

<b>MEETING:</b>	<b>REGULATORY – SUB-COMMITTEE</b>
<b>DATE:</b>	<b>8 MAY 2012</b>
<b>TITLE OF REPORT:</b>	<b>REPRESENTATION AGAINST THE INTERIM STEPS IMPOSED ON 12<sup>TH</sup> APRIL 2012 FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW OF PREMISES LICENCE:  THE GOLDEN FLEECE, 1 ST. OWENS STREET, HEREFORD, HR1 2JB – LICENSING ACT 2003</b>
<b>PORTFOLIO AREA:</b>	<b>ASSISTANT DIRECTOR (EHTS) PEOPLE’S SERVICES DIRECTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Central

### **Purpose**

To consider a representation against the interim steps imposed on 12<sup>th</sup> April 2012 made by Flint Bishop LLP on behalf of Marston’s PLC the holders of the premises licence for ‘The Golden Fleece, 1 St.Owen Street, Hereford, HR1 2JB’.

### **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 11<sup>th</sup> April 2012.
- Hearing held on 12<sup>th</sup> April 2012 within the required 48 hours.
- 11<sup>th</sup> April 2012 - Copies of application and certificate sent to the premise licence holder and

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

responsible authorities.

- Representation against the Interim Steps received on 4<sup>th</sup> May 2012 (Appendix f).
- Hearing today (with required 48 hours)

## 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;
- take no further action and leave the interim steps as imposed on 12<sup>th</sup> April still on the licence

## Reasons for Recommendations

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

## Background Information

3

Applicant	<b>Adam Thomas – Superintendent West Mercia Constabulary</b>  <b>Represented by: - James Mooney – Police Licensing Officer</b>	
Premise Licence Holder	<b>Marston's Plc</b>  <b>Marston's House, Woverhampton, West Midlands, WV1 4JT</b>	
Solicitor	<b>Andrew Cochrane, Flint Bishop LLP, Derby</b>	
Type of application:  <b>Representation against the interim steps</b>	Date received:  <b>4/5/2012</b>	Interim Steps Hearing 48 hours  <b>8/5/2012</b>

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 12<sup>th</sup> April 2012 where the committee considered an application made by the Chief Constable of the West Mercia Police. The premises licence holder was not represented at the hearing. At that hearing the committee took the following interim steps:
- That the present Designated Premises Supervisor, Nathan Dimbylow be removed forthwith
  - The premises licence be suspended
- 5 The grounds for the review are contained within the background papers. Also attached is the decision notice of 12<sup>th</sup> April 2012. (Appendix C).

## 6 **Current Licence**

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

An exhibition of a film, An indoor sporting event, A performance of live music, Any playing of recorded music, Provision of facilities for Making music & Dancing, Sale by retail of alcohol

Monday-Wednesday: 10:00 - 00:00

Thursday-Saturday: 10:00 - 00:30

Sunday: 12:00 - 23:00

Provision of late night refreshment

Monday-Sunday: 23:00 - 00:00

## 7 **Representation**

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

The police have provided further representation in respect of the review. (Appendix D)

The police, trading standards and the premises licence holders solicitor have meant and have agreed that the premises licence should be amended and that the old conditions should be removed and replaced with a new set of conditions which have been agreed with all parties. Appendix d).

## **Key Considerations**

- 8 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**

9 It is felt that any decision will have little effect on the local community.

## **Legal Implications**

10 There is no right of appeal against the representation against the interim steps.

11 Any interim steps in place at the final review hearing will remain in force during the period set aside for the appeal or until the appeal is disposed off.

## **Consultees**

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

13 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**

- 14
- a. Application Form for Expedited Review
  - b. Certificate
  - c. Decision notice 12<sup>th</sup> April 2012
  - d. Further police representation
  - e. Set of agreed conditions
  - f. Application against the 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.**