

AGENDA

Regulatory Sub Committee

Date: **Friday 13 May 2016**

Time: **10.00 am**

Place: **Committee Room 1 - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX**

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

For any further information please contact:

Clive Lloyd, Governance Services

Tel: 01432 260249

Email: clive.lloyd@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Clive Lloyd, Governance Services on 01432 260249 or e-mail clive.lloyd@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor BA Durkin
Councillor DW Greenow
Councillor MD Lloyd-Hayes

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
3. REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW IN RESPECT OF: 'SPARKYS BAR AND CAFÉ, 18 WEST STREET, LEOMINSTER, HR6 8ES' - LICENSING ACT 2003 To consider an application for review of a premises licence following the expedited/summary licence review in respect of 'Sparkys Bar and Café, 18 West Street, Leominster, HR6 8ES'.	11 - 40
4. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF THE 'SLIP TAVERN, WATERY LANE, MUCH MARCLE, LEDBURY, HR8 2NG' - LICENSING ACT 2003 To consider an application for a new premises licence in respect of the 'The Slip Tavern, Watery Lane, Much Marcle, Ledbury, HR8 2NG'.	41 - 64

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HEREFORDSHIRE COUNCIL

SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.

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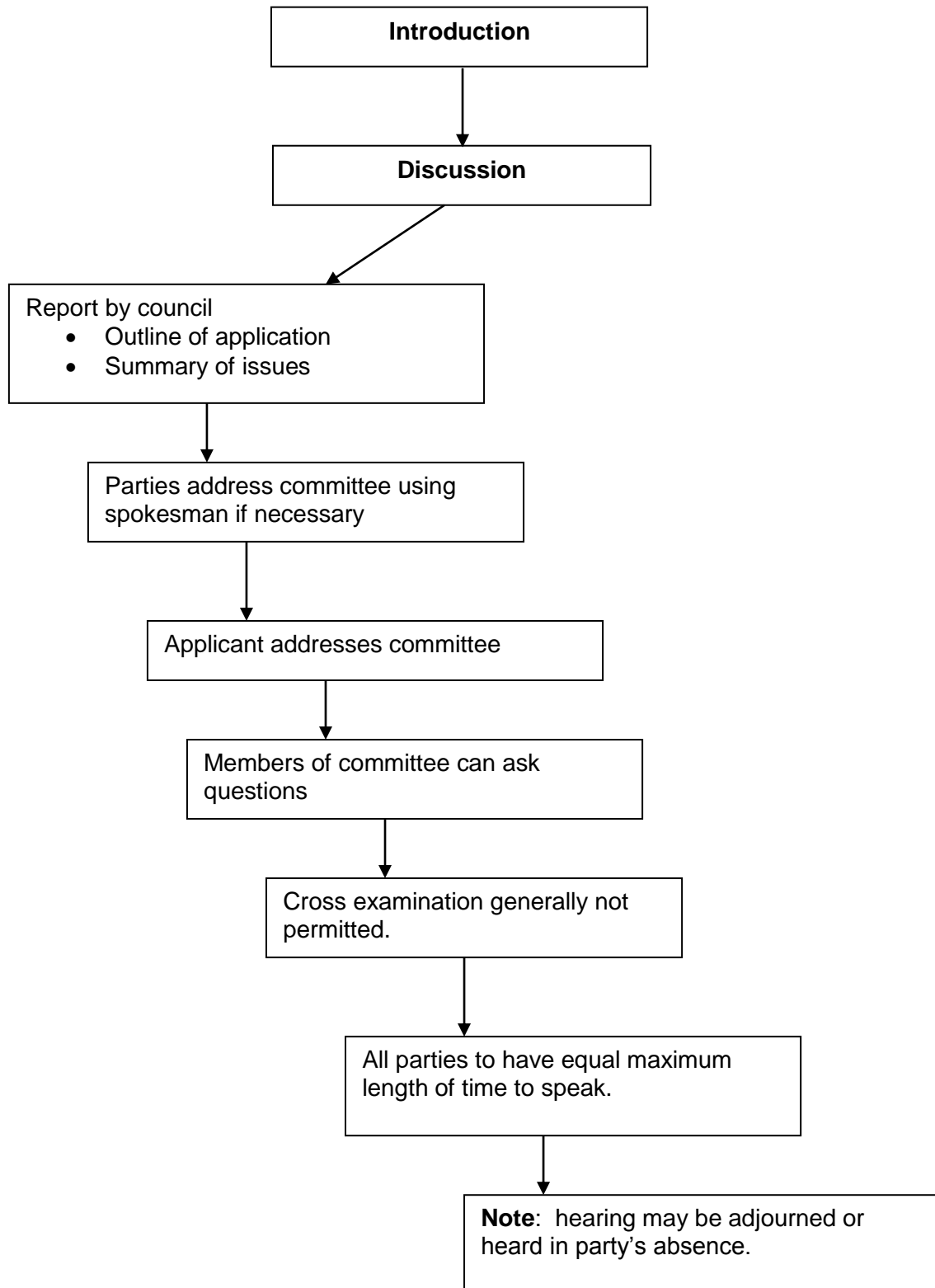
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Licensing Hearing Flowchart





Meeting:	Regulatory Sub-Committee
Meeting date:	13th May 2016
Title of report:	REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW IN RESPECT OF: 'SPARKYS BAR AND CAFÉ, 18 WEST STREET, LEOMINSTER, HR6 8ES' - LICENSING ACT 2003
Report by:	Fred Spriggs – Licensing Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Leominster

Purpose

To consider an application for Review of a Premises Licence following the Expedited/Summary Licence Review in respect of 'Sparkys Bar and Café, 18 West Street, Leominster, HR6 8ES'.

