

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 4 November 2008 at 9.30 a.m.

Present: Councillor P Jones CBE (Chairman)

Councillors: CM Bartrum and JW Hope MBE

26. ELECTION OF CHAIRMAN

Councillor P Jones CBE was elected as Chairman for the Regulatory Sub-Committee hearing.

27. APOLOGIES FOR ABSENCE

No apologies for absence were received.

28. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

29. DECLARATIONS OF INTEREST

There were no declarations of interest made.

30. APPLICATION FOR VARIATION OF PREMISES LICENCE 'BLACK HORSE COACH HOUSE, 74 SOUTH STREET, LEOMINSTER, HR6 8JF' (Pages 1 - 4)

The Regulatory Sub-Committee was convened in order to determine an application for a variation to a premise licence in respect of Black Horse Coach House. The application was submitted in accordance with Section 51 of the Licensing Act 2003.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following attendees were noted:

- Mr Schmid (Newport Pub Company)
- Mr Kovacs (Designated Premises Supervisor)
- Ms De Oliveira (Designated Premises Supervisor)
- Mr Jackson (Representing the local residents)
- Mrs Davies (Representing the local residents)

The Chairman advised all parties of the hearing procedures and asked if any person required an extension to the time allocated for making representations. None of the attendees felt that an increase to the 10 minute time allocated for making representations would be required.

The Licensing Officer introduced the report and advised members that the

application was for a variation to the existing licence. He confirmed that the applicant had agreed conditions and hours of licensable activity with the Environmental Health Officer.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Jackson, an interested party objecting to the application, addressed the sub-committee. He advised the Sub-Committee that he was representing 14 of the local residents who resided on South Street. He confirmed that he had lived 6 doors away from the Black Lion and that he had resided at his current address for 60 years. He noted the concerns of the local residents in respect of noise and vandalism and felt that the application should be rejected.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Davies, another interested party objecting to the application, addressed the sub-committee. She advised the committee that the local residents had formed a residents association in an attempt to address issues of night time disorder in the area. She felt that the Black Horse had always been a 'traditional' public house and should remain so.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Schmid, representing the applicants, addressed the sub-committee in respect of the application. He advised the sub committee that the Newport Pub Company were a small company who operated 8 public houses. He felt that the Black Horse was a community pub which had recently had £100,000 spent on a refurbishment. He was concerned that a number of noise issues mentioned by the local residents were unsubstantiated and felt that the responsibility lay with the local nightclub. He added that the variation to the licence was only a minor increase in operational hours and asked the committee to grant the application.

The Sub-Committee retired to make their decision and requested that the Senior Litigator and the Democratic Services Officer retire with them to offer legal and procedural advice.

RESOLVED

That the application for a variation to the premises licence in respect of the Black Horse Coach House be approved in part subject to the conditions detailed in the attached decision notice.

31. GAMBLING ACT 2005 - REVIEW OF 10 PREMISES LICENCES

The Licensing Officer noted that 8 of the premises had now paid the licence fee. He advised the committee that the Ritz did not intend to renew their licence as the premises had closed and that the only outstanding licence was in respect of Symonds Yat Leisure Park.

The committee agreed to revoke the licence for Symonds Yat Leisure Park in accordance with sections 184 and 193 of the Gambling Act 2005.

RESOLVED:

THAT the licences issued under the Gambling Act 2005 in respect of Symonds Yat Leisure Park be revoked.

32. PREMISES LICENCE REVIEW 'STOKES STORES, 4 HOARWITHY ROAD, PUTSON, HEREFORD, HR2 6HA' (Pages 5 - 6)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premise licence in accordance with Section 51 of the Licensing Act 2003. The Review had been applied for by the Chief Constable of the West Mercia Constabulary after Stokes Stores had failed in three test purchase operations since the introduction of the Licensing Act in November 2005. The sales were made on 6 September 2006, 15 December 2006 and 12 August 2008.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and then asked the Licensing Officer to present his report.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, PC Steve Thomas, representing West Mercia Police Authority addressed the sub-committee. He advised them that the test purchase operations had initially been introduced as a Home Office sponsored initiative but due to a high failure rate in Herefordshire the Police Authority and the Trading Standards department had taken the decision to undertake a further series of test purchase operations throughout the end of 2007 and 2008. He confirmed that Stokes Stores had sold alcohol to a 16 year old female in September 2006, a 15 year old female in December 2006, and a 16 year old female in August 2008. He noted that the store had refused to sell alcohol in the most recent operation which took place in October 2008. In order to promote the licensing objectives of the prevention of public nuisance and the protection of children from harm and in accordance with Section 53 C (3)(a) of the Licensing Act 2003, he requested that two further conditions be added to the licence:

