

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – Full Review, following an application made under section 53A for a Summary (Expedited) Review of a Premises Licence for White Hart Inn, 48 Temperance Street, Torquay TQ2 5PU

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

19th August 2019

Contact Officer: **Mandy Guy**

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1. Key points and Summary

- 1.1 To consider and determine an application in respect of the premises detailed above. The Premises is in the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 An application for a Summary (Expedited) Review of a Premises Licence was submitted by the Police on the 24th July 2019, having been satisfied that the premises is associated with serious disorder.
- 1.4 The Licensing Authority is now required by virtue of section 53A (2) (b) Licensing Act 2003 (the Act), to consider the application at a full review hearing within 28 days following the day upon which the application was received.
- 1.5 The Sub-Committee is required to consider:
 - a) What steps it considers appropriate for the promotion of the licensing objectives
 - b) Determine whether the Interim Step should cease to have effect or become the subject of any steps which it considers appropriate when making determination on the Review.

1.6 The steps the Licensing Authority can take are:

- a) the modification of 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;
- e) the revocation of the licence;
- f) to do nothing.

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

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

2.0 Introduction

2.1 Following the application by the Chief Superintendent on behalf of the Chief Officer of Devon and Cornwall Police for the Torbay area, Members of the Licensing Sub-Committee considered and determined on 26th July 2019, whether interim steps were appropriate as required by virtue of regulations to the Licensing Act 2003 and determined to suspend with immediate effect until the 21st August 2019 and a review of the Premises Licence shall take place on the 19th August 2019.

2.2 A brief description of the grounds of the section 53A application is as follows:

At approximately 2212 hrs on the evening of Monday 22 July 2019 a serious incident occurred at the White Hart, involving the use of a glass and pool cue as weapons. This incident resulted in one male requiring hospital treatment for significant injuries to his nose and eye. As a result of those injuries the male was admitted to hospital as the doctors were concerned that he may lose the sight in his eye.

Shortly after the incident a male was arrested on suspicion of Section 20 wounding/grievous bodily harm.

During the course of enquiries it has been established that the arrested male had been involved in an incident at the White Hart on Monday 15 July 2019, which was instigated by his abusive and aggressive actions and during which he broke a pool cue and threatened others with it. On that occasion a male was assaulted by being punched with a pool ball.

The police are concerned by the seriousness of these incidents, and particularly the use of weapons.

The full details are shown in the application from the Police which is shown as Appendix 1.

- 2.3 The current Premises Licence including hours of operation, permitted activities, current conditions and a plan of the premises is attached for information at Appendix 2.
- 2.4 The application was properly made and the Licensing Authority is satisfied that it was submitted at the appropriate level of authorisation as required by law i.e. Superintendent level or above. Advertisement of the application was conducted in accordance with Regulations.
- 2.5 We have received some additional written information and some photographs from the Police. These are shown as Appendix 3 and Appendix 4.

We have received a representation from the Safeguarding and Reviewing Service in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Protection of Children from Harm”. This is shown as Appendix 5.

There have been no Representations from any other Responsible Authority or any Interested Party.

- 2.6 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.7 Once the matter is determined, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-
 - (a) the Applicant for the Summary Review,
 - (b) the holder of the Premises Licence, or
 - (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

- 2.8 Following such Appeal, the Magistrates’ Court may:-
 - (a) dismiss the Appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court, and may make such an order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1	Application for Summary (Expedited) Review (EXEMPT)
Appendix 2	A copy of the Premise Licence
Appendix 3	Additional information submitted by the Police
Appendix 4	Photographs submitted by the Police (EXEMPT)
Appendix 5	Representation from the Safeguarding and Reviewing Service

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016-2021