

# AGENDA

## Regulatory Sub Committee

Date: **Monday 17 June 2013**

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Time: **9.30 am**

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

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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](mailto:rclarke@herefordshire.gov.uk)

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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](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Regulatory Sub Committee**

## **Membership**

**Councillor BA Durkin  
Councillor JW Hope MBE  
Councillor Brig P Jones CBE**

**AGENDA**

	<b>Pages</b>
<b>1. ELECTION OF CHAIRMAN</b> To elect a Chairman for the hearing.	5 - 8
<b>2. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>3. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>4. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>5. REPRESENTATION AGAINST INTERIM STEPS 'LYDE COURT, LYDE CROSS, HEREFORD, HR1 3AE.'</b> To consider a representation against the interim steps imposed on 5 June 2013 by the Regulatory Sub-Committee following an application for an expedited/summary licence review of the premises licence in respect of Lyde Court, Lyde Cross, Hereford, HR1 3AE.	9 - 14



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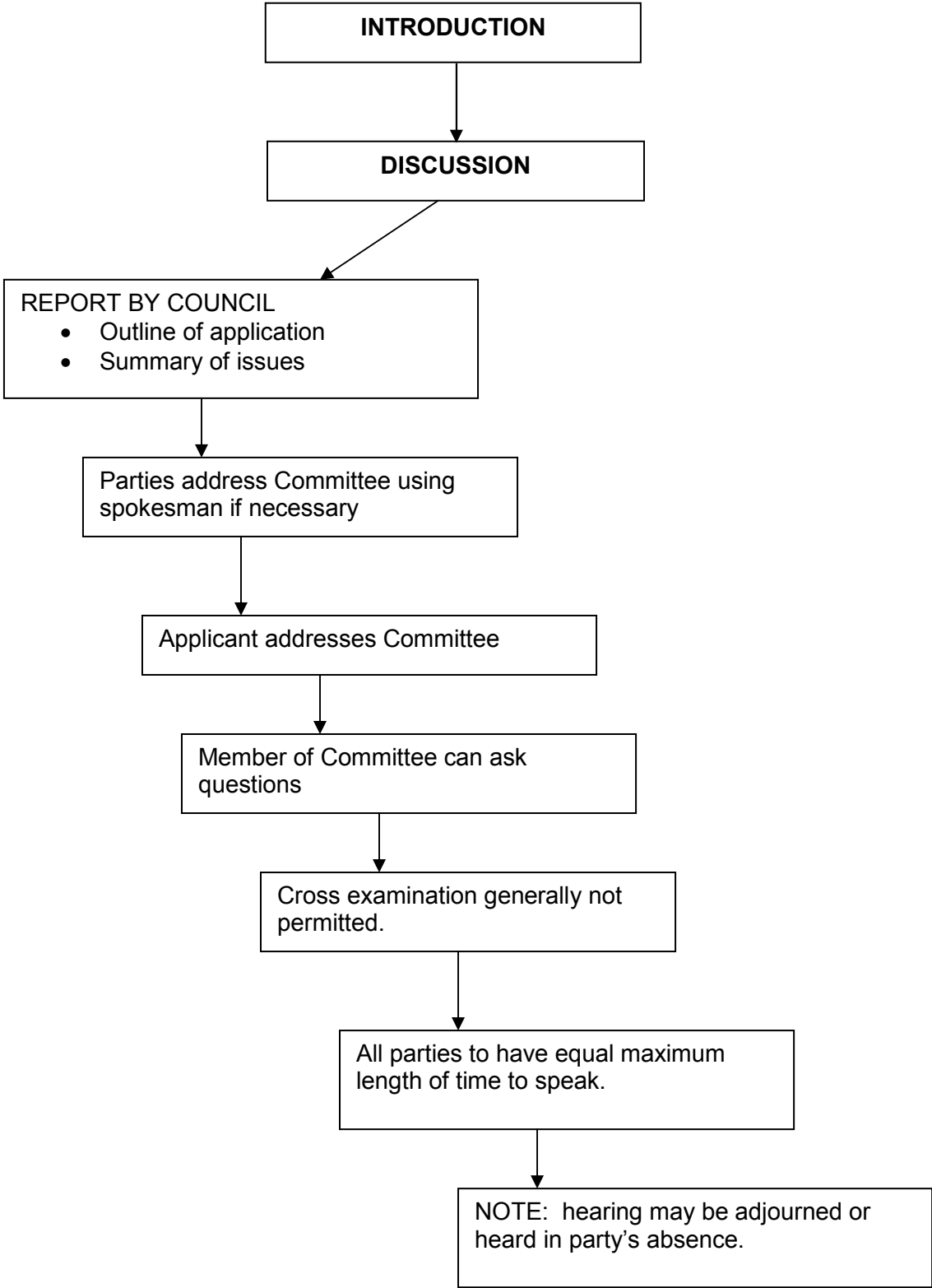
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# LICENCING HEARING FLOW CHART