Recommendation

That:

The Sub-Committee when determining this review must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

They should give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives
- The Guidance issued to local authorities under Section 53A of the Licensing Act 2003 by the Violent Crime Reduction Act 2006,
- The Police application made in respect of the expedited review together with the Superintendent's Certificate
- The representations (including supporting information) presented by all parties, and
- The Herefordshire Council Licensing Policy.

Options

1. There are a number of option open to the committee:
 - the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of 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 for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

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

Key Considerations

3. 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	Chief Constable – West Mercia Police Represented by: - Inspector Robert Barnett
Premise Licence Holder	Mr David Ronald Wicks The Flat, 3 Church Street, Leominster, HR6 8NE
Solicitor	N/K

Type of application:	Date received:	End of 28 day period
Expedited Review	18/04/2016	16/05/2016

4. The application for an expedited review was received on 18th April 2016.
5. A hearing was held on 20th April 2016 within the required 48 hours.
6. At that hearing the committee heard from the police and the head door supervisor, Mr Mark Skinmore, who spoke on behalf of premises licence holder.
7. The committee decided to suspend the licence with immediate effect until the full review.
8. Copies of the application and the Superintendent's certificate were sent to the premise licence holder and responsible authorities.
9. At the time of writing this report the premises licence holder has failed to contact the Licensing Authority or the Police.
10. On 1st April 2016 the Licensing Authority wrote to the premises licence holder concerning breaching the conditions shown on the licence. (See appendix 1)

11. **Current Licence**

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

A performance of live music	Friday-Saturday:	20:00 - 00:30
Any playing of recorded music	Tuesday-Thursday:	10:00 - 20:00
	Friday-Saturday:	10:00 - 01:30
Provision of late night refreshment	Friday-Saturday:	22:00 - 02:00
Sale by retail of alcohol	Sunday-Thursday:	10:00 - 23:00
	Friday-Saturday:	10:00 - 02:30

The licence has the following restriction placed upon it:

Alcohol shall not be sold or supplied:

- a) *Unless the premises are bona fide used or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises*
- b) *On the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.*

This in effect means that the premises has only a restaurant licence.

12. **The Grounds for the Review**

The grounds for the review and the Superintendent's authority are contained in Appendix 2 of the background papers.

13. The licensing authority has received representation from the Environmental Health (Details of these can be found at appendix 3).

Community Impact

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

Equality duty

15. There are no equality or human rights issues in relation to the content of this report.

Financial implications

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

Legal Implications

17. An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court.
18. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
19. The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.

Risk Management

20. There is little risk associated with the decision as the legislation allows the decision to be appealed to the Magistrates Court.

Consultees

21. Copies of the application and certificate have been sent to the responsible authorities. A notice has been displayed at the premises, at the offices of the Licensing Authority and details have been shown on the council website.

Appendices

1. Warning letter from the Local Authority
2. Application for Expedited Review & Superintendent's certificate
3. Environmental Health Representation
4. Summary Review Guidance issued by the Home Office

Background Papers

None

Places and Communities Directorate

Director: Geoff Hughes

Mr David Ronald Wicks
The Flat
3 Church Street
Leominster
Herefordshire
HR6 8NE

Your Ref:

Our Ref: PR00499

Please ask for: Licensing Assistant

Direct Line / Extension: 01432 260 105

Fax: 01432 383412

E-mail: licensing@herefordshire.gov.uk

1st April 2016

Dear Sir,

SPARKYS, 18 WEST STREET, LEOMINSTER

I refer to the premises licence issued in respect of the above premises.

Our records show that you are the premises licence holder and designated premises supervisor, therefore the running of the premises is purely your responsibility.

I am in receipt of information from the police to the effect that at 2245 hours on 13th March 2016 they attended your premises where they found a 17 year old female, who had been admitted by your door staff to the premises. Furthermore after this female was removed from the premises, I understand that, she was subsequently found in the rear garden of the premises and had to be removed by them.

This causes the authority some considerable concerns in respect of your ability to promote the licensing objective particularly that of the protection of children from harm. In the first instance your door-staff should not have admitted her to the premises but what is even more concerning if having been removed from the premises, she gained further access.

I am also informed by the police that they attended your premises again a short time later at 0022 hours, where they had to deal with a male who was in the rear beer garden and was quite clearly drunk.

I note that your licence contains a condition which states 'The rear beer garden should not be used after 2300 on any day'. This means exactly what it says and that after 2300 hours the rear beer garden should be closed and not used for any purpose.

Your premises licence is your authorisation to carry on licensable activities including the sale of alcohol. Where a condition attached to a licence is not complied with, then the premises licence ceases to have effect and in effect all licensable activities become unauthorised and unlawfully.

Section 136 of the Licensing Act 2003 makes it is an offence to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation (premises licence). This offence on summary conviction is punishable with a maximum of six months' imprisonment and/or an unlimited fine.



