

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	27 MARCH 2012
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW AND REPRESENTATION AGAINST THE INTERIM STEPS IN RESPECT OF: THE NAGS HEAD, CANON PYON, HEREFORD, HR4 8NY
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PEOPLE'S SERVICES DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Wormsley Ridge

Purpose

To consider a review of a premises licence following an Expedited/Summary Licence Review and Representation against the interim steps in respect of 'The Nags Head, Canon Pyon, Hereford, HR4 8NY.

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 28th February 2012.
- Hearing held on 1st March 2012 within the required 48 hours.
- 28th February 2012 - 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 26th March 2012.
- Hearing for Representation against Interim Steps held on 27th March 2012.

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
 - 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 1st March 2012 where the committee considered an application made by the Chief Constable of the West Mercia Police. At that hearing the applicants' solicitor offered the following condition which was endorsed by the committee:
 - That the present Designated Premises Supervisor, Joanna West, be replaced by Melody Barton.
 - That the Committee accepts the offer of the Solicitor for the Premises Licence Holder that Mr. Stephen Bengree will be excluded from the curtilage of the said licensed premises through all hours when they are open to the public. The curtilage shall be as described in the plan previously submitted and approved and Designated 08.096

Drawing 250 namely, the Nags Head Public House (as outlined in blue on the attached plan).

- 5 On 26th March 2012 an application was received against the interim steps on behalf of the premises licence holder Stephen Bengree.
- 6 This hearing was held on 27th March 2012. At that hearing the committee amended the conditions attached to the licence and removed the previous condition imposed at the expedited review hearing in relation to excluding Stephen Bengree from the premises. The conditions attached are shown at appendix c.
- 7 The grounds for the review are contained within the background papers. Also attached is the decision notice of 1st March 2012.

8 **Current Licence**

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

Provision of live music; A performance of dance; Other regulated entertainment; Provision of late night refreshment; Sale by retail of alcohol

Monday-Sunday: 11:00 - 00:30

Any playing of recorded music

Monday-Saturday: 11:00 - 00:00

Sunday: 11:00 - 23:00

9 **Representation**

Copies of the application and certificate have been sent to the responsible authorities. (Appendix a & b)

The police have provided further evidence to support the grounds for calling of the expedited review. (Appendix d)

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 notice 1st March 2012
 - d. Further evidence served by the police.

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.