

**SUPPLEMENT TO THE AGENDA FOR****Regulatory Sub-Committee****Monday 2 December 2013****2.00 pm****Room 22 A, Brockington, 35 Hafod Road, Hereford**

*In accordance with Section 100 B (4) (b) of the Local Government Act 1972, as amended, it is proposed to ask the Chairman of the meeting to agree that this item should be considered as a matter of urgency*

	<b>Pages</b>
<b>6. REPRESENTATION AGAINST INTERIM STEPS FOLLOWING AN APPLICATION FOR AN EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE IN RESPECT OF: BREWERS ARMS 97 EIGN ROAD, HEREFORD, HR1 2RU</b>	3 - 18



<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>2 DECEMBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>REPRESENTATION AGAINST INTERIM STEPS FOLLOWING AN APPLICATION FOR AN EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE IN RESPECT OF: BREWERS ARMS, 97 EIGN ROAD, HEREFORD, HR1 2RU</b>
<b>REPORT BY:</b>	<b>LICENSING OFFICER</b>

### 1. Classification

Open

### 2. Key Decision

This is not an executive decision.

### 3. Wards Affected

Tupsley

### 4. Purpose

To consider representation against the interim steps imposed on 27 November 2013 by the Regulatory Sub-Committee following an application for an expedited/summary licence review of the premises licence relating to the Brewers Arms, 97 Eign Road, Hereford, HR1 2RU.

### 5. Recommendation(s)

**THAT when determining the representation against the interim steps the Sub-Committee must take into account:**

- **The senior police officer's certificate that accompanied the application**
- **The chief officer's representation**
- **Any representation made by the premises licence holder**
- **The steps that are necessary to assist with the prevention of serious crime and disorder,**
- **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.**

## **6. Key Points Summary**

- Application was received for an expedited review on 25<sup>th</sup> November 2013.
- Hearing was arranged for 27 November 2013 within the required 48 hours.
- 25 November 2013 - Copies of application and certificate sent to the premises licence holder by email.
- 27 November 2013 - The Regulatory Sub-Committee agreed that the licence for the said public house premises be suspended forthwith subject to further review. A full review hearing has been arranged for Friday 20 December 2013.
- Application was received to make representation against the interim steps on 28 November 2013

## **7. Options**

The Sub-Committee must:

- Consider whether to continue with the interim steps in order to promote the 'Licensing Objectives', and
- Determine whether or not to withdraw or modify the steps taken.

The interim steps that the licensing authority can take are:

- (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 uphold the suspension of the licence;

Where the authority takes a step mentioned above it may provide that the modification or exclusion is to have effect until the full review hearing.

## **8. Reasons for Recommendations**

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

## **9. Introduction and Background**

### **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	<b>Ivan Powell – Superintendent West Mercia Constabulary</b>	
Premise Licence Holder	<b>Sean David Harrison &amp; Steven Lloyd Harrison Brewers Arms, 97 Eign Road, Hereford, HR1 2RU</b>	
Solicitor	<b>Not known</b>	
Type of application: <b>Expedited Review</b>	Date received: <b>25/11/2013</b>	Interim Steps Hearing 48 hours <b>27/11/2013</b>

The requirements of the legislation are that the application must be accompanied by a Certificate signed by a Superintendent. Where that has happened, as in this case, the requirements for launching an expedited review have been met and the Licensing Authority do not have power to question whether such certificate should have been issued by a Superintendent.

The expedited review hearing was held on 27 November where the Sub-Committee considered an application made by Superintendent Ivan Powell of the West Mercia Police. At that hearing the Sub-Committee decided to suspend the licence as an interim step pending the full review on 20 December 2013.

On 28 November 2013 an application was received by the Licensing Authority from Sean Harrison (one of the premises licence holders) who wishes to make representation against the interim steps.

### **Current Licence**

The following is authorised under the current licence:

An indoor sporting event  
Monday-Saturday: 20:00 - 23:00  
Sunday: 19:00 - 23:00

A performance of live music and Dancing  
Friday-Saturday: 20:00 - 01:00  
Sunday: 20:00 – 00:00

Any playing of recorded music  
Monday-Wednesday, Sunday: 12:00 - 01:00  
Thursday: 12:00 - 02:00  
Friday-Saturday: 12:00 – 2:30

Provision of late night refreshment  
Monday-Wednesday: 12:00 - 00:00  
Thursday, Sunday: 12:00 - 01:00

Friday-Saturday: 12:00 - 02:00

Sale by retail of alcohol

Monday-Wednesday: 12:00 - 00:00

Thursday: 12:00 - 01:00

Friday-Saturday: 12:00 - 02:00

Sunday: 12:00 - 00:30

## **The Grounds for the Review**

The grounds for the review are contained in Appendix a and b and the request to make representation against the interim steps at Appendix c. If the Sub-Committee is minded to remove or modify the interim steps it has imposed the police have requested the Sub-Committee imposes the conditions shown at Appendix d.

