

Meeting:	REGULATORY SUB-COMMITTEE
Meeting date:	13 AUGUST 2015
Title of report:	REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW IN RESPECT OF: THE ROYAL OAK HOTEL, 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 East

Purpose

To consider an application for Review of a Premises Licence following the Expedited/Summary Licence Review in respect of 'The Royal Oak Hotel, 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 (Appendix 3)
- 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 options open to the committee:
 - a) the modification of the conditions of the premises licence;
 - b) the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - c) the removal of the designated premises supervisor from the licence;
 - d) the suspension of the licence for a period not exceeding 3 months; and
 - e) the revocation of the licence

Where the authority takes a step mentioned in subsection (a) or (b) above, 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	Chief Constable – West Mercia Police Represented by: - Inspector Barnett
Premise Licence Holder	Minster House (Leominster) Limited Meriden House, 6 Great Cornbow, Halesowen, West Midlands. B63 3AB

Solicitor	N/K	
Type of application: Expedited Review	Date received: 20/7/2015	End of 28 day period 17/08/2015

4. The application for an expedited review was received on 20 July 2015.
5. A hearing was held on 22 July 2015 within the required 48 hours.
6. At that hearing the sub-committee heard from the police. The premises licence holder did not attend.
7. The sub-committee decided to suspend the licence with immediate effect until such time as:
 - a) The present Designated Premises Supervisor (DPS) has been removed and a new DPS appointed.
 - b) CCTV camera equipment shall be fitted, operating and approved by the Council's Licensing officer to all appropriate parts of the premises including Bar 44.

The conditions of the licence to be modified to require that:-

- a) a minimum of two SIA registered door staff be employed from 21:00hrs on Fridays and Saturdays and on all occasions when regulated entertainment takes place until the conclusion of licensable hours and activities.
 - b) a personal licence holder be on the premises at all the above times (noted in the previous condition).
8. Copies of the application and certificate were sent to the premise licence holder and responsible authorities.
 9. At the time of writing this report:
 - The Designated Premises Supervisor has been replaced

But

- Whilst some additional CCTV cameras have been installed the CCTV system still does not cover all appropriate part of the premises and therefore the system cannot be approved by the Council's Licensing officer.
10. The Licensing Officer has written to the premises licence holder and has advised them that the requirement of the Licensing Authority is that:
'CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas as shown on the premises plan (which forms part of the licence) where licensable activities take place. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure

environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately'

11. The last contact with the premises was by the Licensing Officer, by email (appendix 4) on 3th August advising that the requirements still had not been met. At this time no response has been received.
12. There have been a number of emails exchanged between the Licensing Officer and the premises.
13. **Current Licence**
The current licence authorises the following licensable activities during the hours shown: -

A performance of live music; Any playing of recorded music;; Other entertainment facilities; Sale by retail of alcohol
Monday-Thursday: 09:00 - 23:30
Friday-Saturday: 09:00 - 01:00
Sunday: 09:00 - 00:00

Provision of facilities for Dancing; Making music
Monday-Thursday: 09:00 - 23:30
Friday-Saturday: 09:00 – 01:00
Sunday: 09:00 - 00:00

Provision of late night refreshment
Monday-Thursday: 23:00 - 23:30
Friday-Saturday: 23:00 - 01:00
Sunday: 23:00 - 00:00

Non standard timings: All of the above
On the Sunday before a Bank Holiday Monday until 01.00.
14. **The Grounds for the Review**
The grounds for the review and the Superintendent's authority are contained in Appendix 1 and 2.
15. The licensing authority has received 1 public representation in relation to the review application. (appendix 5).
16. No representation has been received from any of the responsible authorities.

Community Impact

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

Equality duty

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

Financial implications

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

Legal Implications

20. An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court.
21. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
22. 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

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

Consultees

24. 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

1. Application for expedited review
2. Superintendent's certificate
3. Summary Review Guidance issued by the Home Office
4. Email from Licensing Officer dated 3 August 2015
5. Public Representation
6. Regulatory sub-committee decision notice 22 July 2015

Background Papers

None