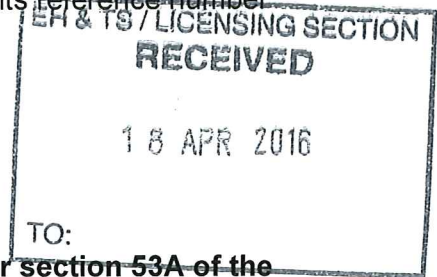


FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Herefordshire District Council Licensing Authority



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 Police Inspector 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:

**Sparkys Bar and Café
18 West Street**

Post town: Leominster

Post code (if known): **HR6 8ES**

2. Premises licence details:

Name of premises licence holder (if known): David Ronald WICKS

Number of premises licence holder (if known): PR00499

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]

Sparkys Bar and Café is located in Leominster town centre.

It mainly operates in the evening and at weekends it becomes a premises that basically is a night club with recorded music being played.

In the last 12 months at least 19 incidents have come to the attention of the police with regards to crime, disorder and nuisance at the premises. Most have happened at weekends when the premises is licenced until 0230hrs All but 4 of these matters have taken place after midnight with the majority occurring after 0100hrs

For a number of months the police have had concerns over the level and type of incidents that have been occurring, as many do involve excessive drinking and random acts of violence.

The police have visited the premises on a regular basis in order to provide public reassurance and to ensure that the management of the premises comply with the premises licence.

Since the beginning of January 2016, there have been 10 incidents brought to the attention of the police, since the start of April 2016, a total of 6 incidents have taken place.

The police are aware that the authority have recently sent a warning letter to the premises licence holder with regards to underage people being in the premises

This all in the view of the police has shown a steady increase in conduct that directly impacts on the licensing objectives and most importantly the safety and wellbeing of the public of Leominster.

At 0236hrs on Saturday 16 April 2016, the police received an emergency call to say there was disorder outside the premises. The caller said 'people are fighting and getting hurt', and 'One here might have a broken cheek bone' and 'Still fighting in the street'.

The police did attend and found two people injured, one with a significant facial injury which may be broken bones. The police were able to view CCTV at the premises that shows the disorder and does identify a potential suspect. This suspect has been arrested and the whole of the incident is subject to a police criminal investigation.

As part of the police investigation, a request was made to the management of Sparkys for the CCTV to be download. This has not happened as no-one at the time had the access or the ability to do this. This has prohibited the police investigation and does not comply with the premises licence.

The information to hand is that the suspect and others had been drinking excessively and they had been in Sparkys just prior to the incident taking place. Further information indicates that the suspect was drunk. The initial police enquiries indicate that these assaults were unprovoked.

The view of the police is that this matter was preventable and as it was due to excessive alcohol consumption at the premises and therefore should have been subject to control and management by the premises in order to promote the licensing objectives.

The cumulative impact of the incidents in the last 12 months and in particular the last few weeks is showing an increase in issues that are disproportionate to the town and the type of premises that Sparkys is licensed as.

The view is that the designated premises supervisor - who is also the premises licence holder - has failed in his responsibilities and has therefore failed to recognise the problems and therefore promote the licensing objectives.

This latest incident is viewed as serious and has been fully discussed with senior officers at Hereford Police Station. Other procedures have been considered and have been discounted at this time.

There is concern that if appropriate urgent action is not taken this situation will become worse

The view of West Mercia Police is that this committee suspend the premises licence for Sparkys pending a full review hearing.

Signature of applicant: R. Barnett



Date: 18 April 2016

Capacity: Police Inspector Safer Neighbour Team Leominster

Contact details for matters concerning this application:

Address:

**Harm Reduction Department
Hereford Police Station
Bath Street
Hereford. HR1 2HT**

Telephone number(s): 01432 347102

Email: HerefordAntiSocialBehaviour@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
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:

Sparkys Bar and Café
18 West Street
Leominster HR6 8ES

Premises licence number (if known): PR00499

Name of premises supervisor (if known): David Ronald WICKS

I am a Superintendent Susan Thomas 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 with an assault offence which that has resulted in suspected broken bones. In addition there have been a number of incidents in recent weeks that show a cumulative increase in disorder.

The nature and circumstances of the incident are serious and require prompt action. Therefore whilst other procedures have been considered, they are not appropriate in these circumstances

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.

[Handwritten signature]

(Signed)

(Date)

18/4/2016.

SUPERINTENDENT.