

<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>18 OCTOBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>REPRESENTATION AGAINST THE INTERIM STEPS IMPOSED ON 6 OCTOBER 2010 FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW OF PREMISES LICENCE:  THE CROWN &amp; SCEPTRE INN, MARKET PLACE, ROSS-ON-WYE, HR9 5NX</b>
<b>PORTFOLIO AREA:</b>	<b>ASSISTANT DIRECTOR EHTS PUBLIC HEALTH DIRECOTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Ross on Wye

### **Purpose**

To consider a representation made by Sarah Dean, the premises licence holder, against the interim steps imposed on 6 October 2010 following the expedited licence review of her premises licence for 'The Crown & Sceptre Inn', Market Place, Ross-on Wye, HR9 5NX.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

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

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

### **Key Points Summary**

- Application received against the interim steps on 14 October 2010.
- Hearing arranged for 18 October 2010, within the required 48 hours of the application being made.

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

## Options

1 The committee must:

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

## Reasons for Recommendations

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

## Background Information

The powers to call for an expedited review are contained in Section 53A of the Licensing Act as amended by 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.

The expedited review hearing was held on 6 October 2010 where the committee considered an application made by the Chief Constable of the West Mercia Police. At that hearing it was decided that the premises licence should be suspended forthwith. At that time the premises licence holder, Mr Cousens, was not present.

Sarah Dean has been at the premises since 27 August and as such should have been the premises licence holder and Designated Premises Supervisor (DPS), although no application had been submitted by her solicitor to that effect. At the time of the incident which led to the Expedited Review, she was at and in charge of the running of the premises.

On 13<sup>th</sup> October an application was received by the Licensing Authority from Sarah Dean, for transfer of the premises licence and change of DPS, both into her name, which was to have immediate effect.

The legislation allows the premises licence holder to make representation against the interim steps at any time up to the full review hearing.

The representation against the interim steps was made by Sarah Dean and received by email at the Licensing Authority on 14 October.

The full review hearing has been arranged for Wednesday 27 October at 10 am.

A notice of the full review has been placed on the premises as required by law.

### 3 **Current Licence**

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

An exhibition of a film, an indoor sporting event and any playing of recorded music

Sunday-Thursday: 10:00 – 00:00

Friday-Saturday: 10:00 - 02:30

A performance of live music and other regulated entertainment

Monday- Friday: 19:00 - 00:00

Saturday - Sunday: 12:00 - 00:00

Sale by retail of alcohol

Sunday-Thursday: 10:00 - 00:00

Friday-Saturday: 10:00 - 02:00

The following non standard timings are also attached to the licence:-

- An exhibition of a film, an indoor sporting event, any playing of recorded music and sale by retail of alcohol  
11.00 - 02.00 on Friday, Saturday and Sunday of Bank Holiday weekends.
- Alcohol only: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

4 The grounds for the review are contained in Appendix 1 and 2 of the background papers. Also attached is the request to make representation against the expedited review.

### 5 **Responsible Authorities**

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

## **Key Considerations**

6 To consider whether the interim steps are necessary for the promotion of the 'Licensing Objectives' and to determine whether to withdraw or modify the steps taken.

Guidance issued by the DCMS in respect of Expedited Reviews states at paragraphs 3.5 – 3.7: -

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. 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 a premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

## **Community Impact**

- 7 It is felt that if the wrong course of action is taken then this could have an adverse effect on the local community.

## **Legal Implications**

- 8 There is no right of appeal against the decision of the Licensing Authority at this stage.
- 9 However, the premises licence holder has until 19<sup>th</sup> October to make further representation in respect of the review. Following the review hearing there is a right of appeal to the Magistrates Court.

## **Consultees**

- 10 Responsible authorities and the premises licence holder.
- 11 A copy of the application has been served on the responsible authorities.

## **Appendices**

- 12 a. Application form for expedited review
- b. Certificate
- c. Request to make representation against the interim steps

## **Background Papers**

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