Appendix 1 to this document is exempt)

Background Papers: (open to public inspection)

The Licensing Act 2003

Guidance issued under section 182 of the 2003 Act

Central Bedfordshire Council Licensing Policy (on website)

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Appendix A



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

Premises licence number	2000254
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
The Railway Steamer 142 Clifton Road			
Town	Shefford	Post code	SG17 5AH
Telephone number	01462 629555		

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Live and Recorded music, Late night refreshment, Supply of alcohol

The times the licence authorises the carrying out of licensable activities
Recorded music - Indoors Mon to Sat 08.00hrs to 00.00hrs Non standard timings Christmas Eve, Christmas Day, Boxing Day, New Years Eve & Day, Spring & August Bank Hols, Good Friday , Easter Saturday, Sunday & Monday and any other bank holidays. World cup football, world cup rugby, world cup cricket, Olympics, commonwealth games, major international sporting events.
Supply of alcohol – On & off the premises Mon to Thurs 11.00hrs to 23.00hrs Fri & Sat 11.00hrs to 00.00hrs Sun 12.00hrs to 23.00hrs Non standard timings – as above
Live music & late night refreshment (Indoors) - at non standard timings as above.

The opening hours of the premises
Mon to Thur 08.00hrs to 00.00hrs, Fri & Sat 08.00hrs to 00.30hrs Sun 10.00hrs to 23.30hrs Non standard timings - As above 10:00-01:30.

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

On and off the premises

Part 2

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

Admiral Taverns Ltd
Milton Gate
60 Chiswell Street
London
EC1Y 4AG

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

05438628

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

Wendy Rudd



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: Thurrock Council

This licence is effective from the 24th August 2015

Dated the 24th August 2015

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 (See attached sheet)

Annex 2 - Conditions consistent with the Operating Schedule

- 1) Ingress and egress notwithstanding, all external doors and windows to the premises are to be kept closed during entertainment events that involve amplified music or speech.
- 2) Prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect the local residents and to leave the premises and area quietly.
- 3) The placing of bottles into receptacles external to the premises and will not take place between the hours of 19:00 and 07:30.
- 4) No amplified music/speech shall be audible at the nearest residential property.
- 5) Nationally recognised proof of age cards and other photographic ID cards to be requested as verification of proof of age.
- 6) No persons under the age of 14 are allowed on the premises without a legal guardian or with adult supervision unless dining or attending a private function.

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

None.

Annex 4 – Plans

See Attached.



**THE LICENSING ACT 2003
CENTRAL BEDFORDSHIRE COUNCIL
PREMISES LICENCE SUMMARY
PART B**

Premises licence number	2000254
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Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Railway Steamer 142 Clifton Road	
Town Shefford	Post code SG17 5AH
Telephone number 01462 629555	

Where the licence is time limited the dates
N/A

Licensable Activities authorised by the licence
Live and recorded music Late night refreshment Supply of alcohol

The times the licence authorises the carrying out of licensable activities
Recorded music - Indoors Mon to Sat 08.00hrs to 00.00hrs Non standard timings Christmas Eve, Christmas Day, Boxing Day, New Years Eve & Day, Spring & August Bank Hols, Good Friday , Easter Saturday, Sunday & Monday and any other bank holidays. World cup football, world cup rugby, world cup cricket, olympics, commonwealth games, major international sporting events.
Supply of alcohol – On & off the premises Mon to Thurs 11.00hrs to 23.00hrs, Fri & Sat 11.00hrs to 00.00hrs Sun 12.00hrs to 23.00hrs Non standard timings – as above
Live music & late night refreshment (Indoors) at non standard timings as above.

The opening hours of the premises

Mon to Thur 08.00hrs to 00.00hrs

Fri & Sat 08.00hrs to 00.30hrs

Sun 10.00hrs to 23.30hrs

Non standard timings Christmas Eve, Christmas Day, Boxing Day, New Years Eve & Day, Spring & August Bank Hols, Good Friday , Easter Saturday, Sunday & Monday and any other bank holidays 10:00-01:30.

World Cup Football, World Cup Rugby, World Cup Cricket, Olympics, Commonwealth Games, major International Sporting Events.

