

Meeting:	REGULATORY SUB-COMMITTEE
Meeting date:	20TH APRIL 2016
Title of report:	EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE IN RESPECT OF: 'SPARKYS BAR AND CAFÉ, 18 WEST STREET, LEOMINSTER, HR6 8ES' - LICENSING ACT 2003
Report by:	FRED SPRIGGS – LICENSING OFFICER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Leominster

Purpose

To consider an application for an 'expedited/summary licence review of the premises licence in respect of 'Sparkys Bar and Café, 18 West Street, Leominster, HR6 8ES' called by Inspector Robert Barnett.

Recommendation

That:

Sub-Committee determine the interim steps necessary to prevent serious crime or serious disorder at the premises and to promote the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are appropriate to assist with the prevention of serious crime and disorder,
- The representations (including supporting information) presented by all parties,
- 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 interim steps that the licensing authority can consider taking are:

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. 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	Mr David Ronald Wicks The Flat, 3 Church Street, Leominster, HR6 8NE	
Solicitor	Not known	
Type of application: Expedited Review	Date received: 18/4/2016	Interim Steps Hearing 48 hours 20/4/2016

4. **Current Licence**

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

A performance of live music	Friday-Saturday: 20:00 - 00:30
Any playing of recorded music	Tuesday-Thursday: 10:00 - 20:00 Friday-Saturday: 10:00 - 01:30
Provision of late night refreshment	Friday-Saturday: 22:00 - 02:00
Sale by retail of alcohol	Monday-Thursday, Sunday: 10:00 - 23:00 Friday-Saturday: 10:00 - 02:30

5. **The Grounds for the Review**

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

6. 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

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

Equality duty

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

Financial implications

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

Legal Implications

10. 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.

Risk Management

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

Consultees

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

Appendices

- a. Application for expedited review & Superintendent's certificate

- b. Summary Review Guidance issued by the Home Office

Background Papers

None.

Additional Information

The committee attention is drawn to paragraph 3.6 and 3.7 of the 'Summary Review Guidance' issued by the Home Office which states:

- 3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications 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 premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). 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'.