## **Responsible Authorities**

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

## **10. Key Considerations**

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

The licensing objectives are:

- The prevention of crime and disorder,
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Guidance issued by the Department for Culture, Media and Sport in respect of Expedited 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.

## **11. Community Impact**

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

## **12. Equality and Human Rights**

No implications have been identified.

## **13. Financial Implications**

There are unlikely to be any financial implications at this time to the authority except if the decision is appealed.

## **14. Legal Implications**

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.

## **15. Appendices**

- a. Application Form for a Summary Licence Review
- b. Certificate under Section 53(A)(1)(b) of the Licensing Act 2003
- c. Request to make an application against interim steps
- d. Police requested conditions if the Sub-Committee is minded to modify the interim steps

## **16. Background Papers**

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





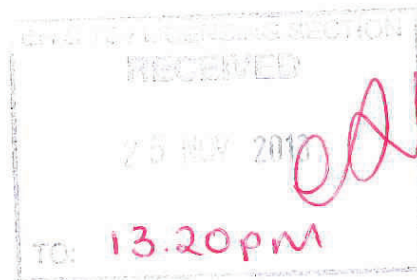
## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Herefordshire Council Licensing Authority

PO Box 233

Hereford. HR1 2ZF



**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 Richard REES [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:

**Brewers Arms Public House  
97 Eign Road**

Post town: Hereford

Post code (if known): **HR1 2RU**

**2. Premises licence details:**

Name of premises licence holder (if known): Sean David HARRISON and Steven Lloyd HARRISON

Number of premises licence holder (if known): PR00047

**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 premises is a licensed public house, a short distance from Hereford city centre.**

**It is a well established business serving a wide cross section of the community.**

**In recent months there has been heightened tension between rival criminal motorcycle groups in the city. Two incidents of disorder and assault occurred in the last 3 months where weapons had been used to cause harm. These two matters did result in police investigations, however there is little or no co-operation between the victims and witnesses who are known associates of each group.**

**In order to provide public reassurance and support for the licensing trade, a process has been put in place to increase police visits to locations where it is known the groups congregate.**

**One of these locations is the Brewers Arms Public House.**

**At 0447hrs on Sunday 24 November 2013, a report was received from the ambulance service with regards to a 'serious stabbing' at the Brewers Arms. Officers attended and found a male victim being treated for a serious stomach wound that had been caused by a bladed weapon.**

**Near to the scene a male and female were found - both were arrested on suspicion of attempted murder. Both are known to be connected to the 'biker groups'.**

**This is an on going police investigation, but it can be stated that the incident occurred inside the licensed premises at about 0445hrs. At this time the premises should have been closed - as it is licensed for licensable activities up until 0200hrs. Police investigations has established that both the victim and the suspects had been drinking inside the premises at the time of the incident, in company of other members of the public. An argument took place between two males.**

**A third male got involved in an attempt to stop the argument, however this resulted in one of the others producing a knife and stabbing him in the stomach. This resulted in a serious injury. One of the other males was also assaulted with minor injuries.**

**It is the view of the police that the premises licence holders and the designated premises supervisor have failed to have regard to the operating hours of the premises and therefore have failed to promote the licensing objectives. It has been established that the DPS Sean Harrison on his own admission is not often at the premises and states he has no knowledge of after-hours drinking at the location.**



**The premises licence for the location is an 'old licence' which includes conditions which are no longer relevant for this location. However it does have a number of conditions that are relevant and quite clearly are not being complied with. The most relevant being the provision of CCTV to cover the main entrance/exit door. There is NO CCTV at the premises whatsoever.**

**The view of the police is that this is a serious assault involving disorder and the use of a bladed weapon and therefore a serious criminal matter which could result in a prison sentence of 3 years or more on first conviction.**

**The fact that the premises was open to customers at the time of the incident shows a disregard to the law through the operating conditions contained on the premises licence.**

**The DPS is one of the joint premises licence holders and both have shown a lack of control and management of the premises.**

**As indicated this is an on going police investigation.**

**The view of West Mercia Police is that the premises licence should be suspended until a full regulatory licensing hearing.**

**If however the view is not to suspend the premises licence the view of West Mercia Police is that interim steps should be taken to promote the licensing objectives.**

