

MEETING:	REGULATORY SUB-COMMITTEE
MEETING DATE:	27th February 2015
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW AND REPRESENTATION AGAINST THE INTERIM STEPS 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 an application for Review of a Premises Licence following the Expedited/Summary Licence Review and Representation against the Interim Steps In respect of 'The Ducking Stool, 11 South Street, Leominster, HR6 8JA.

Recommendation

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.

They should give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives
- The Guidance issued to local authorities under Section 53A of the Licensing Act 2003 by the Violent Crime Reduction Act 2006,

- The Police application made in respect of the expedited review together with the Superintendent's Certificate
- The representations (including supporting information) presented by all parties, and
- The Herefordshire Council Licensing Policy.

Options

1. 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
 - take no further action

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

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

Key Considerations

3. 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	Susan Thomas – Superintendent West Mercia Constabulary Represented by: - Inspector Bob Barnett	
Premise Licence Holder	Janet Morris The Ducking Stool, 11 South Street, Leominster, HR6 8JA	
Solicitor	Heath Thomas	
Type of application: Expedited Review	Date received: 03/2/2015	End of 28 day period 01/03/2015

4. The application for an expedited review was received on 3rd February 2015.
5. A hearing was held on 4th February 2015 within the required 48 hours.
6. At that hearing the committee heard from the police and the premises licence holder.

7. The committee decided to suspend the licence with immediate effect.
8. Copies of the application and certificate were sent to the premise licence holder and responsible authorities.
9. An application was received against the interim steps on 4th February 2015.
10. A hearing was held on 6th February 2015 to consider this.
11. At that hearing the committee decided to amend the interim steps and imposed the following steps pending the full review:
 - Removal of the designated premises supervisor and to be replaced with a designated premises supervisor that meets the satisfaction of the West Mercia Police.
 - Reduction in operating hours for licensable activities on Friday and Saturday nights. The terminal hour being reduced to midnight.
 - A personal licence holder to be on the premises from 2000hrs to end of licensable hours on Friday and Saturday.
 - A written list of personal licence holders will be supplied to the police and only personal licence holders who are agreed by the police shall be so employed.
 - Requirements that a minimum of two (2) registered SIA door supervisors are employed at the premises and are deployed from 2100hrs on Friday and Saturdays until the conclusion of licensable activities.
 - All door supervisors employed will meet the satisfaction and requirements of West Mercia Police.
 - A register of door supervisors shall be kept at the premises. Such register shall be signed by the door staff and shall show their badge number, name, time of start of duty and time of finish.

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 licensing authority have received 12 public representations in relation to the review application. (Details of these can be found within the background papers).
15. No representation has been received from any of the responsible authorities.

Community Impact

16. Any decision is unlikely to have any significant effect of the local community.

Equality duty

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

Financial implications

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

Legal Implications

19. An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court.
20. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
21. 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.

Risk Management

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

Consultees

23. Copies of the application and certificate have been sent to the responsible authorities. A notice has been displayed at the premises, at the offices of the Licensing Authority and details have been shown on the council website.

Appendices

- Appendix 1 Application for expedited review
- Appendix 2 Superintendent's certificate
- Appendix 3 Summary Review Guidance issued by the Home Office

Background Papers

24. Representations from the members of the public.