

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Herefordshire Council Licensing Authority

Blueschool House

Blueschool Street

PO Box 233

Hereford. HR1 2ZF

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Robert Barnett [on behalf of] the chief officer of police for the West Mercia police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**The Ducking Stool
11 South Street**

Post town: Leominster

Post code (if known): **HR8 8JA**

2. Premises licence details:

Name of premises licence holder (if known): Mrs Janet Morris

Number of premises licence holder (if known): PR00921

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

This is a well established licensed premises in a small market town. It has operated for a number of years, and in recent years it has developed a weekend late night trade.

Over the years there have been a number of incidents of disorder at the premises that have resulted in police attendance and intervention.

At about 1819hrs on 02 February 2015, a female reported to the police that her son had been assaulted at the venue in the early hours of Sunday 01 February 2015. This was the first time the matter had been brought to the attention of the police.

A police investigation has commenced and is still on going. What has been established is that at about 0100hrs on Sunday 01 February 2015, the victim aged 24 was in the premises with others playing pool, a disturbance took place where he was attacked and knocked to the ground. During this attack he received significant injuries to his face and in particular his left eye. Doorstaff were on duty on the night and did intervene in the incident, however it is the view of the police that at least one door supervisor has made an attempt to suppress the matter and has attempted to eject the 'victim' and not the suspects to the attack. It is the view of the police that this has happened as they are friends.

As part of the police investigation, CCTV was requested from the venue, whilst the quality is very good, the premises licence holder was not able to download it in viewable format as required by the premises licence. This is not the first occasion this has occurred.

The police are of the view that the premises licence holder and therefore the designated premises supervisor have failed to promote the licensing objective of the prevention of crime and disorder. The circumstances of the incident are serious with a number of people - no doubt under the influence of alcohol - attacking one person resulting in serious injury. The degree of injury and the overall circumstances could attract a prison sentence of 3 years or more.

The view of the police is that the following interim steps should be taken

**Premises licence suspended immediately
Designated premises supervisor removed**

To put in place these interim steps in the view of the police is necessary due to the seriousness of the incident and the need to protect the public from harm by promoting the licensing objectives.

Signature of applicant:

Date:

Capacity: Police Inspector 3499

 3/1/15

Contact details for matters concerning this application:

Address:

Leominster Police Station

Telephone number(s): 01432 347102

Email: licensing.hereford@westmercia.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

West Mercia Police
Herefordshire Territorial Policing Unit
Bath Street
Hereford

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

The Ducking Stool
11 South Street
Leominster. HR9 8JA

Premises licence number (if known): PR00921

Name of premises supervisor (if known): Mrs Janet Morris

I am a Superintendent ³ in the West Mercia police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

This is a serious criminal matter of an allegation concerning assault at a level recorded as grievous bodily harm - S18 Offences Against the Persons Act 1861. The view of the police is that other procedures are inappropriate due to the nature and circumstances of the incident and therefore a requirement for urgent action

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

(Signed)

Thomas

(Date)

3/2/15

SUPERINTENDENT S. A. THOMAS