

***Report to Licensing Sub-Committee***  
***Date of meeting: 9<sup>th</sup> November 2009***

**Subject: Application for Summary Review by Essex Police for the The White Lion, Sun Street, Waltham Abbey, Essex EN9 1ER**

**Officer contact for further information:**  
**Kim Tuckey**

**Committee Secretary: Mark Jenkins**



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## **1. APPLICATION**

### 1.1 Summary of Application

This is an application for a summary review of the premises licence in force at The White Lion, Sun Street, Waltham Abbey, Essex. EN9 1ER. This is the second 48 hour expedited review meeting after the Licensing Sub-Committee meeting held on 5 November 2009.

The purpose of this hearing today is to consider if any interim measures are necessary before a full review hearing on a date to be set in a few weeks time.

### 1.2 Existing Activities and hours

A copy of the existing licence is attached as Appendix A.

## **2. BACKGROUND INFORMATION**

2.2 The summary review procedure was introduced by amendments to the Licensing Act 2003 made by the Violent Crime Reduction Act 2006.

2.3 This summary review procedure allows the police to initiate an expedited review of the premises licence if a senior officer is of the opinion that the premises in question are associated with serious crime and serious disorder or both.

2.4 In this case the Essex Police have submitted an application as they are satisfied that the premises were associated with serious crime and serious disorder.

2.5 A copy of the application form and accompanying certificate are included as Appendix B and C.

## **3. SERIOUS CRIME AND SERIOUS DISORDER**

3.1 The guidance states that the tests to determine the kinds of conduct that amount to serious crime are: a) that the conduct constitutes an offence for which a person 21 years of age or over could reasonably be expected to be sentenced to 3 years or more or b) that the conduct 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.

3.2 The certificate supplied to the police states that both of these apply.

#### **4. THE LICENSING AUTHORITY**

4.1 Within 48 hours of receipt of the application, the Licensing Authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must consider whether it is necessary to take interim steps. For the purpose of calculating any time limit under this procedure non-working days are to be disregarded.

4.2 The guidance suggests that the police may be consulted about what steps the police would consider necessary. The police have suggested that the Council should consider suspending the licence. The authority may consider the application without giving the holder of the premises licence an opportunity to make representations. (This does not mean that the authority *cannot* afford such an opportunity if it thinks it is appropriate and feasible to do so in all the circumstances).

The interim steps that the licensing authority must consider are:

- 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; and
- the suspension of the licence

Modifying conditions of the premises licence can include altering or modifying existing conditions or adding new conditions, including those that restrict the times at which the licensable activities can take place. The focus for the interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder from occurring.

Any decision the authority makes takes place immediately or when the authority directs. For example, if a condition required the employment of additional staff the recruitment process may take some time.

#### **5. MAKING REPRESENTATIONS AGAINST THE INTERIM STEPS.**

5.1 If the authority decides that interim steps are necessary the licence holder may make representations to the licensing authority. There are no time limits for taking this step. On receipt of the representations the authority must hold a hearing within 48 hours of receipt unless they are withdrawn.

5.2 The police and the premises licence holder are given notice of the hearing and may both attend and make representations.

5.3 At the hearing the licensing authority must:

- Consider whether the interim steps are necessary for the promotion of the licensing objectives; and

- Determine whether to withdraw or modify the steps taken.

## **6. THE REVIEW OF THE PREMISES LICENCE**

6.1 The authority must hold a review of the premises licence within 28 days of receipt of the police application even if the police asks to withdraw its application.

6.2 When making a decision the authority must have regards to amongst other matters representations made by the holder of the premises licence, the police and any person who has made a relevant representation following an advertisement of the review.

## **7. RIGHT OF APPEAL**

The premises licence holder, the police or a person who made any relevant representations may appeal against the review decision within 21 days of the Review mentioned in paragraph 6.

7.2 The decision of the authority, following the review hearing will not have effect until the end of the period allowed for review or until the appeal is disposed of. Any interim steps will remain in force over these periods.