

<b>Meeting:</b>	<b>Regulatory Sub-Committee</b>
<b>Meeting date:</b>	<b>13<sup>th</sup> May 2016</b>
<b>Title of report:</b>	<b>REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW IN RESPECT OF: 'SPARKYS BAR AND CAFÉ, 18 WEST STREET, LEOMINSTER, HR6 8ES' - LICENSING ACT 2003</b>
<b>Report by:</b>	<b>Fred Spriggs – Licensing Officer</b>

## **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 in respect of 'Sparkys Bar and Café, 18 West Street, Leominster, HR6 8ES'.

## **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

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	<b>Chief Constable – West Mercia Police</b> <b>Represented by: - Inspector Robert Barnett</b>
Premise Licence Holder	<b>Mr David Ronald Wicks</b> <b>The Flat, 3 Church Street, Leominster, HR6 8NE</b>
Solicitor	<b>N/K</b>

Type of application:	Date received:	End of 28 day period
<b>Expedited Review</b>	<b>18/04/2016</b>	<b>16/05/2016</b>

4. The application for an expedited review was received on 18<sup>th</sup> April 2016.
5. A hearing was held on 20<sup>th</sup> April 2016 within the required 48 hours.
6. At that hearing the committee heard from the police and the head door supervisor, Mr Mark Skinmore, who spoke on behalf of premises licence holder.
7. The committee decided to suspend the licence with immediate effect until the full review.
8. Copies of the application and the Superintendent's certificate were sent to the premise licence holder and responsible authorities.
9. At the time of writing this report the premises licence holder has failed to contact the Licensing Authority or the Police.
10. On 1<sup>st</sup> April 2016 the Licensing Authority wrote to the premises licence holder concerning breaching the conditions shown on the licence. (See appendix 1)

11. **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	Sunday-Thursday:	10:00 - 23:00
	Friday-Saturday:	10:00 - 02:30

The licence has the following restriction placed upon it:

*Alcohol shall not be sold or supplied:*

- a) *Unless the premises are bona fide used or intended to be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises*
- b) *On the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.*

This in effect means that the premises has only a restaurant licence.

12. **The Grounds for the Review**

The grounds for the review and the Superintendent's authority are contained in Appendix 2 of the background papers.

13. The licensing authority has received representation from the Environmental Health (Details of these can be found at appendix 3).

## **Community Impact**

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

## **Equality duty**

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

## **Financial implications**

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

## **Legal Implications**

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

20. There is little risk associated with the decision as the legislation allows the decision to be appealed to the Magistrates Court.

## **Consultees**

21. 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. Warning letter from the Local Authority
2. Application for Expedited Review & Superintendent's certificate
3. Environmental Health Representation
4. Summary Review Guidance issued by the Home Office

## **Background Papers**

None