Putting People First **Providing** for our Communities **Preserving** our Heritage **Promoting** the County **Protecting** our Future
County of Herefordshire District Council, County of Herefordshire District Council, Licensing Unit, County Offices,
Bath Street, Hereford, HR1 2ZF

Main Switchboard (01432) 260000 - www.herefordshire.gov.uk

Under the Act is also an offence to allow disorderly conduct on licensed premises and to sell to someone who is drunk, both offences which carry a fine.

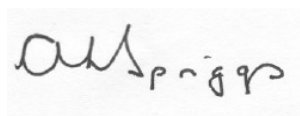
You will be aware that the authority has had a number of issues at licensed premises in recent months, within the Leominster area, which have resulted in sanctions against those premises and even revocation of the licence.

To make it absolutely clear to you, this authority will continue to monitor your premises and would expect to see a considerable improvement in the way that you run and manage the premises.

Further incidents may result in more substantial action being taken against the premises which could include a review of the licence, with a view for revocation.

Should you require further guidance or advice then please do not hesitate to contact either us or the police.

Yours sincerely,

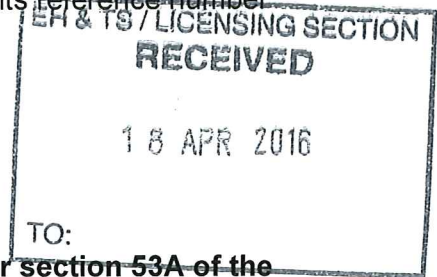
A handwritten signature in black ink, appearing to read 'Fred Spriggs', is written over a light grey rectangular background.

**FRED SPRIGGS
LICENSING OFFICER
ENVIRONMENTAL HEALTH & TRADING STANDARDS
HEREFORDSHIRE COUNCIL**

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 Authority



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 Police Inspector Robert BARNETT [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:

**Sparkys Bar and Café
18 West Street**

Post town: Leominster

Post code (if known): **HR6 8ES**

2. Premises licence details:

Name of premises licence holder (if known): David Ronald WICKS

Number of premises licence holder (if known): PR00499

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]

Sparkys Bar and Café is located in Leominster town centre.

It mainly operates in the evening and at weekends it becomes a premises that basically is a night club with recorded music being played.

In the last 12 months at least 19 incidents have come to the attention of the police with regards to crime, disorder and nuisance at the premises. Most have happened at weekends when the premises is licenced until 0230hrs All but 4 of these matters have taken place after midnight with the majority occurring after 0100hrs

For a number of months the police have had concerns over the level and type of incidents that have been occurring, as many do involve excessive drinking and random acts of violence.

The police have visited the premises on a regular basis in order to provide public reassurance and to ensure that the management of the premises comply with the premises licence.

Since the beginning of January 2016, there have been 10 incidents brought to the attention of the police, since the start of April 2016, a total of 6 incidents have taken place.

The police are aware that the authority have recently sent a warning letter to the premises licence holder with regards to underage people being in the premises

This all in the view of the police has shown a steady increase in conduct that directly impacts on the licensing objectives and most importantly the safety and wellbeing of the public of Leominster.

At 0236hrs on Saturday 16 April 2016, the police received an emergency call to say there was disorder outside the premises. The caller said 'people are fighting and getting hurt', and 'One here might have a broken cheek bone' and 'Still fighting in the street'.

The police did attend and found two people injured, one with a significant facial injury which may be broken bones. The police were able to view CCTV at the premises that shows the disorder and does identify a potential suspect. This suspect has been arrested and the whole of the incident is subject to a police criminal investigation.

As part of the police investigation, a request was made to the management of Sparkys for the CCTV to be download. This has not happened as no-one at the time had the access or the ability to do this. This has prohibited the police investigation and does not comply with the premises licence.

The information to hand is that the suspect and others had been drinking excessively and they had been in Sparkys just prior to the incident taking place. Further information indicates that the suspect was drunk. The initial police enquiries indicate that these assaults were unprovoked.

The view of the police is that this matter was preventable and as it was due to excessive alcohol consumption at the premises and therefore should have been subject to control and management by the premises in order to promote the licensing objectives.

The cumulative impact of the incidents in the last 12 months and in particular the last few weeks is showing an increase in issues that are disproportionate to the town and the type of premises that Sparkys is licensed as.

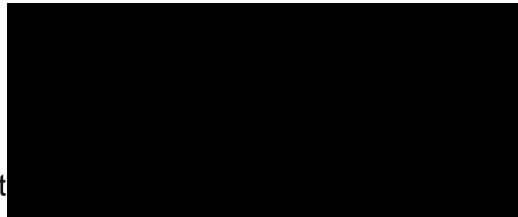
The view is that the designated premises supervisor - who is also the premises licence holder - has failed in his responsibilities and has therefore failed to recognise the problems and therefore promote the licensing objectives.

This latest incident is viewed as serious and has been fully discussed with senior officers at Hereford Police Station. Other procedures have been considered and have been discounted at this time.

There is concern that if appropriate urgent action is not taken this situation will become worse

The view of West Mercia Police is that this committee suspend the premises licence for Sparkys pending a full review hearing.

