

BRIDGEND COUNTY BOROUGH COUNCIL

EMERGENCY MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE

20 JULY 2021

REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

**LICENSING ACT 2003
SECTIONS 53A TO 53D
APPLICATION FOR SUMMARY REVIEW
THE STATION HOTEL CAERAU
1 CAERAU ROAD CAERAU MAESTEG CF34 0PB**

1. Purpose of report

- 1.1 The purpose of this report is to ask the Sub-Committee to determine whether it is necessary to take interim steps to address the immediate problems at the premises. This decision is not one which can be delegated to officers.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report relates to a regulatory function. There is no direct link to the corporate well-being objectives / other corporate priorities.

3. Background

- 3.1 On 16 July 2021, South Wales Police submitted an application for the summary review of the above premises reference BCBCLP221. A copy of the application is attached at Appendix A. The premises licence holder is Lynette Lewis.
- 3.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review.
- 3.3 The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.
- 3.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior

officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. The certificate has been submitted to that effect by Superintendent 4325 K Thomas, confirming the above information and that the premises is associated with serious crime.

3.5 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

3.6 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.7 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.

3.8 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

4. Current situation/proposal

- 4.1 The application has been advertised on site and on the Council's website as prescribed. A copy of the application has been served on the premises licence holder and the responsible authorities. A full review hearing must be held within 28 days and arrangements are underway.

5. Effect upon policy framework and procedure rules

- 5.1 The report content has no direct effect upon the Policy Framework and Procedure Rules.

6. Equality Act 2010 implications

- 6.1 As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

- 8.1 There are no financial implications arising from the report.

9. Recommendation(s)

- 9.1 Having regard to the application, this report and any representations made by the Premises Licence Holder, and the Guidance issued under Section 182 of the Licensing Act 2003, the Sub-Committee is requested to determine whether any interim steps are necessary prior to a full review hearing taking place.

Kelly Watson
CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

19 July 2021

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Background documents:

None