

REDDITCH BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

WEDNESDAY 25TH JANUARY 2023

LICENSING ACT 2003

**REVIEW OF A PREMISES LICENCE FOLLOWING
THE MAKING OF A CLOSURE ORDER**

THE WARWICK CLUB, 76 IPSLEY STREET, REDDITCH, B98 7AE

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Dave Etheridge Principal Licensing Officer 01905 822799 enquiries@worcsregservices.gov.uk
Ward(s) affected:	Central
Appendices:	Appendix 1 Existing Premises Licence Appendix 2 Notification and Closure Order Appendix 3 Police Representations Other CONFIDENTIAL information will only be made available to all parties to the proceedings.

1. PURPOSE OF REPORT

1.1 To consider and determine a review of the premises licence in force in respect of:

**The Warwick Club
76 Ipsley Street
Redditch
Worcestershire
B98 7AE**

2. BACKGROUND

- 2.1 Warwick Arms (Redditch) Limited is the holder of a premises licence granted by Redditch Borough Council in respect of The Warwick Club, 76 Ipsley Street, Redditch, Worcestershire, B98 7AE
- 2.2 A copy of the current premises licence is shown at **Appendix 1**.
- 2.3 According to Companies House, the sole director of Warwick Arms (Redditch) Limited is a Clinton James Bryan.
- 2.4 On Wednesday 11th January 2023, Worcestershire Magistrates Court notified the Council that it had made a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 in respect of The Warwick Club, 76 Ipsley Street, Redditch, Worcestershire, B98 7AE. A copy of this notification and the closure order can be seen at **Appendix 2**.
- 2.5 The closure order was made by the Court on the application of West Mercia Police who had previously served a closure notice in respect of the premises under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014 on Saturday 3rd December 2022. The closure notice was served following an incident that occurred in the street outside of the premises in the early hours of Saturday 3rd December 2022.
- 2.6 In accordance with the requirements of the Licensing Act 2003, the licensing authority is now required to review the premises licence and determine what steps it is appropriate to take in respect of the licence.
- 2.7 It can be confirmed that steps have been taken to notify the premises licence holder and all responsible authorities that the licence is to be reviewed following the making of the closure order. The review of the licence has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and representations have been invited.
- 2.9 The designated premises supervisor identified on the premises licence at the time the closure notice was served by the Police was Michael Deusham Parchment. On 6th December 2022, Mr Parchment gave the Council notice of his wish to cease being the designated premises supervisor named on the

premises licence and so his name was removed from the licence with immediate effect. At the time this report was prepared, there was no designated premises supervisor named on the premises licence

3. REPRESENTATIONS

Responsible Authorities

- 3.1 West Mercia Police have made representations in connection with the review of the premises licence. In their representations, the Police state that they feel the only option is for the premises licence to be revoked as a result of the crime prevention licensing objective being seriously undermined at the premises. A copy of the representations received from West Mercia Police can be seen at **Appendix 3**.
- 3.2 No other responsible authorities have submitted any representations in respect of the review.

Premises Licence Holder

- 3.3 No written representations had been received from the holder of the premises licence, Warwick Arms (Redditch) Limited.

Other Persons

- 3.4 No representations have been received from any other persons.

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.
- 4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire

Regulatory Services on 01905 822799 or email enquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

- 5.1 The Sub-Committee is obliged to determine this review with a view to the promotion of the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5.2 The Sub-Committee must reach a determination on the review no later than 28 days after the date on which the notice was received from the Magistrates Court informing the Council of the making of the closure order. This means a determination must be reached on the review no later than Wednesday 8th February 2023.
- 5.3 In making its decision, the Sub-Committee is obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- 5.4 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 5.5 The Sub-Committee must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:
- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.6 Where the Sub-Committee decides to modify the conditions of the licence or exclude a licensable activity from the scope of the licence, it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months)
- 5.7 The Sub-Committee is asked to note that it may not take any of the steps set out in paragraph 5.5 merely because it considers it desirable to do so, it must actually be appropriate in order to promote the licensing objectives.
- 5.8 The holder of the licence, any person who has made relevant representations and the chief officer of police for the police area in which the premises are situated, must be notified of the Sub-Committee's decision and its reasons for making it.
- 5.9 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision.
- 5.10 Any decision taken by the Sub-Committee does not have effect until the relevant time. In this context "relevant time" means the end of the period given for appealing against the decision or, if the decision is appealed against, the time the appeal is disposed of.
- 5.11 However, if the Sub-Committee decides to take any of the steps set out in (a) to (d) at paragraph 5.5 of this report, and the premises is closed at the time of the decision by virtue of a closure order made under section 80 or section 84 of the Anti-social Behaviour, Crime and Policing Act 2014, the decision to take any of those steps in (a) to (d) takes effect when it is notified to the holder of the premises licence in accordance with paragraph 5.8 of this report.
- 5.12 The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

6.1 The Sub-Committee must review the premises licence and determine what steps (if any) it is appropriate to take in respect of it.