Signature of applicant: R. Barnett



Date: 18 April 2016

Capacity: Police Inspector Safer Neighbour Team Leominster

Contact details for matters concerning this application:

Address:

**Harm Reduction Department
Hereford Police Station
Bath Street
Hereford. HR1 2HT**

Telephone number(s): 01432 347102

Email: HerefordAntiSocialBehaviour@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.

West Mercia Police
Herefordshire
Bath Street
Hereford

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:

Sparkys Bar and Café
18 West Street
Leominster HR6 8ES

Premises licence number (if known): PR00499

Name of premises supervisor (if known): David Ronald WICKS

I am a Superintendent Susan Thomas 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 criminal matter with an assault offence which that has resulted in suspected broken bones. In addition there have been a number of incidents in recent weeks that show a cumulative increase in disorder.

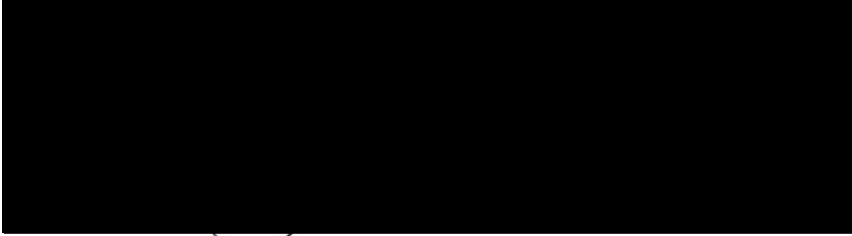
The nature and circumstances of the incident are serious and require prompt action. Therefore whilst other procedures have been considered, they are not appropriate in these circumstances

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.



18/4/2016.

SUPERINTENDENT.

MEMORANDUM

To : **LICENSING OFFICER**
From : **Elisabeth Laughland**
Tel : **01432 261676** My Ref : **ELA/206037**
Date : 3 May 2016 Your Ref :

**LICENSING ACT 2003
PREMISES LICENCE REVIEW
SPARKY'S BAR AND CAFÉ, 18 WEST STREET, LEOMINSTER HR6 8ES**

Environmental Health Representation

Under the Licencing objective '**Prevention Of Public Nuisance**' The Environmental Health - Environmental Protection Service wish to raise concern over the licensable activities carried out at Sparky's Bar and Café, 18 West Street, Leominster with regards to noise.

Since January 2014 the Environmental Protection Service (EPS) have received a total of nine noise complaints over the months of June, August, September & October 2014, August & October 2015 and the most recent in January 2016. The complaints were from five different residents of domestic premises in West Street, The Buttercross and the rear of Sparky's and two anonymous complainant. Also one of the complainant premises was a local hotel where comments of the noise issue experienced by the hotel customers have been made posted on the website Trip Advisor. The complaints were predominantly concerning excessive volume of music, including a loud bass emanating from inside the Sparky's premises and people noise from the Sparky's premises garden, which causes a disturbance into the early hour of Saturday and Sunday morning; up to and over 01:30 hours.

In addition to these complaints the EPS carried out a number of 'out of hours' visit over 7 evenings in Jul & Aug 2015 and March 2016 to monitor the noise emanating from the Sparky's premises. Officers witnessed loud music & bass beat music from Sparky's premises and customers talking in the premises garden that was causing a noise disturbance to the surrounding locality. A number of warning letters and officer contact with Mr Wicks the Licensee, have been made by the service. Improvements were noted following this contact however this was generally short lived and the noise levels returned to an unacceptable level for the area.

From the information gathered, EPS have concerns that the premises activities and the apparent lack of management controls and monitoring of noise emanating from the property is undermining the Prevention of Public Nuisance licensing objective condition:-

- *The Licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.*

In light of this information EPS would like to make the following comments for the committee to consider as part of this Licencing review.

1. Most of the noise complaints are concerned with the noise disturbance later in the early hours of the morning. As such we would like to object to the current licensing conditions that allows the following times for these licensable activities at the premises.

- *A performance of live music Friday-Saturday: 20.00 – 00:30*
- *Any playing of recorded music: Friday – Saturday: 10:00 – 01:30.*

We would recommend the committee curtailing both these premises activities to no later than midnight on these days.

2. As detailed above, additional noise complaints have been made regarding late night noise emanating from the premises beer garden. Therefore we raise concerns to the licensing committee regarding this premises activities and their compliance with the licensing conditions:-

- *The rear beer garden should not be used after 23:00 on any day.*

From EPS visits and complaints it would appear this Licence condition is not being complied with. Customers have been witnessed by EPS and reported by complainants to use the rear garden up to and over 01:30 on Saturday and Sunday early hours. Noise from this premises activity adds to the noise disturbance experience in the locality.

3. Finally the volume of music and number of people observed at the premises raises the question as to the main purpose of the licensable activities being carried out at the premises. From our observations it would appear the premises is being run more as a bar/ nightclub rather than a Café bar serving food. This raises concerns with regards to public nuisance, as we would consider the current structure and position of the premises to be unsuitable for a nightclub type activity.

The Environmental Protection Service will serve evidence to support these fact on the premises licence holder and the committee prior to the full review hearing.

