

<b>MEETING:</b>	<b>REGULATORY – SUB-COMMITTEE</b>
<b>DATE:</b>	<b>17 JUNE 2011</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW AND REPRESENTATION AGAINST THE INTERIM STEPS IN RESPECT OF:</b>  <b>KORAI LTD, T/A RADUNI INDIAN CUISINE, 66 THE HOMEND, LEDBURY, HR8 1BT.</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH &amp; WELL BEING SERVICE PEOPLE’S SERVICES DIRECTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Ledbury

### **Purpose**

To consider a review of a premises licence following an Expedited/Summary Licence Review and a representation in respect of the interim steps in respect of 'Korai Ltd T/A Raduni Indian Cuisine, 66 The Homend, Ledbury, HR8 1BT.

### **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 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.
- Application against interim steps received on 27 May 2011.
- Hearing for Representation against Interim Steps held on 31 May 2011.

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;
  - the revocation of the licence or
  - take no further action

## 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 25 May 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.
- 5 On 27 May 2011 an application was received against the interim steps on behalf of 'Korai Ltd T/A Raduni Indian Cuisine'.
- 6 The hearing was held on 31 May 2011. At that hearing the suspension was lifted by the committee and the following condition was attached to the licence:

*A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003) or the Police. The log book must record the following:*

- a) *Details of all persons employed at the premises in any capacity.*
- b) *Date of birth of the person.*
- c) *The full name of the person.*
- d) *Their current address.*
- e) *Their national insurance number.*
- f) *Their passport details.*
- g) *In respect of EU citizens proof of a current EU passport shall be provided.*
- h) *In respect of non EU citizens a current visa showing the right to be employed in the UK.*

*All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.*

7 The grounds for the review are contained within the background papers. Also attached is the decision notice of 31<sup>st</sup> May.

8 **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).

9 **Representation**

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

No further 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 It is felt that any decision will have little effect on the local 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. 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 notices 25 May and 31 May 2011

## **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.**