

LICENSING SUB-COMMITTEE28TH March 2013

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

1 The Application

- 1.1 An application has been submitted by Trading Standards as a Responsible Authority. A Copy of the application is attached as Appendix 'A' of this report.

1.2

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

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

1.3 Location

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

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

1.4 Relevant History

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

those stated on the present licence was made on 8th November 2006. Details of the operation of a “Challenge 21” policy at the premises can be found on the premises licence at **Annex 2 – “Conditions consistent with the Operating Schedule”**

2. **Representations from the responsible Authorities**

Police – Report attached at Appendix ‘D’

Children’s Services – Supporting statement at Appendix ‘D’

Fire Service – No comments

Others – No reply

3. **Other Persons**

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

4. **Licensing Policy**

Members’ attention is drawn to the Council’s Licensing Policy, in particular section 7.0. Licensing Functions. The relevant licensing objective ‘**The Protection of Children from harm**’ can be viewed at section 7.4. on pages 17 & 18

5. **Secretary of State’s Guidance**

The sub committee must have regard to the Secretary of State’s Guidance issued under Section 182 of the Licensing Act 2003 as amended in October 2012. In particular Sections 2.25 to 2.34 on pages 15 & 16 relating to ‘**The Protection of Children from harm**’ objective

6. **Observation and General Guidance**

The Sub-Committee must consider the application and any submissions made in writing, and determine the application.

The options available are:

- Take no action (this may include an informal warning)
- To modify the licence to include conditions that it considers are necessary for the promotion of the Licensing objectives – this includes altering or omitting any existing condition (including a reduction of hours) within the operating schedule and/or adding any new conditions
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding three months
- To revoke the licence

The Sub-Committee determination must be based upon:-

- The merits of the review application and the representations (including supporting information) presented by all the parties
- The steps that are necessary for promotion of the four Licensing objectives
- The Policy of the Licensing Authority
- The Guidance issued by the Secretary of State for the Home Office under s182 of the Licensing Act 2003

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

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

Location of Papers: Licensing Team, Dunstable

File Reference: 2000125