ELISABETH LAUGHLAND

**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL**



Home Office

Section 53A Licensing Act 2003

Summary Review Guidance

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- 1. Introduction**
- 2. The Steps – Summary Review**
- 3. The Licensing Authority and the Interim Steps**
- 4. Making representations against the Interim Steps**
- 5. The Review of the Premises Licence**
- 6. Right of Appeal**

ANNEX A

- 1. Certificate Under section 53A(1)(b) of the Licensing Act 2003**

ANNEX B

- 2. Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

INTRODUCTION

- 1.1 This guidance explains how to use the provisions in the Licensing Act 2003 (“the 2003 Act”), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.
- 1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in Part 8 of the 2003 Act provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C, which are in Part 3 of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.4 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.
- 1.5 In summary, the process is:
 - the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
 - on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 1.6 The options open to the licensing authority at the interim steps stage include:
 - modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - removal of the designated premises supervisor from the licence; and

- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

THE STEPS

2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

Application for expedited review

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
 - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
 - (b) 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:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the

2003 Act. **The application must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.**

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, **where appropriate**, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective

tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.¹

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act (available at:

www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing).

3.5 If the licensing authority decides to take steps at the interim stage:

¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon after it 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 made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

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 premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). 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.

4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend

at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority².

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

² Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

- relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).
- 5.7 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
 - any person who made relevant representations; and
 - the chief officer of police who made the original application.

6. Right of Appeal

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

Example Form

Annex A

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 disorder³.

*Premises*⁴:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a ⁵ in the
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, because⁶:

.....

³ Delete as applicable.

⁴ Include business name and address and any other relevant identifying details.

⁵ Insert rank of officer giving the certificate, which must be superintendent or above.

⁶ 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.

(Signed)

(Date)

Statutory Form For Applying For A Summary Licence Review

Annex B

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

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	[on behalf of] the chief officer of police for
the	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:
--

Post town:

Post code (if known):

2. Premises licence details:

Name of premises licence holder (if known):

Number of premises licence holder (if known):

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]

Signature of applicant:

Date:

Capacity:

Contact details for matters concerning this application:

Address:

Telephone number(s):

Email:

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.



Home Office



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Meeting:	Regulatory Sub-Committee
Meeting date:	13th May 2016
Title of report:	APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF THE 'SLIP TAVERN, WATERY LANE, MUCH MARCLE, LEDBURY, HR8 2NG' – LICENSING ACT 2003
Report by:	FRED SPRIGGS - LICENSING OFFICER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Old Gore

Purpose

To consider an application for a new premises licence in respect of the 'The 'Slip Tavern, Watery Lane, Much Marcle, Ledbury, HR8 2NG'.

Recommendation

That:

The Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives,
- The representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Statement of Licensing Policy 2015 - 2020.

Options

1. There are a number of options open to the Sub-Committee:

- a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
- c) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- d) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- e) To refuse to specify a person in the licence as the premise supervisor, or
- f) To reject the application.

Reasons for Recommendations

- 2. Ensures compliance with the Licensing Act 2003.

Key Considerations

3. Licence Application

The application for a variation to the premises licence has received representation and is brought before the committee for determination.

Summary of Application

- 4. The details of the application are:

Applicant	Helen Maureen THOMAS	
	'Caerswall, Much Marcle, Ledbury, HR8 2NY.	
Solicitor	John Gaunt	
Type of application:	Date received:	28 Days consultation ended
Variation	12th March 2016	8th April 2016

- 5. The application requests that:

Supply of Alcohol	10:00 – 00:00	Monday to Saturday
	12:00 – 23:30	Sunday

Non Standard Timings: End of permitted hours on New Years Eve until the start of permit hours on New Years Day.

- 6. Although the original application included Films and Late Night Refreshment the application has since been amended as above.
- 7. The premises did used to be licensed in brief from 10am to 11pm for alcohol, although this licence was surrendered in November 2013.

Summary of Representations

8. **Two (2)** Representations have been received from the Responsible Authorities (Trading Standards & the Police) – these have not been agreed.
9. The matter is therefore brought before Committee for determination.

Community Impact

10. Any decision is unlikely to have any impact on the local community.

Equality duty

11. There are no equality or human rights issues in relation to the content of this report.

Financial implications

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

Legal Implications

13. The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

14. Schedule 5 gives a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

Risk Management

14. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

Consultees

15. All responsible authorities and members of the public living within Herefordshire.

Appendices

- a. Application Form
- b. Trading Standards Representation
- c. Police Representation

Background Papers

None.

12-03-16
08-04-16

PRO1716

H & TS / LICENSING SECTION
RECEIVED

10 MAR 2016

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST TO:

Before completing this form please read the guidance notes at the end of the form.
If you are completing this 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.
You may wish to keep a copy of the completed form for your records.

I, Helen Maureen Thomas, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Slip Tavern Watery Lane Much Marcle	
Post town Ledbury	Post code HR8 2NG

Telephone number of premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) An individual or individuals* please complete section (A)
 - b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm: **Please tick ✓ yes**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - Statutory function or
 - A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (For example, Rev)

Surname
Thomas

First names
Helen Maureen

I am 18 years old or over Please tick

Current postal address if different from premises address
 Post Town

Daytime contact telephone number

Email address (optional)

Second Individual Applicant (if applicable)

Mr Mrs Miss Ms Other title (For example, Rev)

Surname

First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

As soon as practicable, following completion of refurbishment.

--	--	--	--	--	--	--	--	--

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

--	--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please give a general description of the premises (please read guidance note 1)

The Slip Tavern has previously been licensed but, we understand, that Licence (PR0225) was surrendered by the former holder.

