

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	4 APRIL 2011
TITLE OF REPORT:	FULL REVIEW OF A PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW IN RESPECT OF: EAST EUROPEAN FOOD, 133 EIGN STREET, HEREFORD, HR4 0AJ
PORTFOLIO AREA:	PUBLIC HEALTH

CLASSIFICATION: Open

Wards Affected

St Nicholas

Purpose

To consider a full review of a premises licence following an expedited review in respect of: East European Food, 133 Eign Street, Hereford, HR4 0AJ.

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 for the Expedited Review received on 17th March 2011.
- Interim Steps Hearing held on 18th March 2011.
- Decision of committee to suspend licence pending the full review.

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

Options

- 1 There are a number of options 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 18th March 2011 when 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 Azad, was not present.
- 5 A copy of the decision notice was served on the premises on 18th March and sent by 1st Class post to the address for the premises licence holder.
- 6 A notice of the full review was placed on the premises as required by law.
- 7 **Current Licence**
The current licence authorises the following licensable activities during the hours shown: -

Sale by retail of alcohol Monday-Sunday: 08:00 - 22:00
- 8 The grounds for the review are contained in Appendix 1 and 2 of the background papers.

9 Representation

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

At the time of writing this report no representation has been received.

Key Considerations

10 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

11 Any decision is likely to have very little impact on the community.

Legal Implications

12 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.

13 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

14 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

15 The notice of review was displayed on the premises which invited representation between 22nd March to 1st April 2011. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

. Appendices

16 a. Application Form for Expedited Review

b. Certificate

c. Decision notice following 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.