

Meeting:	REGULATORY SUB-COMMITTEE
Meeting date:	24 MARCH 2016
Title of report:	REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW IN RESPECT OF: ZABKA, 16 EIGN GATE, HEREFORD, HR4 0AB - LICENSING ACT 2003
Report by:	FRED SPRIGGS – LICENSING OFFICER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central Ward

Purpose

To consider the Review of a Premises Licence following the Expedited/Summary Licence Review in respect of “Zabka, 16 Eign Gate, Hereford, Herefordshire, HR4 0AB”.

Recommendation

That:

The Sub-Committee when determining this review must consider:

- what steps it considers necessary for the promotion of the licensing objectives;

They should give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives
- The Guidance issued to local authorities under Section 53A of the Licensing Act 2003 by the Violent Crime Reduction Act 2006,
- The Police application made in respect of the expedited review together with the Superintendent’s Certificate

- The representations (including supporting information) presented by all parties, and
- The Herefordshire Council Licensing Policy.

Options

1. There are a number of option open to the committee:
 - a) the modification of the conditions of the premises licence;
 - b) the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - c) the removal of the designated premises supervisor from the licence;
 - d) the suspension of the licence for a period not exceeding 3 months; and
 - e) the revocation of the licence
 - f) take no further action

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

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

Key Considerations

3. 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:
 - 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.

Applicant	Inspector Nick Semper – West Mercia Police	
Premise Licence Holder	Zardashit Karem Salh 6 Wycliffe Grove, Walsall, West Midlands, WS2 9BF	
Solicitor	N/K	
Type of application: Expedited Review	Date received: 29/2/2016	End of 28 day period 27/03/2016

4. The application for an expedited review was received on 29th February 2016.
5. A hearing was held on 1st March 2016 within the required 48 hours.
6. At that hearing the committee heard from the police.

7. The premises licence holder failed to attend.
8. The committee decided to suspend the licence with immediate effect.
9. Copies of the application and certificate were sent to the premise licence holder and responsible authorities.
10. **Current Licence**
The current licence authorises the following licensable activities during the hours shown: -
Sale by retail of alcohol Monday - Sunday 08:00-22:00

Non standard timings: None
11. **The Grounds for the Review**

The grounds for the review and the Superintendent's authority are contained in Appendix 1 and 2 of the background papers.
12. The licensing authority has received no representations in relation to the review application.
13. Neither the police nor the Local Authority has been contacted by the premises licence holder.
14. The Local Authority was contacted by a solicitor shortly after the initial hearing and they were provided with the details of the matter.
15. Since then the solicitor has not been back in contact with the authority.

Community Impact

16. Any decision is unlikely to have any significant effect of the local community.

Equality duty

17. There are no equality or human rights issues in relation to the content of this report.

Financial implications

18. There are unlikely to be any financial implications for the authority at this time.

Legal Implications

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

Risk Management

22. There is little risk associated with the decision at this time as the legislation allows representation to be made against the interim steps.

Consultees

23. Copies of the application and certificate have been sent to the responsible authorities. A notice has been displayed at the premises, at the offices of the Licensing Authority and details have been shown on the council website.

Appendices

1. Superintendent's certificate
2. Application for expedited review
3. Summary Review Guidance issued by the Home Office
4. Additional police papers

Background Papers

None