

Meeting:	Regulatory Sub-Committee
Meeting date:	6th February 2015
Title of report:	To consider representation against the Interim Steps imposed on 4 February 2015 by the Regulatory Sub-Committee following an application for an Expedited/Summary Licence Review of the Premises Licence in respect of: The Ducking Stool, 11 South Street, Leominster, HR6 8JA - Licensing Act 2003
Report by:	Head of Trading Standards and Licensing

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Leominster

Purpose

To consider representation against the Interim Steps imposed on 4 February 2015 by the Regulatory Sub-Committee following an application for an expedited/summary licence review of the premises licence in respect of: The Ducking Stool, 11 South Street, Leominster, HR6 8JA.

Recommendation

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
- 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.

Options

1. 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.

Reasons for Recommendations

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

Key Considerations

3. Application received for an expedited review on 3rd February 2015.
4. Hearing held on 4th February 2015 within the required 48 hours.
5. Copies of application and certificate sent to the premise licence holder and responsible authorities.
6. Application against interim steps received on 4th February 2015.
7. 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.
8. 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. The expedited review hearing was held on 4th February 2015 where the committee considered an application made by the Chief Constable of the West Mercia Police.
 10. At that hearing the committee decided that the licence should be suspended forthwith and that Janet Morris be removed as the Designated Premises Supervisor.
 11. On 4th February 2015 an application was received to make representation against the interim steps from the premises licence holder, Janet Morris.

12. **Current Licence**

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

A Performance of Live Music
 Sunday – Thursday 20:00 – 23:00
 Friday, Saturday 20:00 – 02:00

Any playing of Recorded Music
 Sunday – Thursday 11:00 – 23:30
 Friday, Saturday 11:00 – 02:00

Sale by retail of alcohol
 Sunday-Thursday 11:00-00:00
 Friday, Saturday 11:00-02:30

13. **The Grounds for the Review**

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

14. The committee have to decide 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.

Community Impact

15. As Leominster is a small market town the incident is having a big impact on the Community as so many people know each other. It is understood that tensions are running high.

Equality duty

16. There are no equality or human rights issues in relation to the content of this report.

Financial implications

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

Legal Implications

18. 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.
19. There is not right of appeal to the magistrates court.
20. Guidance issued by the DCMS in respect of Expedited Reviews states at paragraphs 3.5 – 3.7: -
- 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. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.
- 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.

Risk Management

21. There is little risk associated with the decision at this time as the legislation allows representation to be made against the interim steps.

Consultees

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

Appendices

23. Application for expedited review
24. Superintendent's certificate
25. Summary Review Guidance issued by the Home Office
26. Decision notice from expedited review hearing of 4th February.

Background Papers

None.