

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	20 DECEMBER 2013
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW AND REPRESENTATIONS AGAINST THE INTERIM STEPS IN RESPECT OF: THE BREWERS ARM'S, EIGN ROAD, HEREFORD
REPORT BY:	LICENSING MANAGER

1. Classification

Open

2. Key Decision

This is not an executive decision.

3. Wards Affected

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4. Purpose

To consider the full review of a premises licence following an Expedited/Summary Licence Review and representations against the interim steps in respect of 'The Brewers Arms, Eign Road, Hereford.

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

- 25 November 2013 - Application received for an expedited review form West Mercia Police.
- 25 November 2013 - Copies of application and certificate sent to the premises licence holder by email.

- 27 November 2013 - Hearing held by the Regulatory Sub-Committee within the required 48 hours. The Sub-Committee suspended the licence pending the full review. (The decision notice is at Appendix 3.)
- 28 November 2013. - Application received to make representation against the interim steps.
- 2 December 2013 - Hearing held by the Regulatory Sub-Committee within the required 48 hours. The Sub-Committee agreed further interim steps permitting the premises to re-open subject to conditions. (The decision notice is at Appendix 4.).
- 20 December 2013 – scheduled date of full review hearing.

7. Options

There are a number of options open to the Sub-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; or
- take no further action

8. Reasons for Recommendations

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

9. Introduction and Background

9.1 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:

- 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.

Applicant	Ivan Powell – Superintendent West Mercia Constabulary
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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	Full Review Hearing 20/12/2013

- 9.2 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 has been met and the Licensing Authority do not have power to question whether such certificate should have been issued by a Superintendent.
- 9.3 The expedited review hearing was held on 27 November where the Regulatory Sub-Committee considered an application made by the Superintendent Ivan Powell of the West Mercia Police. At that hearing the Committee decided to suspend the licence pending the full review on 20 December 2013. (The decision notice is attached at Appendix 3 refers).
- 9.4 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.
- 9.5 A hearing was arranged and heard by the Regulatory Sub-Committee on 2 December 2013 and further interim steps were agreed. These are detailed in the decision notice at Appendix 4.

Current Licence

- 9.6 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 Appendices 1 and 2.

Responsible Authorities

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

10. Key Considerations

10.1 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).

10.2 The licensing objectives are:

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

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

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.

15. Appendices

1. Application Form for a Summary Licence Review
2. Certificate under Section 53(A) (1) (b) of the Licensing Act 2003
3. Decision Notice from the Regulatory Sub-Committee hearing – 27 November 2013
4. Decision Notice from the Regulatory Sub-Committee hearing – 2 December 2013.

16. 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.