

Meeting:	Licensing sub committee
Meeting date:	26 May 2017
Title of report:	Expedited/summary licence review of the premises licence: Jalsagar Restaurant, 60 St Owens Street, Hereford. HR1 2PU - Licensing Act 2003
Report by:	Licensing officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central Ward

Purpose

To consider an application for an '*expedited licence review*' of the premises licence relating to 'Jalsagar Restaurant, 60 St Owens Street, Hereford. HR1 2PU' (appendix 1) called by Sergeant 3456 Duncan Reynolds of the West Mercia Police.

Recommendation

THAT:

Sub-Committee determine the interim steps necessary to prevent serious crime or serious disorder (or both) 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 or disorder or both**
- **The representations (including supporting information) presented by all parties**
- **The guidance issued under Section 182 of the Licensing Act 2003**
- **The Herefordshire Council licensing policy.**

Options

1. The interim steps that the licensing authority can consider taking are:
 - 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;
2. 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

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

Key Considerations

4. 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	Sergeant 3456 Duncan Reynolds of the West Mercia Constabulary	
Premise Licence Holder	Mrs Wahida Khatun	
Solicitor	Not known	
Type of application: Expedited Review	Date received: 24.05.2017	Interim Steps Hearing 48 hours 26.05.2017

Current Licence

5. The current licence (appendix 2) 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 12midnight.
- On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.
- 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).

The Grounds for the Review

6. The grounds for the review and the Superintendent's authority are contained in appendix 1.
7. The committee have to decide what action should be taken, if any, to prevent further outbreaks of serious crime or disorder or both at the premises and how this will further promote the licensing objective of the prevention of crime.

Community Impact

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

Equality duty

9. There are no equality or human rights issues in relation to the content of this report.
10. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
11. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Financial implications

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

Legal Implications

13. 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.

Risk Management

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

Consultees

15. Copies of the application and certificate have been sent to the responsible authorities and served on the premises licence holder.

Appendices

Appendix 1 – current premises licence for Jalsagar Restaurant

Appendix 2 - application for expedited review and superintendent's certificate

Background Papers

Relevant sections of the Section 182 guidance.