A scheme of refurbishment and renovation is now scheduled to take place.

It is intended that the premises will operate substantially as a food lead public house with limited occasional non-regulated entertainment and the provision of occasional regulated entertainment in the form of film.

The premises are described on the plans accompanying this application, SPT/1 (internal layout) & SPT/2 (external areas).

A Licensed Premises Notification will be given for 2 gaming machines.

It is proposed that the permitted hours for licensable activities for these premises should be :-

Monday to Saturday: 10:00 – 00:00 and 12:00 – 23:30 on Sunday. The premises will close to the general public 30 minutes thereafter. The premises seeks permission to open to members of the public from 07:00hrs daily for the provision of unregulated activities such as a breakfast service, in response to perceived demand.

Please further note that the proposed fire safety precautions will be incorporated into the development in consultation with the Fire Service.

It is not anticipated that the proposed this application will undermine the licensing objectives and a proposed operating plan designed to promote the objectives is detailed below.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

Provision of regulated entertainment

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors		
Day	Start	Finish		Outdoors		
Mon				Please give further details here (please read guidance note 3)	Both	
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	10:00	00:00		Please give further details here (please read guidance note 3)	Both
Tue	10:00	00:00	As stated in Part 3 above. There shall be no films shown to a close seated audience		
Wed	10:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10:00	00:00		N/A – save as below	
Fri	10:00	00:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	00:00			
Sun	12:00	23:30	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)	
Day	Start	Finish		
Mon				
Tue				State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed				
Thur				
Fri				Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat				
Sun				

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y}(please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for playing recorded music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

I

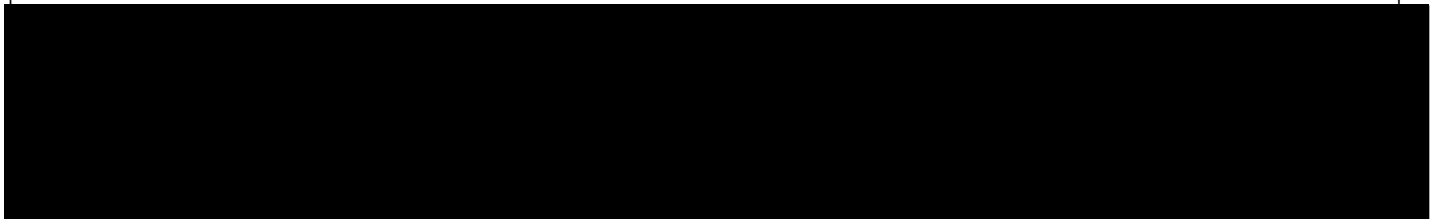
Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) As stated in Part 3 above		
Mon	23:00	00:00			
Tue	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23:00	00:00			
Thur	23:00	00:00	N/A – save as below		
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00:00			
Sun	23:00	23:30	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed	10:00	00:00			
Thur	10:00	00:00	New Years Eve: 10:00 to New Years Day – terminal hour as proposed		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	12:00	23:30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name: Helen Maureen Thomas.....



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE save for the presence of gaming machines.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	Please see box J above
Mon	07:00	00:30	
Tue	07:00	00:30	
Wed	07:00	00:30	
Thur	07:00	00:30	
Fri	07:00	00:30	
Sat	07:00	00:30	
Sun	07:00	00:00	
			The premises will close 30 minutes after the end of the non-standard timings identified in box J above.

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The premises has formerly traded under the authority of licence PR00225 (now surrendered).

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below:

1. The use of doorstaff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
3. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.

4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
6. The management of the premises will liaise with police on issues of local concern or disorder.

c) Public safety

No further risks have been identified which need to be addressed, save as below:

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed, save as below:

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at closing time
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

e) The protection of children from harm

No further risks have been identified which need to be addressed, save as below:

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
3. Children under the age of 16 shall not be permitted to enter or remain at the premises after 21:00 unless resident, dining with an adult or attending a pre booked function.
4. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.

Please tick ✓ Yes

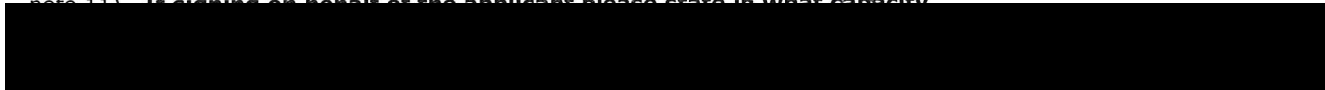
- I have made or enclosed payment of the fee
- I have enclosed my the plan of the premises

- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**



Date: 9th March 2016

Capacity: Solicitors

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date:

Capacity: Solicitors

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT

Schedule 11
Consent of individual to being specified as premises supervisor

I, Helen Maureen Thomas of Caerswall, Much Marcle, Ledbury, HR8 2NY hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for the grant of a the premises licence by Helen Maureen Thomas relating to a premises licence for Slip Tavern, Watery Lane, Much Marcle, Ledbury, HR8 2NG and any premises licence to be granted or varied in respect of this application made by Helen Maureen Thomas concerning the supply of alcohol at Slip Tavern, Watery Lane, Much Marcle, Ledbury, HR8 2NG.

