

<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>4 DECEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF A PREMISES LICENCE 'JAILHOUSE, 1 GAOL STREET, HEREFORD, HR1 2HU' – LICENSING ACT 2003</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH AND WELLBEING</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Central

### **Purpose**

To consider an application for the review of a premises licence in respect of 'Jailhouse, 1 Gaol Street, Hereford, HR1 2HU'.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The police application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

### **Key Points Summary**

- Application received from West Mercia Police on 13<sup>th</sup> August 2012
- Determination of application adjourned by the Sub-Committee on 2<sup>nd</sup> October 2012

### **Options**

1 There are a number of options open to the committee:

- the modification of the conditions of the premises licence;

- to exclude a licensable activity 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.

## Background Information

Applicant	<b>West Mercia Police represented by Mr J Mooney</b>	
Premise Licence Holder	<b>Steven Lloyd Harrison</b> <b>The Crozens, 114 Eign Street, Hereford, HR1 2RZ</b>	
Solicitor	<b>N/A</b>	
Type of application:	Date received:	28 Days consultation
<b>Review</b>	<b>13 October 2012</b>	<b>10 September 2012</b>

3 The grounds for the review are:

*West Mercia Police are of the opinion that the premises licence holder is failing to promote the licensing objectives – in particular that of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm – due to the level of crime (assaults and drug offences) and disorder that is occurring at the premises.*

4 The information submitted to support the grounds stated:

*This premises is a medium size night club that is located close to the city centre of Hereford and a short distance from Hereford Police Station.*

*For a number of years, West Mercia Police have raised concerns with both the premises licence holder (PLH) – Mr Harrison – and the designated premises supervisor (DPS) – Lee Symonds with regard to the effect promotion of the licensing objectives and in particular issues regarding crime, disorder and the misuse of illegal drugs. This has resulted in warning letters being sent with an expectation that matters would improve. Additionally there was an expectation that the premises licence holder would put in place – either voluntary, or through a licence variation application – necessary steps to further promote the licensing objectives.*

*The premises has a history of persons attending the venue to use or provide illegal drugs to others. It also has a history of drink related disorder in or near to the venue as a result of guests leaving the venue. It is fair to say that both responsible persons for the premises have*

*worked hard to change this view.*

*Below you will see a list of incidents that have come to the attention of West Mercia Police and also a list of interventions by the police with the premises licence holder.*

*This review is launched as a result of the catalogue of incidents and in particular the last matter dated 04 August 2012. This last incident concerns a report of 3 young males being found inside the club suffering the effects of drug misuse. All three are suspect of taking a drug called ketamine – this is a class B controlled substance and is described as a hallucinogenic 'high'. All three were taken from the club by ambulance. As a result of this, a short time later a male was detained inside the club in possession of a number of packets of drugs called 'ketamin'. This male was also suffering from the effects of taking this controlled substance.*

*This latest incident is viewed as a serious matter. As a consequence a meeting was held on the 08 August 2012, with both the PLH and DPS. The meeting identified a number of concerns over how the premises operate. When asked it was clear that no steps had been put in place to address any potential matter of a similar nature, when the premises opened the next evening for licensable activities.*

*West Mercia Police are voicing their concerns over the competence of the DPS to manage and control the premises and therefore promote the licensing objectives.*

*They have further concerns over the abilities of the door supervision team to operate in an effect manner and regarding the low number of door supervisors required by the premises licence.*

*It is recognised that when issues are raised with the PLH, steps are taken to address concerns being raised. However this is viewed as a reactive step and not a proactive approach in order to promote the licensing objectives.*

Further information is provided within the application

## 5 **Current Licence**

In brief the current licence authorises

A performance of live music; Any playing of recorded music; A performance of dance; Making music; Dancing; Sale by retail of alcohol

Monday: 12:00 - 01:30;

Tuesday-Thursday: 12:00 - 02:00;

Friday-Saturday: 12:00 - 03:00;

Sunday: 12:00 - 01:00

Provision of late night refreshment

Monday: 23:00 - 02:00;

Tuesday-Thursday: 23:00 - 02:30;

Friday-Saturday: 23:00 - 03:00;

Sunday: 23:00 - 01:30

## **Key Considerations**

6 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**

7 There is likely to be little outcome on the Community.

## **Legal Implications**

- 8 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.
- 9 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 that appeal is disposed of.

## **Consultees**

- 10 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 11 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**

- 12 a. Application Form

## **Background Papers**

**Background papers are available for inspection in Meeting Room 22a, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.**