<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>17 June 2013</b>
<b>TITLE OF REPORT:</b>	<b>TO CONSIDER REPRESENTATION AGAINST THE INTERIM STEPS IMPOSED ON 5 JUNE 2013 BY THE REGULATORY SUB-COMMITTEE FOLLOWING AN APPLICATION FOR AN EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE IN RESPECT OF: LYDE COURT, LYDE CROSS, HEREFORD, HR1 3AE' – LICENSING ACT 2003.</b>
<b>REPORT BY:</b>	<b>FRED SPRIGGS – LICENSING OFFICER</b>

## 1. Classification

Open

## 2. Key Decision

This is not a key decision

## 3. Wards Affected

Burghill, Holmer & Lyde

## 4. Purpose

To consider a representation against the interim steps imposed on 5 June 2013 by the Regulatory Sub-Committee following an application for an expedited/summary licence review of the premises licence in respect of Lyde Court, Lyde Cross, Hereford, HR1 3AE.

## 5. Recommendation(s)

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

- The senior police officer's certificate that accompanied the application
- The chief officer's representation and
- Any representation made by the premises licence holder

## 6. Key Points Summary

- Application received for an expedited review on 4 June 2013.

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Further information on the subject of this report is available from  
Clare Corfield, Licensing Manager 01432 26012

- Hearing held on 5 June 2013 within the required 48 hours.
- Application against interim steps received on 13 June 2013.

## **7. Options**

The committee must:

- Consider whether the interim steps are necessary for the promotion of the 'Licensing Objectives' and
- Determine whether or not to withdraw or modify the steps taken.

The following are options in respect of modification

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.

## **8. Reasons for Recommendations**

Ensure compliance with the legislation.

## **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.

### **Current Licence**

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

Plays, Films, Performance of Dance  
Monday-Sunday: 14:00 - 00:00

Any playing of recorded music, Live Music  
Sunday – Thursday: 10:00 - 00:00  
Friday & Saturday: 10:00 – 02:00

Sale/Supply of Alcohol  
Sunday – Thursday: 09:00 – 00:00  
Friday & Saturday: 08:00 – 02:00  
24 hours for residents

Late Night Refreshment  
Monday – Sunday: 23:00 – 02:00

### **The Grounds for the Review**

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

### **Representation Against the Interim Steps**

A copy of the email making representation against the interim steps can be found in the background papers.

### **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.

Guidance issued by the DCMS 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**

The granting of the licence as applied for may have an impact on the Community.

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

"A public authority must, in the exercise of its functions, have due regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

## **13. Financial Implications**

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

## **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. Risk Management**

15.1 Not applicable.

## **16. Consultees**

Responsible authorities and the premise licence holder.

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

## **17. Appendices**

- a. Representation against the interim steps

## **18. 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.**

**From:** Lyde Court, Enquiries  
**Sent:** 13 June 2013 13:32  
**To:** Spriggs, Fred  
**Subject:** RE: Lyde Court Licence Review

Dear Mr Spriggs,

Thank you for your reply, and guidance.

In particular: We would like to have the decision reviewed that orders any drinks served in glass bottles to be decanted into plastic or toughened vessels. This is proving to be impracticable in that almost all our functions involve the serving of wine, Champagne and mineral water to the tables, and it is not reasonable to remove these beverages from the bottles. Likewise we sell bottles of Schweppes mixers which would be totally unfeasible to use as a weapon as they are only 125ml. Children enjoy drinking J20's and Cokes with a straw from a bottle. Please, could the restriction be modified or removed. I understand that the committee can consider such a minor amendment by way of emails or telephone conversations without the need to convene a meeting. Is it possible to consider this as a minor amendment?

The conditions we offered at the hearing will be put into place whatever, and we did not mean to imply that we will not do so. In addition we are sending a member of staff (Lauren) on an approved course for the "British Institute of Innkeeping Level 2 Certificate in Licensed Hospitality Skills" to add to the APLH she is taking in July. Furthermore, we are looking into training two permanent members of staff with an SIA certificate so that if unpredicted trouble were to occur then we would have the training to immediately diffuse the situation. We have organised for BP Security to provide security staff where our risk assessment dictates.

I have had a conversation with Inspector Semple, and the Police are refusing to produce the contemporaneous notes for the full hearing. If this was a Court of law the case would be thrown out at this point by way of non-disclosure, but what is the position when the Police refuse to produce documents asked for by the Committee? Ivan Powell's version of events was not accurate and we need the Police notes to prove this. Statements produced after the fact are of less evidential value, and the Committee were very well aware of this when they asked for the contemporaneous notes.

We can take up the validity of the certificate at the full hearing. We now realise that even if the certificate were to be withdrawn, then the review must proceed.

Thank you for your help.

Best Wishes

**Karen & Gary Waring**

Lyde Court  
Hereford  
HR1 3AE

