

MEETING:	REGULATORY – SUB-COMMITTEE
DATE:	25 MAY 2011
TITLE OF REPORT:	EXPEDITED/SUMMARY LICENCE REVIEW OF PREMISES LICENCE: KORAI LTD, T/A RADUNI INDIAN CUISINE, 66 THE HOMEND, LEDBURY, HR8 1BT.
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE’S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider an application for an ‘*expedited licence review*’ of the premises licence relating to ‘Korai Ltd T/A Raduni Indian Cuisine, 66 The Homend, Ledbury, HR8 1BT, called by Garry Higgins, Superintendent of the West Mercia Constabulary and represented by Mr James Mooney, Police Licensing Officer.

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the interim steps necessary to prevent serious crime or serious disorder or substantial financial gain at the premises and to promote the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The steps that are necessary to assist with the prevention of serious crime and disorder,
- The representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 53A of the Licensing Act 2003 by the Violent Crime Reduction Act 2006, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received for an expedited review on 23 May 2011.
- Hearing arranged for 25 May 2011 within the required 48 hours.

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- 23 May 2011 - Copies of application and certificate sent to the premise licence holder and responsible authorities.

Options

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

1 Take no action or

Take any of the following steps: -

- (a) to modify the conditions of the licence;
- (b) the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence;

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect until the full review hearing.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003 and the Crime & Disorder Act 2006.

Background Information

The powers to call for an expedited review are contained in Section 53A of the 2003 Act by virtue of the Violent Crime Reduction Act 2006. The powers allow:

- i. The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
- ii. The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

Applicant	Garry Higgins – Superintendent West Mercia Constabulary Represented by: - James Mooney – Police Licensing Officer	
Premise Licence Holder	Korai Ltd, T/A Raduni Indian Cuisine, 66 The Homend, Ledbury, HR8 1BT	
Solicitor	Not known	
Type of application:	Date received:	Interim Steps Hearing 48 hours
Expedited Review	23/5/2011	25/5/2011

3 **Current Licence**

The current licence authorises the following licensable activities during the hours shown: -

Sale by retail of alcohol & Late Night refreshment

On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12 midnight.

On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30 pm

On Christmas Day: 12 noon to 11:30 pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3 pm.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

4 **The Grounds for the Review**

The grounds for the review are contained in Appendix 1 and 2 of the background papers.

5 **Responsible Authorities**

Copies of the application and certificate have been sent to the responsible authorities.

6 **Premises Licence Holder**

A copy of the application was sent by first class post to the premises licence holder.

Key Considerations

- 7 To consider what action should be taken, if any, to prevent further outbreaks of serious crime and disorder or substantial financial gain and to promote the four licensing objectives in accordance with the recommendation.

Guidance issued under Section 182 of the Licensing Act 2003 in respect of reviews states at paragraph: -

- 3.5 If the licensing authority decides to take steps at the interim stage then:

The decision takes effect immediately, or as soon after then as the licensing authority directs; but

The licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who make the application.

- 3.6 The licensing authority in deciding when its decision on interim steps should take effect should consider the practical implication of compliance in relation to the premises.

- 3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to a premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

Community Impact

- 8 It is felt that if no action is taken this could have an adverse effect on the local community.

Legal Implications

- 9 The premise licence holder may make representations against the interim steps taken by the licensing authority. There is not a time limit for the premises licence holder to make representation on the interim steps, although this would be within the normal review period of 28 days. On receipt of representations and if they are not withdrawn, a hearing must be arranged within 48 hours of receipt.

Consultees

- 10 Copies have been sent to the Responsible authorities and the premise licence holder.

Appendices

- 11 a. Application Form for Expedited Review
b. Certificate

Background Papers

Background papers are available for inspection in Meeting Room 22a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.