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**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.

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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

<b>Responsible authority</b>	<b>Comment</b>
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 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

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)