
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
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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)