

MEETING:	REGULATORY – SUB-COMMITTEE
DATE:	31 MAY 2011
TITLE OF REPORT:	REPRESENTATION AGAINST THE INTERIM STEPS IMPOSED ON 25 MAY 2011 FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW OF PREMISES LICENCE: KORAI LTD, T/A RADUNI INDIAN CUISINE, 66 THE HOMEND, LEDBURY, HR8 1BT.
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE’S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider a representation made by Keith Evans & Company Solicitors on behalf of ‘Korai Ltd T/A Raduni Indian Cuisine, 66 The Homend, Ledbury, HR8 1BT, the premises licence holder, against the interim steps imposed on 25 May 2011 following the expedited licence review of the premises licence.

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 for an expedited review on 23 May 2011.
- Hearing held on 25 May 2011 within the required 48 hours.
- 23 May 2011 - Copies of application and certificate sent to the premise licence holder and responsible authorities.

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

- Application against interim steps received on 27 May 2011

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.

The following are options in respect of modification

Take no action or

Take any of the following steps: -

(a) to modify the conditions of the licence;

(b) the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;

(c) to remove the designated premises supervisor;

(d) to suspend the licence;

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect until the full review hearing.

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 requirements of the legislation are that the application must be accompanied by a Certificate signed by a Superintendent. Where that has happened, as in this case, the requirements for launching an expedited review has been met and the Licensing Authority do not have power to question whether such certificate should have been issued by a Superintendent.

The expedited review hearing was held on 25 May 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.

On 27 May 2011 an application was received by the Licensing Authority from Keith Evans Company Solicitors on behalf of the premises licence holder to make representation against the interim steps.

The full review hearing has been arranged for Friday 17 June 2011.

3 **Current Licence**

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

Sale by retail of alcohol & Late Night refreshment

On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 am to 12 midnight.

On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30 pm

On Christmas Day: 12 noon to 11:30 pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3 pm.

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.

Consultees

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

Appendices

- 11 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 Meeting Room 30 minutes before the start of the hearing.