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

On and off the premises

Name, (registered) address of holder of premises licence

Admiral Taverns Ltd

Milton Gate

60 Chiswell Street

London

EC1Y 4AG

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

05438628

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

Wendy Rudd

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

No persons under the age of 14 are allowed on the premises without a legal guardian or with adult supervision, unless dining or attending a private function.

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Appendix B

ANNEX B

Bedfordshire Police
Luton Police Station
Buxton Road
Luton LU1 1SD

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

The Railway Steamer
142 Clifton Road
Shefford
Bedfordshire
SG17 5AH

Premises licence number (if known):

Name of premises supervisor (if known):

I am a Superintendent³ in the Bedfordshire police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The intelligence surrounding the location and result of the warrant conducted on 14/07/2017 all indicate an involvement of multiple people living or working at the location being involved in the supply of class A drugs on the premise. Further suspects may well be identified beyond the three already arrested and released under investigation, when all evidence obtained during the warrant is examined. The supply of controlled drugs is a serious crime.

A standard review process is not appropriate as it will allow the premise to

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

remain open, and allow this serious criminal activity to continue.



(Signed)

Sept 16.

(Date)

07/17/17

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Central Bedfordshire Council Licensing Department

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I /Sergeant Liam Mitchell [on behalf of] the chief officer of police for the Bedfordshire police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**The Railway Steamer
142 Clifton Road
Shefford
Bedfordshire**

Post town: Shefford

Post code (if known): **SG17 5AH**

2. Premises licence details:

Name of premises licence holder (if known):

Number of premises licence holder (if known):

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for

the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

At 19:00 hrs on Friday 14th July 2017, Bedfordshire Police executed a S8 Police and Criminal Evidence Act 1984 search warrant at THE RAILWAY STEAMER.

The warrant was granted by magistrates to search for class A controlled drugs, namely cocaine and heroin, items associated with the measuring and distribution of such drugs, and stolen property.

This was due to Bedfordshire Police being in possession of multiple pieces of intelligence indicating that staff at THE RAILWAY STEAMER were involved in distributing these drugs from the premise, open drug taking on the premise, as well as the handling of stolen goods there.

The execution of the warrant resulted in the seizure of multiple small bags of suspected class A drugs and cannabis, several thousands of pounds in cash, documentary evidence, mobile phones, and jewellery. These items were recovered from private staff areas and private accommodation upstairs.

Three people believed to be either living or working at the location were arrested on suspicion of conspiracy to supply class A controlled drugs. At the time of writing all three have been released under investigation.

The stated evidence discovered during the execution of this warrant is consistent with the supply of class A controlled drugs taking place at the premise, and as such represents an association of the premise with this serious crime.

Signature of applicant: 

Date: 17/07/2017

Capacity: Licensing Sergeant Bedfordshire Police

Contact details for matters concerning this application:

**Address: Licensing Office Luton, Bedfordshire Police HQ, Woburn Road,
Kempston, MK43 9AX**

Telephone number(s): [REDACTED]

Email: LicensingCentral@bedfordshire.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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CENTRAL BEDFORDSHIRE COUNCIL

LICENSING ACT 2003

LICENSING SUB – COMMITTEE

DECISION NOTICE

Date of telephone conference: 18.07.2017

Premises Address: The Railway Steamer, 142, Clifton Road,
Shefford, SG17 5AH

Application for: Summary Review under Licensing Act 2003

Reasons for telephone conference:

Members are to consider an application made by Bedfordshire Police for a Summary Review and determine:

1. Whether it is necessary for the Licensing Authority to take interim steps;
2. If so, to determine what steps are necessary.

Members of the Licensing Sub-Committee:

Councillor Kevin Collins (Chair) (present)
Councillor Ray Berry (via telephone)
Councillor David Bowater (via telephone)

1. Appointment of Chair

Councillor Kevin Collins was appointed Chair for the meeting.

2. Declarations of Interest

None



3. Exclusion of the Press and Public

It was noted and agreed that the item under consideration would normally be exempt under Schedule 12A of the Local Government Act 1972, on the grounds that it is:

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person.
- 6 Information which reveals that the authority proposes—
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

4. Urgent Action

It was noted and agreed that this meeting is being convened so that some Members can attend via a telephone conference facility because of statutory timescales and not being able to have all Members present in a meeting room.