**The view of West Mercia Police is that -**

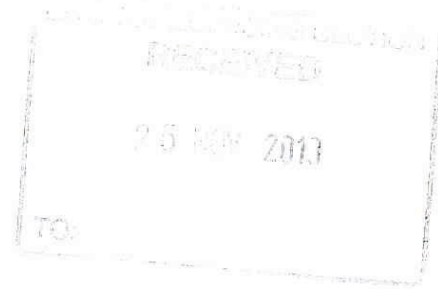
- 1. The terminal hour of the premises should be reduced to no later than 2300hrs**
- 2. CCTV should be provided to a standard agreed by both West Mercia Police and the Licensing Authority**
- 3. That Sean Harrison should be removed as the designated premises supervisor**
- 4. That a personal licence holder should be within the licensable area of the licensed premises at all times when licensable activities are undertaken.**

**However it is the strong view of West Mercia Police that interim steps should be taken by suspending the premises licence pending a full regulatory hearing.**

Signature of applicant:   
Date: 25 November 2013.  
Capacity: Detective Inspector 3199 Richard REES

**Contact details for matters concerning this application:**

Address:  
**Hereford Police Station**  
**Bath Street**  
**Hereford. HR1 1HT**



Telephone number(s): 01432 347102

Email: [licensing.hereford@westmercia.pnn.police.uk](mailto:licensing.hereford@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:

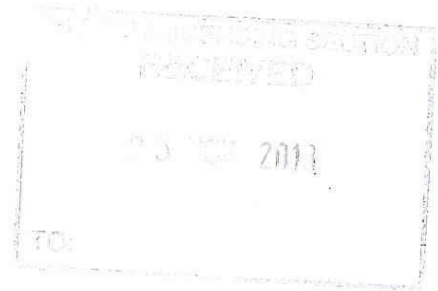
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and 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.

**ANNEX B**

West Mercia Police  
Herefordshire Territorial Policing Unit  
Bath Street  
Hereford. HR1 2HT



**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<sup>1</sup>.

*Premises*<sup>2</sup>:

Brewers Arms Public House  
97 mEign Road  
Hereford. HR1 2RU

Premises licence number (if known): PR00047

Name of premises supervisor (if known): Sean David HARRISON

I am  Superintendent Ivan POWELL<sup>3</sup> 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, because<sup>4</sup>:

This is a serious assault that took place on licensed premises.

The assault involved the use of a bladed weapon.

One side involved is known to be involved in criminal activity and is connected to organised criminal 'biker groups'.

There has been hightened tension between these groups.

---

<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

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

<sup>4</sup> 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.



At the time of the incident the premises should have been closed, however it was open with customers.

The circumstances of the incident indicate a serious criminal offence and a lack of control and management by the joint premises licence holders and therefore all other procedures are in the opinion of West Mercia Police felt inappropriate.

*Greg Snell*

(Signed)

*25th November 2013*

(Date)

Mr. S.D. Harrison,  
The Brewers Arms,  
Eign Road,  
Hereford.  
HR1 2RU

28<sup>th</sup> November 2013

Dear Sir/Madam,

**Re: Brewers Arms**

I am the Licensee of the Brewers Arms and I would like to make representations to the licensing authority in respect of the interim steps.

1. Removing my self as D.P.S.
2. Putting in an experienced D.P.S. who will be present during opening hours.
3. The Bar Manager will be removed completely.
4. Bar Staff will have there own Personnel Licence.
5. New Staff will work with staff who have there own personal licence until they get there own.
6. All Staff will have Training.
7. Installation of CCTV System which was installed on Monday 25.11.13

If you require more information please contact me on xxxxxx

Regards,

Mr S.D. Harrison





**Police requested conditions if the Sub-Committee is minded to modify the interim steps.**

In order to peruse the need to promote the licensing objectives the view of West Mercia Police is that if the committee agree to vary the interim steps, the suspension should be amended to cover the following issues that can be applied -

1. The terminal hour of the premises should be reduced to no later than midnight on all days of the week.
2. That CCTV should be provided to a standard agreed by both West Mercia Police and the Licensing Authority. This standard is set out in the model pool of licensing conditions contained in the Licensing Policy of Herefordshire Council.
3. That Sean Harrison should be removed as the designated premises supervisor
4. That a personal licence holder should be within the licensable area of the licensed premises at all times when licensable activities are undertaken.
5. That before the premises re-opens; all staff should be trained to a standard set within the model pool of conditions contained with the Licensing Policy for Herefordshire Council. This standard is set as BIIAB level 1 licensing training or a standard agreed by Herefordshire Council Trading Standards
6. That the premises licence holders will be an active member of any 'pub watch' scheme that is operating within the Hereford city area for the duration of its existence.

