

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	19 OCTOBER 2011
TITLE OF REPORT:	FULL REVIEW FOLLOWING AN EXPEDITED/SUMMARY LICENCE REVIEW OF PREMISES LICENCE: NATALKA POLSKIE DELIKSTSEY, 22 EIGN STREET, HEREFORD, HR4 0AB
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Hereford

Purpose

To consider a Full Review of a premises licence following an Expedited Review in respect of: Natalka Polskie, 22 Eign Street, Hereford, HR4 0AB called by Charles Hill, 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 steps that are necessary to prevent serious crime or serious disorder 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 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 28 September 2011
- Interim Steps Hearing held on 29 September 2011 within the required 48 hours.
- Decision made to suspend the licence pending the full review
- 29 September 2011 - Copies of application and certificate sent to the premise licence holder

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

and responsible authorities.

- Copy of decisions notice sent on 29 September.

Options

1 There are a number of option open to the committee:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

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

Background Information

3 The powers to call for an Expedited review are contained in Section 53A of the Licensing Act as amended by the Violent Crime Reduction Act 2006. The powers allow;

- 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
- The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

4

Applicant	Charles Hill – Superintendent West Mercia Constabulary	
	Represented by: - James Mooney – Police Licensing Officer	
Premise Licence Holder	Kazimierz DUBINSKI Natałka Polskie Deliktsey, 22 Eign Gate, Hereford HR4 0AB	
Solicitor	Not known	
Type of application:	Date received:	Interim Steps Hearing 48 hours
Expedited Review	28/9/2011	29/9/2011
Review Period	29/9/2011	12/10/2011

5 The expedited review hearing was held on 29 September 2011 where the committee considered an application made by the Chief Constable of the West Mercia Police. At that hearing it was decided that the premises licence should be suspended forthwith. At that time

the premises licence holder Kazimierz DUBINSKI, Nataalka Polskie Deliktsey, 22 Eign Gate, Hereford HR4 0AB was not present.

6 A notice of the full review was placed on the premises as required by law.

Current Licence

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

Sale by retail of alcohol (Off Premises only)
Monday – Sunday 0600 – 23:00

8 The grounds for the review are contained in Appendix 1 and 2 of the background papers. The decision notice is attached at Appendix 3.

9 Representation

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

No further representation has been received at this time.

Key Considerations

10 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

11 It is felt that any decision will have little effect on the local community.

Legal Implications

12 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

13 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.

Consultees

14 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

15 The notice of review was displayed on the premises which invited representation between 29th September and 12th October 2011. The notice was also displayed at the offices of the

Licensing Authority at Bath Street.

Appendices

- 16 a. Application Form for Expedited Review
- b. Certificate
- c. Decision Notice Interim Steps

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.