5. The Railway Steamer, 142, Clifton Road, Shefford, SG17 5AH

- 5.1. The summary review provisions were inserted into the Licensing Act by virtue of the Violent Crime Reduction Act 2006. They allow the Chief of Police to apply to a Licensing Authority for an expedited review of a premises licence where a senior Police officer has issued a certificate stating that in their opinion the premises is associated with serious disorder.
- 5.2. On receipt of an application, the Licensing Authority must (within 48 hours) consider whether it is necessary to take interim steps pending determination of a review of the premises licence.
- 5.3. On 17 July 2017 the Licensing Authority received an application for summary review of the premises licence for The Railway Steamer, 142, Clifton Road, Shefford, SG17 5AH from the Licensing Sergeant of Bedfordshire Police on the basis that the premises are associated with serious disorder under section 53A of the Licensing Act 2003.
- 5.4. The Legal Clerk addressed the Sub Committee and gave details of information she had received from the premises licence holder's solicitors as follows:
 - 5.4.1. The premises licence holder, Admiral, understood there was an investigation by the police that involved staff.
 - 5.4.2. These staff are treated as self-employed and not employees of the premises licence holder. The premises is leased to the Designated Premises Supervisor ("DPS") who is also their tenant. The DPS was approved and had a clean criminal record.



- 5.4.3. Admiral had been in touch with the DPS who was returning from Greece today and will be asked about what has occurred by Admiral.
- 5.4.4. So it is sensible pending the outcome of the investigation by the police and the review hearing itself that the licence be suspended.
- 5.4.5. Had Admiral been aware of such issues, they would have taken their own action, but they don't know who is doing these acts so to be safe they would agree to be the license being suspended.
- 5.4.6. They do contest the police's application to revoke the licence.

6. Considerations

- 6.1. It was asked whether the Sub Committee needed any further information and wished to give the opportunity to the police and/or the premises license holder to join the telephone conference and make representations.
- 6.2. The Sub-Committee had a briefing note from the Legal Clerk that outlined the process for summary review and interim steps and what the Sub-Committee needed to consider as set out below:
- 6.3. In considering this matter, the Authority is required to take into account the licensing objectives of:
 - 6.3.1. Prevention of Crime and Disorder
 - 6.3.2. Public Safety
 - 6.3.3. Prevention of Public Nuisance
 - 6.3.4. Protection of Children from Harm
- 6.4. In addition, the Authority should take account of:
 - 6.4.1. The Revised Guidance issued under section 182 of the Licensing Act 2003 and particularly Section 12 concerning summary reviews.
 - 6.4.2. The application (including supporting information) presented by the Police.
 - 6.4.3. Information from the premises license holder relayed by the Legal Clerk.

7. DETERMINATION

- 7.1. Having considered the police's application and the additional information relayed to them Sub-Committee from the premises license holder, it was not felt there was a need to receive any further representations from the police or premise license holder.
- 7.2. Having considered whether it is necessary to take interim steps pending the determination of the summary review application under section 53B of the Licensing Act 2003, and having considered the written representations from the Police as Responsible Authority and oral representations relayed via the Legal Clerk from the Licence Holder, and taking into account the Licensing Act 2003 and the licensing objectives, in particular the Prevention of Crime



and Disorder, the Sub-Committee unanimously **DETERMINED** to take the interim step of suspending the premises licence pending the determination of the full review application.

7.3. The **REASONS** were:

- 7.3.1. The Sub-Committee were satisfied there was a serious allegation that meant interim steps were necessary.
- 7.3.2. The serious behaviour is outside the ability of conditions to manage so modification of the conditions of the premises licence was inappropriate.
- 7.3.3. Exclusion of the sale of alcohol also seemed inappropriate for a business that meant patrons would only be able to buy crisps, etc.
- 7.3.4. The incident appears to involve at least 3 members of staff and so removing the DPS would not be enough.
- 7.3.5. Suspension of the license is proportionate in view of the information.

Signed..........Date 18/07/2017
Chair



To

WHOEVER. IT MAY CONCERN

Central Bedfordshire Council

26 JUL 2017

I am a ^{Public Protection} LOCAL RESIDENT TO THE RAILWAY STEAMER. I HAVE BEEN DRINKING IN THE RAILWAY STEAMER SINCE 1990.

