

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	17 June 2013
TITLE OF REPORT:	TO CONSIDER REPRESENTATION AGAINST THE INTERIM STEPS IMPOSED ON 5 JUNE 2013 BY THE REGULATORY SUB-COMMITTEE FOLLOWING AN APPLICATION FOR AN EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE IN RESPECT OF: LYDE COURT, LYDE CROSS, HEREFORD, HR1 3AE' – LICENSING ACT 2003.
REPORT BY:	FRED SPRIGGS – LICENSING OFFICER

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

Burghill, Holmer & Lyde

4. Purpose

To consider a representation against the interim steps imposed on 5 June 2013 by the Regulatory Sub-Committee following an application for an expedited/summary licence review of the premises licence in respect of Lyde Court, Lyde Cross, Hereford, HR1 3AE.

5. Recommendation(s)

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

6. Key Points Summary

- Application received for an expedited review on 4 June 2013.

Further information on the subject of this report is available from
Clare Corfield, Licensing Manager 01432 26012

- Hearing held on 5 June 2013 within the required 48 hours.
- Application against interim steps received on 13 June 2013.

7. Options

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.

8. Reasons for Recommendations

Ensure compliance with the legislation.

9. Introduction and Background

Background Information

The powers to call for an expedited review are contained in Section 53A of the 2003 Act by virtue of the Violent Crime Reduction Act 2006. The powers allow:

- i. 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
- ii. The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

Current Licence

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

Plays, Films, Performance of Dance
Monday-Sunday: 14:00 - 00:00

Any playing of recorded music, Live Music
Sunday – Thursday: 10:00 - 00:00
Friday & Saturday: 10:00 – 02:00

Sale/Supply of Alcohol
Sunday – Thursday: 09:00 – 00:00
Friday & Saturday: 08:00 – 02:00
24 hours for residents

Late Night Refreshment
Monday – Sunday: 23:00 – 02:00

The Grounds for the Review

The grounds for the review are contained in Appendix 1 and 2 of the background papers.

Representation Against the Interim Steps

A copy of the email making representation against the interim steps can be found in the background papers.

Responsible Authorities

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

10. Key Considerations

To consider what action should be taken, if any, to prevent further outbreaks of serious crime and disorder and to promote the four licensing objectives in accordance with the recommendation.

Guidance issued by the DCMS in respect of Expedited Reviews states at paragraph: -

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.

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.

11. Community Impact

The granting of the licence as applied for may have an impact on the Community.

12. Equality and Human Rights

"A public authority must, in the exercise of its functions, have due regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

13. Financial Implications

There are unlikely to be any financial implications at this time to the authority.

14. Legal Implications

The premise licence holder may make representations against the interim steps taken by the licensing authority. There is not a time limit for the premises licence holder to make representation on the interim steps, although this would be within the normal review period of 28 days. On receipt of representations and if they are not withdrawn, a hearing must be arranged within 48 hours of receipt.

15. Risk Management

15.1 Not applicable.

16. Consultees

Responsible authorities and the premise licence holder.

A copy of the application has been served on the responsible authorities.

17. Appendices

- a. Representation against the interim steps

18. 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.