

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	28 June 2013
TITLE OF REPORT:	FULL REVIEW 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:	CLAIRE CORFIELD – LICENSING MANAGER

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

Burghill, Holmer & Lyde

4. Purpose

To consider the full review 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 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.

6. Key Points Summary

- Application received for an expedited review on 4 June 2013.
- Hearing held on 5 June 2013 within the required 48 hours.
- Licence not suspended but interim steps put in place by way of conditions.

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

Note: Do not add page numbering

- Application against interim steps received on 13 June 2013.
- Hearing in relation to the interim steps held on 17 June 2013 within the required 48 hours
- Committee decided that the interim steps should remain until the full review.

7. Options

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

8. Reasons for Recommendations

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

9. Background Information

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.

The expedited review hearing was held on 5th June 2013 where the committee considered an application made by the Chief Constable of the West Mercia Police. At that hearing the committee decided that the licence should not be suspended but that interim steps would be taken by attaching conditions to the licence. These were:

- That the Designated Premises Supervisor may remain until the full review hearing when a further decision will be made based on the evidence put before the Sub-Committee.
- That no alcohol be served to residents outside of the currently permitted licenced hours.
- That SIA registered door staff be employed on a risk assessed basis.
- That toughened or plastic vessels be used at all functions and that any drinks served in glass bottles be decanted into plastic/toughened vessels prior to serving.

On 17th June a further hearing took place as a result of Mrs Waring, the premises licence holder, making representation against the interim steps, particularly in relation to the last condition in relation to toughened vessels. The committee decided that that condition should remain pending the full review.

10. 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 are contained in Appendix 1 and 2 of the background papers. Also attached are the decision notices from the hearings of 5th June and 17th June (appendix 3 & 4)

11. Responsible Authorities

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

The police are expected to provide further evidence to support the grounds for calling of the expedited review.

No further representation has been received.

12. Key Considerations

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).

13. Community Impact

It is felt that any decision is unlikely to have any effect on the local community.

14. 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."

15. Financial Implications

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

16. Legal Implications

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.

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.

17. Risk Management

None identified

18. Consultees

Responsible authorities and the premise licence holder.

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

19. Appendices

- a. Police Application Form
- b. Certificate issued under Section 53A(1)(b)
- c. Decision Notice 5th July
- d. Decision Notice 17th July

20. 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.