

AGENDA

Regulatory Sub-Committee

Date: **Wednesday 6 October 2010**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub-Committee

Membership

Councillor SPA Daniels
Councillor JHR Goodwin
Councillor JW Hope MBE

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the Sub-Committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
5. EXPEDITED / SUMMARY LICENCE REVIEW OF PREMISES LICENCE: THE CROWN & SCEPTRE INN, MARKET PLACE, ROSS-ON-WYE, HR9 5NX To consider an application for an expedited licence review of the premises licence relating to The Crown & Sceptre Inn, Market Place, Ross-on-Wye, HR9 5NX.	1 - 10

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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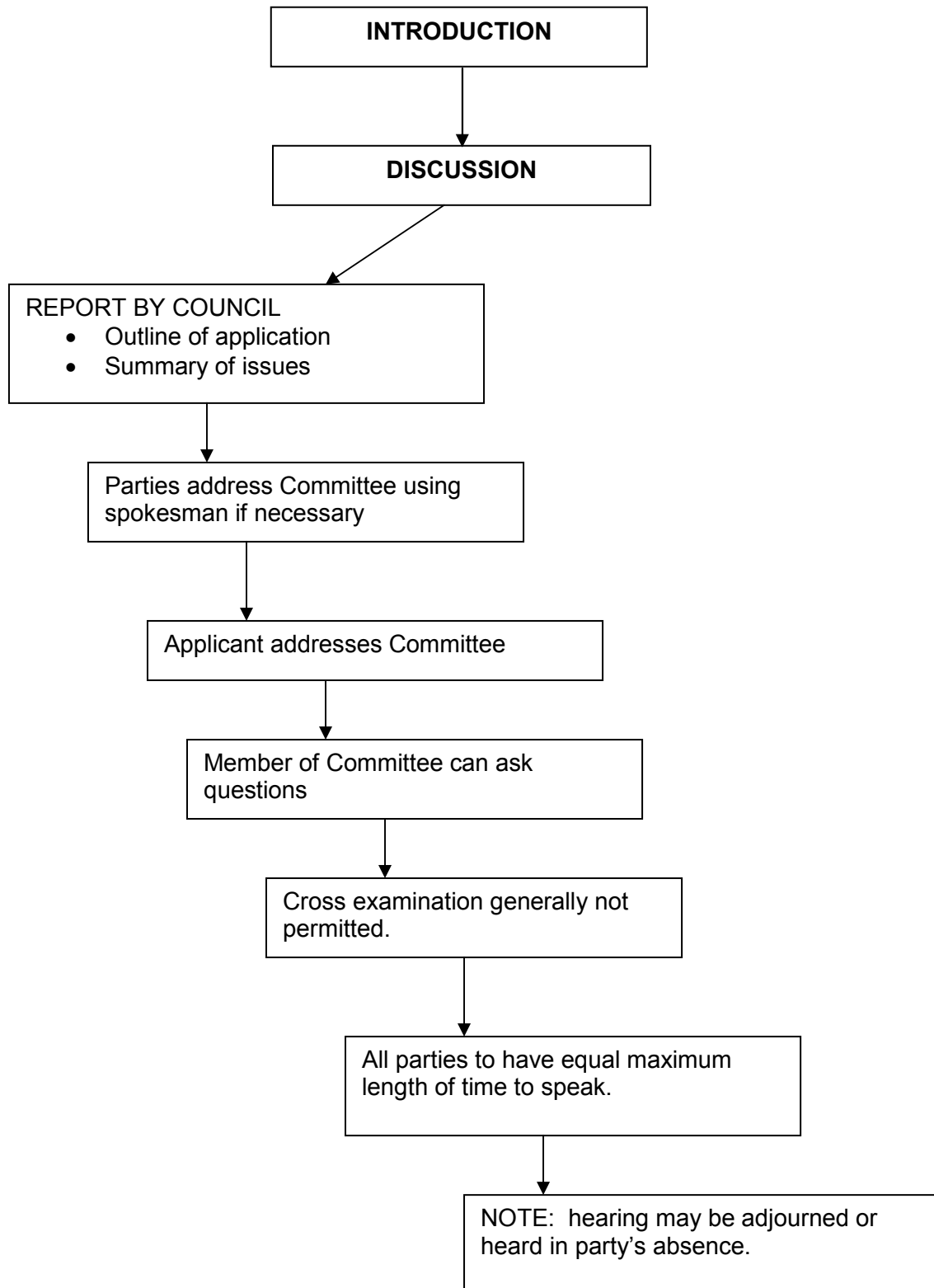
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	6 OCTOBER 2010
TITLE OF REPORT:	EXPEDITED/SUMMARY LICENCE REVIEW OF PREMISES LICENCE: THE CROWN & SCEPTRE INN, MARKET PLACE, ROSS-ON-WYE, HR9 5NX
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Ross-on-Wye

Purpose

To consider an application for an Expedited licence review of the premises licence relating to The Crown & Sceptre Inn, Market Place, Ross-on-Wye, HR9 5NX, 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 interim steps 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 promote the licensing objectives,
- 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 4.10.10
- Hearing arranged for 6.10.10 within the required 48 hours.
- 4.10.10 Copies of application and certificate sent to the premises licence holder and responsible authorities.

