



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