

Bath & North East Somerset Council

MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Friday 8 February 2013	
TITLE:	Application for the Summary Review of Premises Licence for Blue Rooms , Royal York Hotel, 1 York Buildings, George Street, Bath BA1 2EB	
WARD:	Abbey	

AN OPEN PUBLIC ITEM

List of attachments to this report:

- Annex A Signed Certificate & Application for Summary Review
- Annex B Copy of Current Premises Licence
- Annex C Site Plan
- Annex D Interim Steps - Conditions and Reasons for Decision
- Annex E Representation from Review Applicant (Chief Officer of the Police)
- Annex F Representation from the Circus Area Residents' Association
- Annex G Representation from the Abbey Residents' Association

1 THE ISSUE

- 1.1 An application and supporting certificate has been received from the Chief Officer of the Police for the summary review of a Premises Licence under Section 53A of the Licensing Act 2003, in respect of Blue Rooms, Royal York Hotel, 1 York Buildings, George Street, Bath BA1 2EB.

2 RECOMMENDATION

- 2.1 That the Sub Committee determines the application for the review of the Premises Licence.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report at this stage.

4 THE REPORT

- 4.1 Section 21 of the Violent Crime Reduction Act 2006 amended Section 53 of the Licensing Act 2003 ("the Act") by inserting Sections 53A to 53C inclusive. These provisions allow for a fast track procedure for an application, made by a senior Police officer, for the review of a premises licence that are licensed for the sale of alcohol and where the officer has provided a certificate that, in his opinion, the premises are associated with the serious crime, serious disorder or both.

4.2 On Monday 14 January 2013, the Chief Officer of the Police served on the Licensing Authority an application made under s.53A Licensing Act 2003, calling for the summary review of the premises licence pertaining to Blue Rooms, Royal York Hotel, 1 York Buildings, George Street, Bath BA1 2EB (Annex A).

The grounds for the summary review application relate to:

- serious crime and serious disorder associated with the premises;
- Class "A" drugs being sold to covert police officers on a "considerable" number of occasions during a covert police operation between November and December 2012;
- failure to promote the licensing objective of the prevention of crime and disorder; and
- a disproportionate amount of serious violence positively linked to the premises.

The application was accompanied by a signed certificate as required under Section 53A (1) (b) of the Act.

4.3 The current premises licence is attached at Annex B and authorises:

The **Sale of Alcohol** for consumption both on and off the premises:

Monday	10:00 – 00:00
Tuesday to Saturday	00:00 – 00:00
Sunday	00:00 – 23:30

The performance of **Dance**, the exhibition of **Film**, performance of **Live** and **Recorded Music** and **Other Entertainment** within the Act:

Monday	10:00 – 00:00
Tuesday to Saturday	00:00 – 00:00
Sunday	00:00 – 23:00

Late Night Refreshment:

Monday to Saturday	23:00 – 05:00
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Non Standard Timings:

From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

The following conditions are attached to the current licence:

- No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or

- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised, by a person who holds a personal licence.
 - Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
 - Substantial food and non-alcoholic beverages, including drinking water to be available throughout the permitted hours when the sale of alcohol is permitted.
 - There shall be no discounted prices on alcoholic drinks and no "happy hour".
 - The supervision enhanced CCTV system currently installed at the premises shall be maintained in working order and provided with recording facilities with tapes being retained for 30 days and made available to the police for investigative and evidential purposes.
 - A copy of the premises licence and conditions attached thereto to be prominently displayed at the entrance to the premises for persons entering the premises.
 - The mandatory conditions introduced April 2010.
 - The mandatory conditions introduced October 2010.
 - The existing CCTV system shall be maintained, including retention of recordings for 31 days and be produced for evidential reasons to any Police Officer who has reasonable grounds to so request.
 - A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area.
 - Upon leaving the premises all persons shall be advised to do so quietly.
 - A phone service to local taxi services will be offered and persons will be asked to remain in the foyer of the premises until the taxi arrives.
 - Regulated Entertainment on the Basement Floor (entry level) shall cease at 23:30 hours each day.
 - The premises shall be a member of any organisation that exists locally to assist in safer bars, clubs and the circulation of information from one premises to another.
 - On days that the premises trades for the sale of alcohol after 12 midnight a minimum of two S.I.A. door-staff will be on duty from 30 minutes before the premises are open to the public until closure, one of whom shall be positioned at the top of the steps leading to the main entrance in George Street.
 - Communication to exist between door-staff and the duty manager.