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

Options

The interim steps that the licensing authority can consider taking are

1 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;

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

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

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;

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	Charles Hill – Superintendent West Mercia Constabulary Represented by: - James Mooney - Police Licensing Officer	
Premises Licence Holder	Nicholas James Cousens & Angela Margaret Cousens, 28 Church View, Hartley Wintney, Hook, Hampshire, RG27 8LN.	
Solicitor	Not known	
Type of application: Expedited Review	Date received: 4/10/2010	Interim Steps hearing 48 hours 6/10/2010

3 **Current Licence**

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

An exhibition of a film; An indoor sporting event, Any playing of recorded music;

Sunday-Thursday: 10:00 – 00:00

Friday-Saturday: 10:00 - 02:30

A Performance of Live Music, Other regulated entertainment

Monday- Friday: 19:00 - 00:00

Saturday - Sunday: 12:00 - 00:00

Sale by retail of alcohol

Sunday-Thursday: 10:00 - 00:00

Friday-Saturday: 10:00 - 02:00

4 **The grounds for the review are contained in Appendix 1 and 2 of the background papers.**

5 **Responsible Authorities**

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

Key Considerations

6 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.

Guidance issued under Section 182 of the Licensing Act 2003 in respect of 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.

Community Impact

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

Legal Implications

8 The premises 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.

Consultees

9 Responsible authorities and the premises licence holder

10 A copy of the application has been served on the responsible authorities.

Appendices

11 a. Application Form for Expedited Review

b. Certificate

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.

West Mercia Police
Territorial Policing Unit - Herefordshire
Bath Street
Hereford. HR1 1TA

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:

Crown and Sceptre Public House
Market Place
Ross on Wye
Herefordshire. HR9 5NX

Premises licence number (if known): PR000646

Name of premises supervisor (if known):

I am a Superintendent 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:

The police concerns over crime and disorder in and around this premises have been brought to the attention of the person in charge on 15/09/10 (follow up letter sent). The crime and disorder issues that are occurring have not stopped or reduced.

Serious disorder occurred on 02 October 2010 near to the premises, police

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.

entered the public house to make an arrest, the customers 'turned on the police' preventing and obstructing them from performing the duty.

The staff and responsible person on the premise were unable to prevent these actions and had no proper control over the running of the premises.

All other intervention by West Mercia Police in an effort to resolve issues at this premises have failed at this stage.

The alleged offences and incidents are so serious in their nature that it is not appropriate to pursue this matter by way of a review of the premise licence under section 51 of the Licensing Act 2003.

The closure order being sought are necessary for the promotion of the licensing objectives of the prevention of crime and disorder

..... Charles Will Sept 944 4¹⁰/10
(Signed) (Date)

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 Section

County Offices

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, **James MOONEY** - Police Licensing Officer [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:

**Crown and Sceptre Public House
Market Place**

Post town: **Ross on Wye**

Post code (if known): **HR9 5NX**

2. Premises licence details:

Name of premises licence holder (if known): **Nicholas COUSENS**

Number of premises licence holder (if known): **HARTDC/07/0014**

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]

This premises is a medium sized public house in the town centre of Ross on Wye.

The premises licence is in the name of Nicholas COUSENS.

The premises is owned by Nicholas and Angela COUSENS. They are believed to be living in the Hampshire area.

It is believed the premises is being 'managed' by a Claire DEEN, who holds a personal licence

West Mercia Police have been concerned for a number of months with the level of crime and disorder that is occurring in or near this premises.

On 15 September 2010, a joint visit was made to the premises by the Licensing Authority and West Mercia Police Licensing Officer. They spoke to a Ms Claire DEEN. She holds a personal licence and indicated that she is in the process of taking over the lease of the premises and therefore saw herself as being responsible for the running of the public house. Ms DEEN was informed by the police of their concerns and was put on notice that steps should be taken to prevent or reduce the number of incidents occurring in the premises or nearby that could be attributed to the public house. Ms DEEN was informed that the situation would be reviewed on the 15 October 2010. This was later confirmed in writing to her.

Serious disorder took place in Ross on Wye town centre during the evening of Saturday 02 October 2010. This resulted in officers entering the public house in order to effect an arrest. As a result of this a number of the customers interfered with the arrest, obstructed the officers and attempted to effect the release of the detained person. The staff and management of the premises were unable to prevent this happening. As a result of this issue and others which occurred nearby, Ms DEEN agreed voluntary to close the premises.

In 2010, there has been in the region of 20 crime and disorder incidents in or near the premises. 11 of these have taken place since the end of June 2010.

It is the view of the West Mercia Police that the alleged offences and the cumulative impact of the incidents are of a serious nature and that it is necessary to promote the licensing objectives, and in particular the prevention of crime and disorder.

In order to promote the licensing objectives, West Mercia Police are requesting that the Licensing Authority issue an order to close the premises with

immediate affect. This would allow a fuller review of the issues, management of the premises and the current premises licence.

Signature of applicant:



Date: 04 October 2010

Capacity: Police Licensing Officer

Contact details for matters concerning this application:

Address: **West Mercia Police
Territorial Policing Unit - Herefordshire
Hereford Police Station
Licensing Officer
Bath Street
Hereford. HR1 2HT**

Telephone number(s): 01432 347102

Email: licensing.herefordshire@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.