

Meeting:	Regulatory sub-committee
Meeting date:	15 December 2016
Title of report:	Review of a premises licence following the expedited/summary licence review in respect of: Supersam, 141-143 Eign Street, Hereford, HR4 0AJ - Licensing Act 2003
Report by:	Licensing officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Central

Purpose

To consider an application for review of a premises licence following the expedited / summary licence review in respect of 'Supersam, 141-143 Eign Street, Hereford, HR4 0AJ' called by Sergeant 3456 Duncan Reynolds of the West Mercia Police.

Recommendation

THAT:

The sub-committee when determining this review must consider:

- **what steps it considers necessary for the promotion of the licensing objectives; and**
- **whether the interim steps should be replaced with immediate effect by the decision of this committee or**
- **whether the interim steps should remain in place until the end of the period allowed for appeal, or until the appeal is disposed of.**

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 (although archived there has been nothing issued to replace them),
- 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 a licensable activity 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
2. 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

3. Ensures compliance with the Licensing Act 2003 and the Violent Crime Reduction Act 2006

Key Considerations

4. 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 for the promotion of the licensing objectives, pending a full review.

Applicant	Chief Constable – West Mercia Police Represented by: - Sergeant 3456 Duncan Reynolds	
Premise Licence Holder	Heman Jamal Supersam, 141-143 Eign Street, Hereford	
Solicitor	N/K	
Type of application: Full Review following an Expedited Review	Date received: 25/11/2016	End of 28 day period 22/12/2016

5. The application for an expedited review was received on 25 November 2016.
6. A hearing was held on 29 November 2016 within the required 48 hours.
7. At that hearing the committee heard from the police. The premises licence holder did not attend.

8. The committee decided to suspend the licence with immediate effect (appendix 1).
9. Copies of the application and certificate were sent to the premise licence holder and responsible authorities.

Current licence

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

Sale by retail of alcohol	Monday - Sunday 08:00-00:00
Non standard timings:	None

The grounds for the review

11. The grounds for the review and the Superintendent's authority are contained in appendix 2.
12. No representation has been received in respect of the application.

Community Impact

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

Equality duty

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

Financial implications

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

Legal Implications

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

Risk Management

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

Consultees

18. 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 - Decision notice

Appendix 2 - Application for expedited review & Superintendent's certificate

Background Papers

Summary Review Guidance issued by the Home Office