THE PUB HAD MANY LANDLORDS & LANDLADYS. IN THE PUB THE PRESENT LANDLADY HAS TURNED THE LOCAL PUB AROUND FROM A PUB THAT WAS GOING DOWN HILL TO A LIVELY FRIENDLY FAMILY PUB AS FOR THE CRIME AND DISORDER THAT I SAW ON THE NOTICE I HAVE NEVER SEEN ANY UNTOWARDS DISORDER. IN THE PUB

YOURS

SINCERELY



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Appendix E

Licensing Department
Central Bedfordshire Council

5844 Liam MITCHELL
Licensing Sergeant
Luton Police Station
Buxton Road
Luton
LU1 1SD

██████████
LicensingCentral@bedfordshire.pnn.police.uk

31/07/2017

Dear Sir or Madame,

RE: Summary licence review application – THE RAILWAY STEAMER 142 CLIFTON ROAD SHEFFORD SG17 5AH

On behalf of the Chief Officer of Bedfordshire Police, I wish to submit the following additional information in relation to the summary review application made on 17/07/2017, with regards to THE RAILWAY STEAMER SHEFFORD.

It is the opinion of Bedfordshire Police that THE RAILWAY STEAMER is associated with serious crime, namely the supply of class A controlled drugs, and its operation is undermining the prevention of crime and disorder as a result. This activity is also likely to undermine the protection of children from harm, through controlled drugs being on-site at a pub that advertises 'families welcome' on its signage and has a bouncy castle in its beer garden. The location is also 50 metres away from a large school, Samuel Whitbread Academy.

Bedfordshire Police holds pieces of information and intelligence suggesting that the owners and bar staff at THE RAILWAY STEAMER are involved in the supply of class A controlled drugs and deal to customers on location, as well as the handling of stolen goods taking place there.

This information was used to secure a search warrant of the location and attached accommodation under S8 of the Police and Criminal Evidence Act 1984. This warrant was executed on 14/07/2017. Multiple small bags of suspected cocaine and cannabis were recovered from private accommodation upstairs, as well as several thousands of pounds in cash, six mobile phones, jewellery, a set of electronic scales, and apparent 'deal list' documentary evidence. Three people found upstairs were arrested on suspicion of conspiracy to supply class A controlled drugs. All three have since been released under investigation.

A stun-gun device, a prohibited weapon under section 5 of the Firearms Act 1968, was recovered from one of the arrestee's home addresses.

The designated premises supervisor and her partner were not present at the time, and efforts to

arrange their interview in relation to the matter are underway at the time of writing.

Appendix 1 contains photographs of key items seized.

Drugs expert Sergeant 75 GURR has seen the white powder exhibits documented in Appendix 1, and has provided a statement confirming that in his opinion the white powder seized is cocaine powder. This statement is submitted as Appendix 2.

The highlighted evidence recovered is consistent with the supply of drugs taking place at the premise, as the information and intelligence suggested.

At the time of writing, no explanation has been provided for the presence of the suspected drugs seized. As such Bedfordshire Police cannot see a way forward where anything other than a licence revocation would be sufficient to prevent illegal activity at the premise, beyond a complete disassociation of the designated premises supervisor and arrested persons with the location.

Yours Sincerely,



Liam MITCHELL
Licensing Sergeant
Bedfordshire Police

RESTRICTED (when complete)

WITNESS STATEMENT Appendix 2

(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 3 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: _____ Date 27 July 2016

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

I am a sergeant with Bedfordshire Police currently stationed at Dunstable Police Station.

I am an expert in the field of drugs and I have been requested to provide a statement. I confirm that I have read guidance contained in a booklet known as *Disclosure: Expert's Evidence and Unused Material* which details my role and documents my responsibilities in relation to revelation as an expert witness. I have followed the guidance and recognise the continuing nature of my responsibilities of revelation. In accordance with my duties of revelation, as documentation in the guidance booklet, I

- a. Confirm that I have complied with my duties to record, retain and reveal material in accordance with Criminal Procedure and Investigation Act 1996, as amended;
- b. Have compiled an index of all material. I will ensure that the index is updated in the event that I am provided or generate additional material;
- c. That in the event my opinion changes on any material issue, I will inform the investigating officer as soon as reasonably practicable and give reasons.

I have been a police officer for 20 years and throughout most of my career I have had extensive experience in dealing with drugs related cases.

2000-2002 I was part of a pro active team dealing with drugs warrants and operations. My role within this team was to take part in these operations and to interview suspects and prepare prosecution files.