I also confirm that I am applying for, intend to apply for, or currently hold, a personal licence.

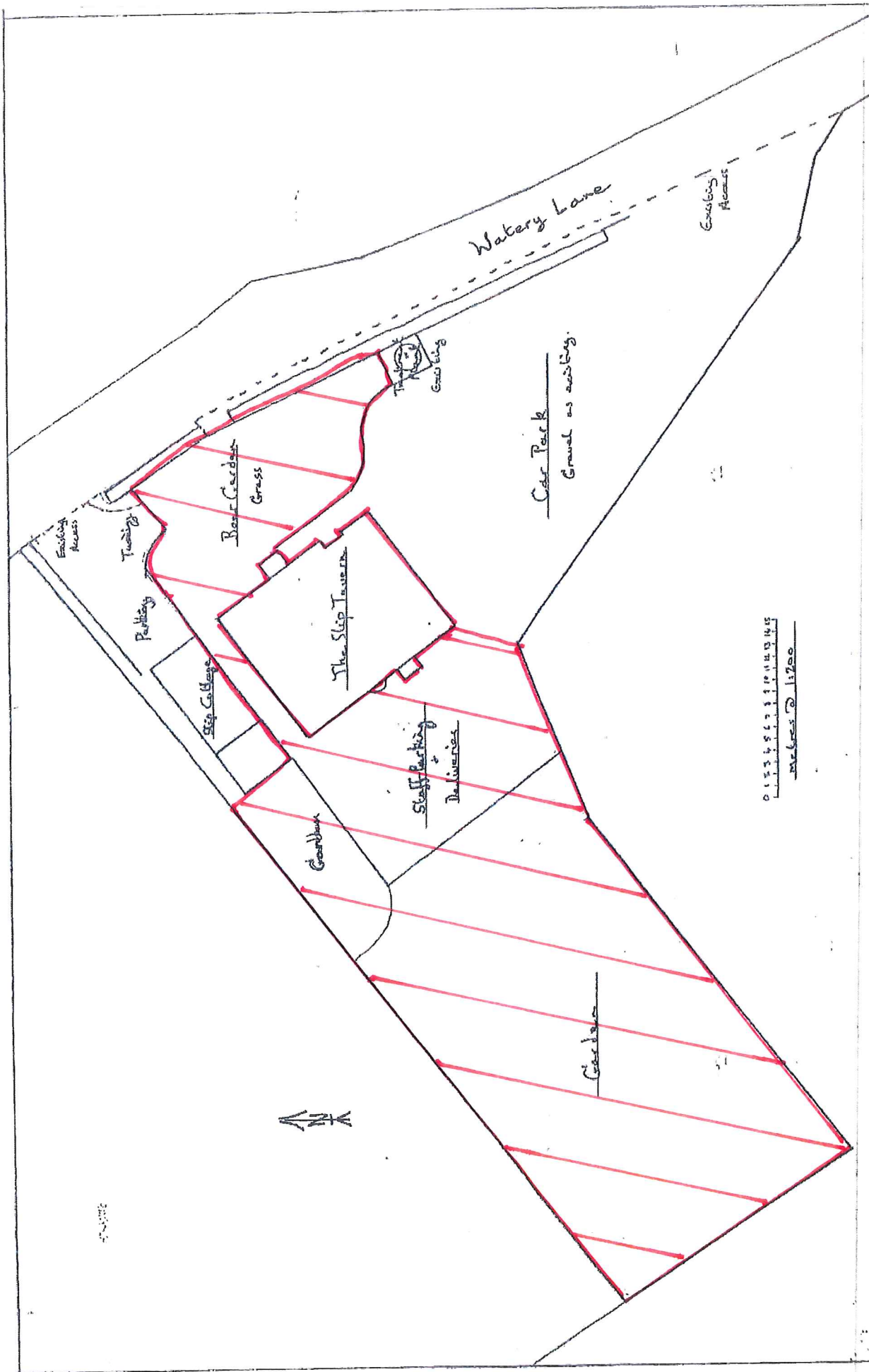
Personal Licence No. 659

Personal Licence Issuing Authority : Herefordshire Council



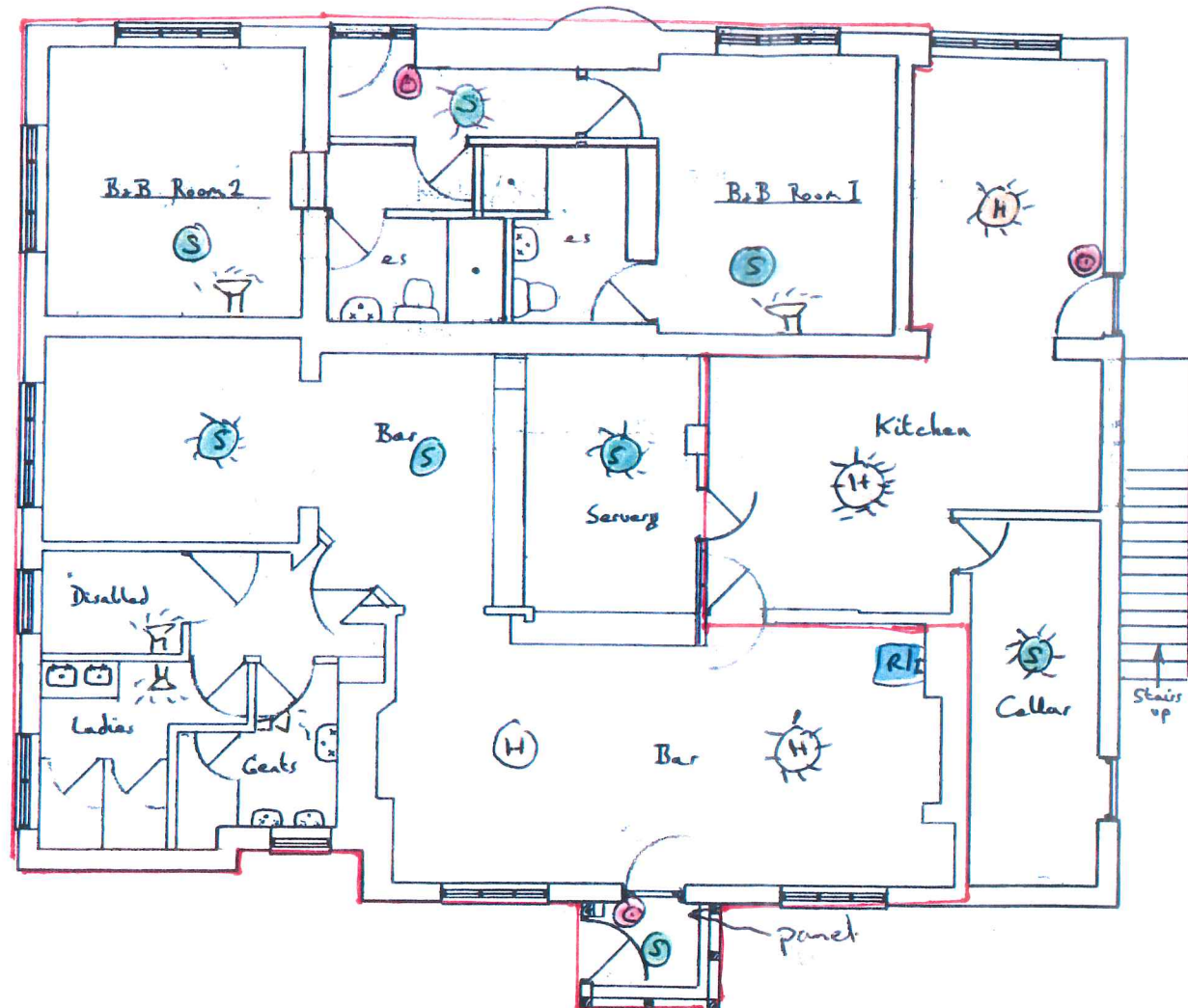
Name (please print): Helen Maureen Thomas.....

Dated:..... 8-3-16



<p>DATE: 19/12/12</p> <p>PROJECT: The Skip Tavern, Much Marcle</p> <p>SITE PLAN</p>	
<p>DRAWN BY: Chris Mott</p>	<p>DESIGNED BY: Penelope S.P.12</p>

SUP TAVERN - EXTERNA AREAS



- (S) smoke detector
- (H) heat detector
- (RI) Remote indicator
- ☀️ sounder/flasher bars
- 📡 wall mount sounder/flasher
- (C) Breakglass
- Licensable activity area

Ground floor Plan as Proposed

The Slip Tavern

Drawings	SPT/1. 2/1
	SCALE 1:500

TRADING STANDARDS REPRESENTATION

Re: Slip Tavern, Watery Lane, Much Marcle Ledbury HR8 2NG

Trading standards have a responsibility to the protection of children from harm with this in mind make the following representation and will look for the following conditions to be attached to the licence.

- 1) All staff engaged in the sale of alcohol shall be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent level of training within 1 month of commencing employment at the premises. Retraining shall be carried out every 12 months. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- 2) A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a weekly basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- 3) The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

David Hough

Service Manager

Trading Standards, Animal Health and Community Protection Economy, Communities & Corporate Directorate Herefordshire Council Blueschool House PO Box 233 Hereford

HR1 2ZB

Tel No. 01432 260011

Email: dhough@herefordshire.gov.uk

GCSX: dhough@herefordshire.gcsx.gov.uk

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a location known as the **Slip Tavern, Much Marcle, Near Ledbury**. The application is for the sale/supply of alcohol, late night refreshment and limited regulated entertainment (films).

The applicant seeks to specify the designated premises supervisor as Helen Maureen THOMAS.

West Mercia Police do not object to this application. The applicant has put forward steps to promote the licensing objectives. In order to support and to build on them, West Mercia Police has the following representations that are proportionate, achievable and enforceable in order to promote the licensing objectives

1. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
 - (a) all crimes (relevant to the licensing objectives) reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints (relevant to the licensing objectives) received
 - (d) any incidents of disorder
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service
2. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
3. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
4. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

These are the minimum conditions West Mercia Police would wish to see applied to any premises licence granted to this location

Jim Mooney (on behalf of Inspector R Barnett)
Harm Reduction/Community Safety Dept.,
Licensing & Harm Reduction Coordinator,

Policing Unit - Herefordshire,
West Mercia Police.
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmerciam.pnn.police.uk
[**In Herefordshire we protect people from harm**](#)
[**#destinationHereford**](#)