

Licensing Act 2003 - Interim Steps

Committee	Licensing Committee
Officer Contact	Stephanie Waterford, Residents Services
Papers with report	Appendix 1: Court Orders in respect of the Victoria Public House Appendix 2: A selection of articles on the matter of Interim Steps
Ward(s) affected	All

SUMMARY

To inform the Committee of the recent conclusion to the Judicial Review application concerning the Victoria Public House, Hayes.

RECOMMENDATION

That the Committee note the information

INFORMATION

Members will be aware of the recent Summary Review case concerning the Victoria Public House where, following a complex summary review, the Licensing Sub-Committee South resolved to revoke the premises licence. The Sub-Committee also determined that the suspension imposed at the expedited review hearing, continue throughout the appeal period.

The point regarding the interim suspension prompted the licence holders to lodge an application with the High Court for a Judicial Review to challenge the duration of the suspension. The application was lodged on 11th July 2014.

On 17th July, the High Court granted the licence holders an 'Interim Relief Order' which allowed the Victoria to re-open pending the outcome of the Judicial Review.

The Council challenged this order and made submissions to the Court, including statements and legal arguments.

On 27th August 2014, the High Court refused permission for the Judicial Review to go ahead which also meant that the interim relief order was overturned. The Victoria Public House was ordered to close.

The Licence Holders of the Victoria Public House have lodged an appeal against the Council's decision with the Magistrates Court. The 23rd September 2014 has been set for a preliminary hearing. Members will be updated on this verbally at the meeting.

This and another 2 cases on the matter of interim steps over the summer have attracted much attention from the industry. A number of articles discussing the issue are annexed as Appendix 2.

BACKGROUND DOCUMENTS

Nil

PART 1 - MEMBERS, PUBLIC AND PRESS