

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Herefordshire District Council Licensing Authority

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Chief Inspector Adam Thomas [on behalf of] the chief officer of police for the West Mercia police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**The Royal Oak Hotel
South Street
Leominster HR6 8JA**

Post town: Leominster

Post code (if known): **HR6 8JA**

2. Premises licence details:

Name of premises licence holder (if known):

Minster House (Leominster) ltd.

Number of premises licence holder (if known):

PRO1333

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The Royal Oak Hotel is an established business in the market town of Leominster.

The venue is licensed for the sale/supply of alcohol and regulated entertainment on Friday and Saturday nights until 0100hrs. The final terminal hour for the public to be on the premises licence for these dates is 0130hrs

At weekends it runs late night entertainment - usually in the form of a disco in the cellar bar.

At 0125hrs on Saturday 18 July 2015, a telephone call was received by the police by someone called Charmaine - it is believed that this female is Charmaine Brooks, the manageress of the premises. She is not named on the premises licence and does not hold a personal licence issued by any licensing authority.

The call stated 'I have been told to ring the police and ask you to come asap to the outside of the hotel as its kicking off'.

Officers did attend with a number arriving a short time later and quickly established that a male had received a serious injury to his head after being struck by a bottle.

It was further established that the injured male was employed at the premises, working as a DJ in the cellar bar - a bar commonly known as Bar 44. It appears that between 0100hrs and 0115hrs the disco was still going, with the bar full of customers. A fight broke out involving a number of people, and the victim stepped in to break it up. He was then hit on the back of the head with a bottle causing a 2" gash.

The victim has no idea who hit him, and has stated that he was on the floor and was attempting to get to his feet when he was struck.

The following has been established -

There is no premises CCTV in the the cellar bar of the premises.

The designated premises supervisor Russell Stevens was not on the premises at the time of the incident.

There is no information that any SIA registered door supervisors were working at the premises - this however needs to be clarified.

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

From reviewing the premises licence for the venue, it includes a condition that states -

'That a CCTV system is installed which meets the requirements of the Police and the Licensing Authority. To be installed by 01 May 2009'.

There have been a number of police and Licensing Authority interventions with the premises licence holder in recent years. The most recent being a premises visit and inspection by the Licensing Authority on the 26 March 2015, with a follow up letter sent dated 14 April 2015. This letter covered a number of licence breaches - including the fact that CCTV did not meet the requirements of the authority - specifically coverage of Bar 44 (the cellar bar) and its approaches for customers.

An e-mail was received in response by the authority dated 30 April 2015. This was sent by Charmaine Brooks in her capacity as manager. Amongst other things it indicated that CCTV was on order and would be fitted as soon as it was received.

West Mercia Police are of a view that the incident on the 18 July 2015, is a serious crime incident that involved the use of a bottle as a weapon that resulted in a serious injury to the victim. The level of injury could result in a prison custodial sentence of 3 years or more on conviction.

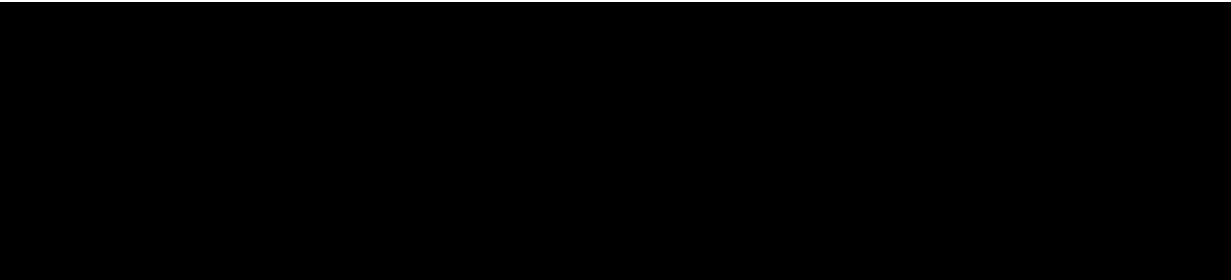
The breaches of licence conditions are also serious, in particular the failure of the premises licence holder to address the major concern over CCTV coverage.

Due to this incident and the lack of control and management by the premises licence holder, there are concerns that the venue will continue to flout the law and therefore undermine the licensing objectives and put the public at risk.

West Mercia Police would therefore request the following interim steps be put in place -

1. The designated premises supervisor be within the licensable area of the premises from 2000hrs on Friday and Saturdays and at all times when regulated entertainment takes place, until the conclusion of licensable hours and activities.
2. That the licensable area of the premises be restricted to the ground floor lounge area and the Acorn bar as indicated on the premises plan
3. That a minimum of 2 (two) SIA registered door supervisors be employed at the premises from 2100hrs on Friday and Saturdays and on all occasions when regulated entertainment takes place until the conclusion of licensable hours and activities.

It is the view of the police that these interim steps are proportionate and necessary to promote the licensing objectives and to protect the public from harm.



Signature of applicant:

Date: 20 July 2015

Capacity: *OPERATIONS CHIEF INSP*

Contact details for matters concerning this application:

Address:

**Harm Reduction/Community Safety Department
Hereford Police Station
Bath Street
Hereford HR1 2HT**

Telephone number(s): 01432 347102

Email: HerefordAntiSocialBehaviour@westmercia.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

West Mercia Police
Herefordshire
Bath Street
Hereford

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / ~~serious disorder~~ / ~~both serious crime and serious disorder~~¹.

*Premises*²:

The Royal Oak Hotel
South Street
Leominster. HR6 8JA

Premises licence number (if known): PRO1333

Name of premises supervisor (if known): Russell Warren Stevens

I am a Superintendent Mark Travis ³ in the West Mercia police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

This is a serious criminal matter with an assault offence recorded as grievous bodily harm.

The nature and circumstances of the incident are serious and require prompt action. Therefore whilst other procedures have been considered, they are not appropriate in these circumstances

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.



20/7/2015

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(Date)