

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	27 OCTOBER 2010
TITLE OF REPORT:	FULL REVIEW OF A PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW AND REPRESENTATION AGAINST THE INTERIM STEPS IN RESPECT OF: THE CROWN & SCEPTRE INN, MARKET PLACE, ROSS-ON-WYE, HR9 5NX
PORTFOLIO AREA:	ASSISTANT DIRECTOR - ENVIRONMENTAL HEALTH & TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

Ross on Wye

Purpose

To consider a full review of a premises licence following an expedited review and representation against the interim steps in respect of 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 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.

Key Points Summary

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

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

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.

Reasons for Recommendations

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

Background Information

- 3 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.
- 4 The expedited review hearing was held on 6th 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.
- 5 Sarah Dean has been at the premises since 27th 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.
- 6 On 12th 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.
- 7 The legislation allows the premises licence holder to make representation against the interim steps at any time up to the full review hearing.
- 8 The representation against the interim steps was made by Sarah Dean and received by email at the Licensing Authority on 14th October.
- 9 A hearing was held on 18th October to consider the representation made against the interim step. At this hearing the licence was re-instated and the following interim steps were put in place:

HOURS OF LICENSABLE ACTIVITY

	Live Music,	Recorded Music, Film, Indoor Sporting Events	Sale of Alcohol (M)	Open to the public (O)
Monday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Tuesday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Wednes day	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Thursday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Friday	1000 - 0000	1000 - 0000	1000 - 0000	1000 - 0000
Saturday	1000 - 0000	1000 - 0000	1000 - 0000	1000 - 0000
Sunday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300

INTERIM STEPS CONDITIONS

- The hours of licensable activities shall be those shown in the box above.
- 2 SIA registered door staff to be employed between the hours of 9pm and 12.30 am on Friday and Saturday night.
- A risk assessment to be carried out to extend these hours or to employ additional staff as required.
- Ensure that either the Premises Licence Holder or Bar Manager are within the licensed premises at all times of licensable activity.
- The outside area of the premises to be closed from 11pm on any evening

10 A notice of the full review was placed on the premises as required by law.

11 **Current Licence**

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

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

Sunday-Thursday: 10:00 – 00:00

Friday-Saturday: 10:00 - 02:30

A Performance of Live Music, Other regulated entertainment

Monday- Friday: 19:00 - 00:00

Saturday - Sunday: 12:00 - 00:00

Sale by retail of alcohol

Sunday-Thursday: 10:00 - 00:00

Friday-Saturday: 10:00 - 02:00

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; 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).

- 12 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 interim steps at Appendix 3, a further police representation at Appendix 4 and a representation made by a local business 'Enterprise Inns' who own the premises.

13 **Representation**

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

A further representation has been received from the West Mercia Police.

A representation has also been received from Enterprise Inns who own the premises on the grounds that they have business within the vicinity of the premises.

Copies of these can be found within the background papers.

Key Considerations

- 14 The licensing authority must take into account any relevant representations made. Relevant representations are those that:
- 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 an interested party (who is not also a responsible authority).

Community Impact

- 15 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

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

- 17 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.

Consultees

- 18 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 19 The notice of review was displayed on the premises which invited representation between 6 and 19 October 2010. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 20 a. Application Form for Expedited Review
- b. Certificate
- c. Request to make representation against the interim steps
- d. Police Representation
- e. Interested Party Representation

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.