2003-2005 I was a detective constable on a pro-active tasking team, with responsibility for drugs

investigations.

2005-2011 I was the Drugs Field Intelligence Officer for Luton and South Bedfordshire. In this role I had responsibility for gathering, reviewing, disseminating and actioning drug intelligence.

I conducted intelligence interviews with drug users and dealers. I planned and executed a number of drugs warrants. This has led to me having a good knowledge of local current street prices and slang terms for various controlled drugs. During this period I was a member of the Luton Drugs and Alcohol Partnership, which consisted of representatives from the police, probation service, NHS and drug treatment organisations. The purpose of this group was to set local drugs enforcement and treatment policy.

2011-2013 I was the dedicated intelligence officer for a covert drug test purchase operation

I have been trained by the Forensic Science Service in field drug testing using BDH and Cozart drug testing kits. I have taken part in numerous drugs test purchase operations. I have attended the National Drugs Expert Witness Course at Wakefield West Yorkshire.

2014 Attended a seminar on Psychoactive Substances and Legal Highs at Hertfordshire Police HQ.

I attend quarterly Forcewide Drugs Experts Meetings within force where drugs trends and pricing are discussed.

I am also a member and on the mailing list for the National Police Drugs Advisory Group and receive regular updates as to national and international drug trends and intelligence.

I have been asked to provide a statement for use in the licence review hearing of The Railway Steamer Public House Clifton Road Shefford.

I was present when a search warrant was executed at the location on 14th July 2016 and I have seen the drugs exhibits in this case which is believed to be cocaine.

Cocaine: Cocaine hydrochloride is a Class A drug which commonly comes as a white powder. It is a product of the leaves of a coca plant which undergoes various chemical processes to produce the drug. Cocaine is most commonly snorted, but can be injected, rubbed onto gums, or smoked. The effect that cocaine has on the user is as a stimulant leading to increased confidence, loss of inhibitions and euphoria. Cocaine increases the heart rate and raises blood pressure and carries an increased risk of heart failure and stroke. Cocaine is often diluted with a variety of substances by dealers in order to maximise profits, and may be diluted several times as it descends through the supply chain. Varying

factors in relation to supply & demand such as relationships with buyers, current market conditions & regional variations all impact on the general valuations of drugs. Also it is common for suppliers of controlled drugs to be users themselves, often supplying to finance their own habit & lifestyle.

The commonly encountered street prices for Cocaine are as follows.

£40- £60 1gram (1000mgs)

£20- £30- ½ gram (500mgs)

£600- £1200 per oz (28grams).

The unofficial nature of the drugs trade means that deal sizes are often imprecise & may be slightly over or under the expected size.

I have been asked to express an opinion based on the balance of probabilities that the white powder exhibits are cocaine.

Based on my experience in dealing with cocaine over a number of years I can state that the substance seized has the appearance and consistency of cocaine powder. The way the substance was packaged in small self seal bags is also a common method of packaging cocaine in individual deals.

Based on my observations on the balance of probabilities my opinion is that the white powder seized is Cocaine powder.

Signature:

Signature witnessed by:

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(when complete)

Witness contact details

Home address: c/o Luton Police Station

Postcode: _____

Home telephone No: _____ Work telephone No: [REDACTED]

Mobile/Pager No: _____ E-mail address: _____

Preferred means of contact: _____

Male / Female (tick as appropriate) Date and place of birth: _____

Former name: _____ Height: _____ Ethnicity Code: 1

Date of witness non-availability: _____

Witness care

- a) Is the witness willing and likely to attend court? Yes No If 'No', include reason(s) on Form MG6. What can be done to ensure attendance? _____
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes No
If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? Yes No . If 'Yes' what are they? (Healthcare, childcare, transport, disability, language, difficulties, visually impaired, restricted mobility or other concerns?)

<u>Witness Consent (for witness completion)</u>	Yes	No	N/A
a) The criminal justice process and Victim Personal Statement Scheme (victims only) has been explained to me	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) I have been given the leaflet 'Giving a witness statement to the police – what happens next?'	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) I consent to the police having access to my medical record(s) in relation to this matter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) I consent to my medical record in relation to this matter being disclosed to the defence	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services <input checked="" type="checkbox"/>			
Signature of witness: _____			

Statement taken by (print name): _____ Station: _____

Time and place statement taken: _____

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