- 4.4 A site plan is attached at Annex C.
- 4.5 On receipt of the application, the Licensing Authority served copies of the application and signed certificate on the premises licence holder and relevant Responsible Authorities.
- 4.6 Under Section 53(2)(a) of the "Act", the Licensing Authority must within 48 hours of the time of receiving the application, consider under Section 53(B) whether it is necessary to take interim steps pending the determination of a review of the premises licence.
- 4.7 On Tuesday 15 January 2013, a meeting of the Licensing Sub Committee was convened to consider whether it was necessary to take any interim steps to prevent serious crime and/or serious disorder from occurring at the premises, prior to the review hearing (to be held within 28 days following the day after the application was received).
- 4.8 The meeting before the Licensing Sub-Committee was attended by the review applicant (the Chief Officer of the Police), the premises licence holder and his representative.
- 4.9 The Licensing Sub Committee decided it was necessary to take interim steps to prevent serious crime and serious disorder occurring at the premises and determined that the following conditions be imposed on the premises licence with immediate effect:
- All persons entering the premises will be searched for drugs, weapons or other illegal items on both entry and re-entry.
 - Any persons refusing to be searched will not be permitted to enter the premises.
 - A female Door Supervisor will be employed at all times the premises are open to the public.
 - A minimum of 8 Door Supervisors on Thursdays and 6 Door Supervisors on all other days, from opening to closing, will be employed at all times the premises are open to the public.
 - CCTV monitors will be watched at all times the premises are open. The person monitoring the CCTV will be in radio contact at all times the premises are open with a member of Door Staff and will report any illegal activity they see to the Door Supervisor.
 - The premises licence holder will invite the Crime Prevention Officer, from Avon and Somerset Constabulary, to the premises to advise on any measures needed regarding the use, prevention and supply of drugs.
 - Checks will be made of the male and female toilets on the premises every 15 minutes by Door Supervisors while the premises are open.

Whilst it is not possible to impose the following as a condition, the premises licence holder was informed that it would be expected that 3 Door Supervisors would be present at the entrance to the premises at all times the premises are open to the public.

The conditions and reasons for the decision in respect of the interim steps are attached at Annex D of the report.

- 4.10 Under Section 53B (6) of the “Act”, a premises licence holder may make representations against any interim steps taken by the relevant licensing authority at any time prior to the review.

No representations have been made by the premises licence holder in respect of the interim steps imposed on 15 January 2013.

- 4.11 Under Section 53C (2) of the Act, the Licensing Authority must now hold a hearing to review the premises licence.

- 4.12 The Licensing Authority may, having had regard to the application, the signed certificate and any relevant representations, take any of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the Licence
- b) Exclude a licensable activity from the scope of the Licence
- c) Remove the Designated Premises Supervisor
- d) Suspend the Licence for a period not exceeding three months
- e) Revoke the Licence

Where the Licensing Authority takes a step mentioned in 4.12 (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.

- 4.13 Under Section 53C(c) of the “Act” the Authority must ensure that any interim steps considered necessary in the period prior to the review hearing, **cease to have effect on determination of the review.**

- 4.14 **Any determination made by the Licensing Authority does not have effect, until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.**

- 4.15 Section 4(3) of the Licensing Act 2003 states that the Licensing Authority will also have regard to the Council’s Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act itself, and, in particular, to:

- a) Paragraphs 3, 5, 6, 9, 10, 16, 17.1, 18, 20, 21, 22, 28, 33, 35, 36, 37, 41 to 44 inclusive, 44 and 45.
- b) Chapters 1, 2, 3, 8, 9, 10, 11 and 12 of the Statutory Guidance (as revised October 2012)
- c) Sections 4, 8A, 9, 10, 13, 53A, 53B, 53C, 182 and 183 of the Act

- 4.16 An appeal may be made to the Magistrates' Court within 21 days of the notification of the decision by the Council by the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application.

On appeal the court may either:

- dismiss the appeal;
- substitute the decision appealed against for any other decision which could have been made by the Licensing Authority; or
- remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

The court may make such Order for costs as it thinks fit.

- 4.17 The Licensing Authority displayed notices outside the review premises, in the public area of the Licensing Office at Lewis House, Manvers Street, Bath, BA1 1JG and on the Authority's website, for no less than 7 consecutive days following the day after the application was made. Representations were invited for a period commencing the first working day after the day on which the notice was published, and the date of the ninth subsequent working day.
- 4.18 A representation accompanied by detailed written evidence (Annex E) and a DVD in support of this representation was received from the Police.
- 4.19 A representation has been received from the Circus Area Residents' Association (Annex F) in support of the Police application.
- 4.20 A representation has been received from the Abbey Residents' Association (Annex G) in support of the Police.
- 4.21 Copies of all relevant, written representations together with the DVD supplied by the Police, accompanied the premises licence holder's notification of hearing letter.
- 4.22 This report has not been sent to the Trades Union because they would have no involvement in this application.

5 RISK ASSESSMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken in compliance with the Council's decision making risk management.

6 EQUALITIES

- 6.1 There are no adverse or significant issues relating to this report.

7 CONSULTATION

- 7.1 In accordance with the requirements of the Act and Regulations, the Licensing Authority has given notice of the summary review to the Premises Licence Holder, the Fire Authority, Environmental Health, Development Control, Trading

8 ISSUES TO CONSIDER WHEN REACHING A DECISION

8.1 When reaching a decision, the licensing authority must carry out its functions with a view to promoting the four licensing objectives, namely:

the prevention of crime and disorder;

the prevention of public nuisance;

public safety;

the protection of children from harm.

8.2 Consideration must be given to the European Convention on Human Rights and the Human Rights Act 1998.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Contact person	Terrill Wolyn, Licensing Officer, 01225 396939
Background papers	The Licensing Act 2003 Guidance issued under s.182 of the Licensing Act The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 The Violent Crime Reduction Act 2006 Home Office Guidance in respect of Summary Reviews issued 2012. BANES Licensing Policy