

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	2 DECEMBER 2013
TITLE OF REPORT:	REPRESENTATION AGAINST INTERIM STEPS FOLLOWING AN APPLICATION FOR AN EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE IN RESPECT OF: BREWERS ARMS, 97 EIGN ROAD, HEREFORD, HR1 2RU
REPORT BY:	LICENSING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision.

3. Wards Affected

Tupsley

4. Purpose

To consider representation against the interim steps imposed on 27 November 2013 by the Regulatory Sub-Committee following an application for an expedited/summary licence review of the premises licence relating to the Brewers Arms, 97 Eign Road, Hereford, HR1 2RU.

5. Recommendation(s)

THAT when determining the representation against the interim steps the Sub-Committee must take into account:

- **The senior police officer's certificate that accompanied the application**
- **The chief officer's representation**
- **Any representation made by the premises licence holder**
- **The steps that are necessary to assist with the prevention of serious crime and disorder,**
- **The Guidance issued to local authorities under Section 53A of the Licensing Act 2003 by the Violent Crime Reduction Act 2006, and**
- **The Herefordshire Council Licensing Policy.**

6. Key Points Summary

- Application was received for an expedited review on 25th November 2013.
- Hearing was arranged for 27 November 2013 within the required 48 hours.
- 25 November 2013 - Copies of application and certificate sent to the premises licence holder by email.
- 27 November 2013 - The Regulatory Sub-Committee agreed that the licence for the said public house premises be suspended forthwith subject to further review. A full review hearing has been arranged for Friday 20 December 2013.
- Application was received to make representation against the interim steps on 28 November 2013

7. Options

The Sub-Committee must:

- Consider whether to continue with the interim steps in order to promote the 'Licensing Objectives', and
- Determine whether or not to withdraw or modify the steps taken.

The interim steps that the licensing authority can take are:

- (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 uphold the suspension of the licence;

Where the authority takes a step mentioned above it may provide that the modification or exclusion is to have effect until the full review hearing.

8. Reasons for Recommendations

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

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.

Applicant	Ivan Powell – Superintendent West Mercia Constabulary	
Premise Licence Holder	Sean David Harrison & Steven Lloyd Harrison Brewers Arms, 97 Eign Road, Hereford, HR1 2RU	
Solicitor	Not known	
Type of application: Expedited Review	Date received: 25/11/2013	Interim Steps Hearing 48 hours 27/11/2013

The requirements of the legislation are that the application must be accompanied by a Certificate signed by a Superintendent. Where that has happened, as in this case, the requirements for launching an expedited review have been met and the Licensing Authority do not have power to question whether such certificate should have been issued by a Superintendent.

The expedited review hearing was held on 27 November where the Sub-Committee considered an application made by Superintendent Ivan Powell of the West Mercia Police. At that hearing the Sub-Committee decided to suspend the licence as an interim step pending the full review on 20 December 2013.

On 28 November 2013 an application was received by the Licensing Authority from Sean Harrison (one of the premises licence holders) who wishes to make representation against the interim steps.

Current Licence

The following is authorised under the current licence:

An indoor sporting event
Monday-Saturday: 20:00 - 23:00
Sunday: 19:00 - 23:00

A performance of live music and Dancing
Friday-Saturday: 20:00 - 01:00
Sunday: 20:00 – 00:00

Any playing of recorded music
Monday-Wednesday, Sunday: 12:00 - 01:00
Thursday: 12:00 - 02:00
Friday-Saturday: 12:00 – 2:30

Provision of late night refreshment
Monday-Wednesday: 12:00 - 00:00
Thursday, Sunday: 12:00 - 01:00

Friday-Saturday: 12:00 - 02:00

Sale by retail of alcohol

Monday-Wednesday: 12:00 - 00:00

Thursday: 12:00 - 01:00

Friday-Saturday: 12:00 - 02:00

Sunday: 12:00 - 00:30

The Grounds for the Review

The grounds for the review are contained in Appendix a and b and the request to make representation against the interim steps at Appendix c. If the Sub-Committee is minded to remove or modify the interim steps it has imposed the police have requested the Sub-Committee imposes the conditions shown at Appendix d.

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.

The licensing objectives are:

- The prevention of crime and disorder,
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Guidance issued by the Department for Culture, Media and Sport 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

It is felt that if no action is taken this could have an adverse effect on the local community.

12. Equality and Human Rights

No implications have been identified.

13. Financial Implications

There are unlikely to be any financial implications at this time to the authority except if the decision is appealed.

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. Appendices

- a. Application Form for a Summary Licence Review
- b. Certificate under Section 53(A)(1)(b) of the Licensing Act 2003
- c. Request to make an application against interim steps
- d. Police requested conditions if the Sub-Committee is minded to modify the interim steps

16. Background Papers

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