

AGENDA

Regulatory Sub Committee

Date: **Wednesday 27 November 2013**

Time: **11.00 am**

Place: **Room 22a - Brockington, 35 Hafod Road, Hereford**

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

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor JW Hope MBE
Councillor Brig P Jones CBE
Councillor PJ McCaull**

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	5 - 8
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 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 THE PREMISIES LICENCE IN RESPECT OF THE 'BREWERS ARMS, 97 EIGN ROAD, HEREFORD' To consider an application for an ' <i>expedited licence review</i> ' of the premises licence relating to the 'Brewers Arms, 97 Eign Road, Hereford.	9 - 18

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- 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.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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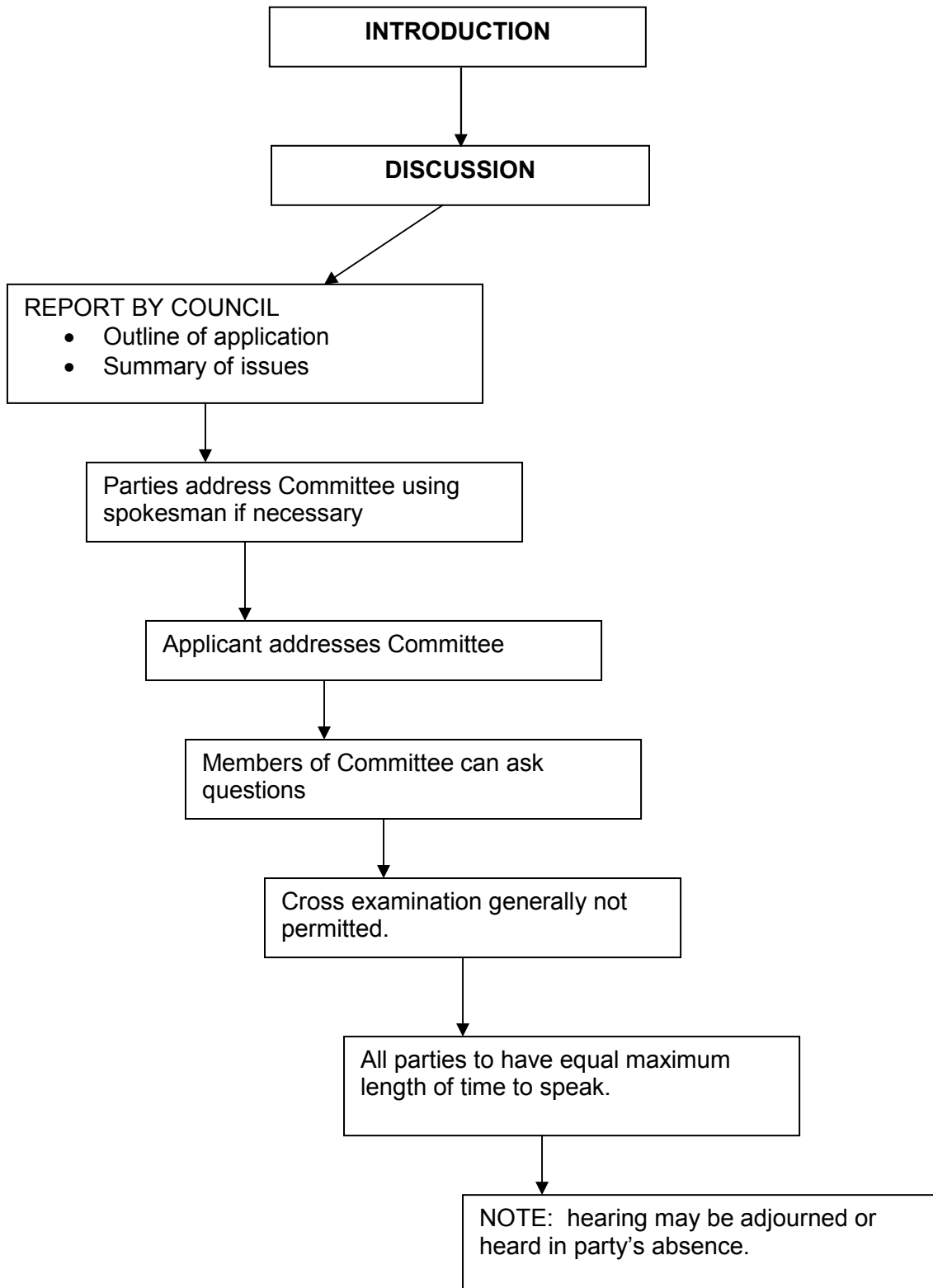
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	27 NOVEMBER 2013
TITLE OF REPORT:	EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISIES LICENCE IN RESPECT OF THE 'BREWERS ARMS, 97 EIGN ROAD, HEREFORD,
REPORT BY:	LICENSING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision.

3. Wards Affected

Tupsley

4. Purpose

To consider an application for an '*expedited licence review*' of the premises licence relating to the 'Brewers Arms, 97 Eign Road, Hereford, HR1 2RU'.

5. Recommendation(s)

THAT the 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 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.

6. Key Points Summary

- Application received for an expedited review on 25 November 2013.
- Hearing 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.

7. Options

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;

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

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	Ivan Powell – Superintendent West Mercia Constabulary
Premise Licence Holder	Sean David Harrison & Steven Lloyd Harrison Brewers Arms, 97 Eign Road, Hereford, HR1 2RU

Solicitor	Not known	
Type of application:	Date received:	Interim Steps Hearing 48 hours
Expedited Review	25/11/2013	27/11/2013

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 the appendices...

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: -

- 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

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.

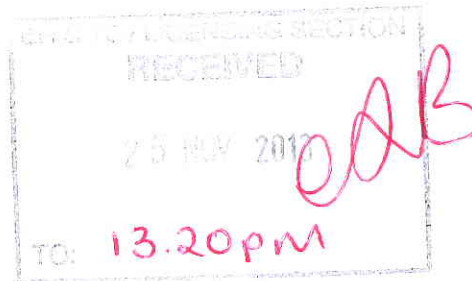
FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[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 indicate 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

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:

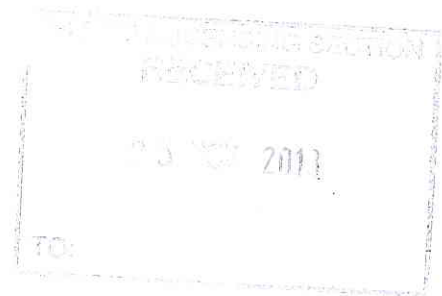
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and 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 disorder¹.

*Premises*²:

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 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:

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 heightened tension between these groups.

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.

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)