- That the use of "challenge 21" is made a condition of all sales made on the premise.
- That that the premise employs proven training method for all staff, in age restricted sales, and that written records of the training are kept and made available for inspection by the Licensing Authority and Police.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Tim Thorne, the Principal Trading Standards Officer addressed the sub-committee. He felt that a challenge 25 policy would be more beneficial than the challenge 21 policy that had already been in place when the test purchase sales were made. He drew members attention to his representation contained within the background papers which listed a number of conditions that he felt that the sub-committee may wish to attach to the licence.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Michael Walker, the premise licence holder's legal advisor addressed the sub-committee. He advised the sub-committee that Stokes Stores employed 10 part time staff and that they were all over the age of 28 with one being a personal licence holder. He felt that it was impractical to ask for a premise licence holder to supervise all sales. He also felt that the introduction of a 'Challenge 25' policy could cause the store difficulties and requested that the store be permitted to continue to operate a voluntary 'Challenge 21' policy. In summing up he stated that the store had only made one sale during the last 6 test sale operations and felt that the record of the store in respect of test sale operations had substantially improved over the last 2 years, he felt that it would be inappropriate to add conditions to the licence but instead requested closer working with the trading standards team in respect of staff training.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Michael Harris, an employee at Stokes Stores, addressed the sub-committee.

The Sub-Committee retired to make their decision, the Legal Practice Manager and the Democratic Services Officer also retired to assist them with procedural matters.

The Chairman felt that the licence should be amended to include the conditions recommended by the police authority. He also confirmed that the Sub-Committee felt that the licence should be suspended for 24 hours. He advised the licence holder that this suspension would commence 21 days after the date of the Hearing in order to allow an appeal to be lodged in accordance with Section 52 (11) of the Licensing Act 2003.

RESOLVED

That;

- i) **the premise licence in respect of Stokes Stores, 4 Hoarwithy Road, Putson, Hereford, HR2 6HA, be amended as detailed in the attached decision notice.**
- ii) **the premises licence be suspended for a period of 24 hours.**

33. PREMISES LICENCE REVIEW 'SOMERFIELD, DISHLEY STREET, LEOMINSTER, HR6 8PX.' (Pages 7 - 8)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premise licence in accordance with Section 51 of the Licensing Act 2003. The Review had been applied for by the Chief Constable of the West Mercia Constabulary after Somerfield had failed in two test purchase operations since December 2007. The sales were made on 28 December 2007 and 20 August 2008.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and then asked the Licensing Officer to present his report.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, PC Steve Thomas, representing West Mercia Police Authority addressed the sub-committee. He advised them that the test purchase operations had initially been introduced as a Home Office sponsored initiative but due to a high failure rate in Herefordshire the Police Authority and the Trading Standards department had taken the decision to undertake a further series of test purchase operations throughout the end of 2007 and 2008. He confirmed that Somerfield had sold alcohol to a 16 year old female in December 2007 and a 16 year old female in August 2008. He noted that the store had refused to sell alcohol in two other test purchase operations in 2008. In order to promote the licensing objectives of the prevention of public nuisance and the protection of children from harm and in accordance with Section 53 C (3)(a) of the Licensing Act 2003, he requested that two further conditions be added to the licence:

- That the use of "challenge 25" is made a condition of all sales made on the premise.
- That that the premise employs proven training method for all staff, in age restricted sales, and that written records of the training are kept and made available for inspection by the Licensing Authority and Police.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Tim Thorne, the Principal Trading Standards Officer addressed the sub-committee. He noted that other Somerfield stores in Herefordshire had also failed in recent test purchase operations. He also noted that training had been overdue in one of the other stores and that training records in the Leominster store had not been checked.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr John Walsgrove, the premise licence holder's legal advisor addressed the sub-committee. He noted that it was the committees' responsibility to promote the licensing objectives and felt that this would be best achieved through the addition of conditions on the licence. He voiced concern that other Somerfield stores in Herefordshire had been referred to during the Principal Trading Standards Officer's presentation as he felt that the application should be considered on its own merits. He also noted that the ministerial letter referred to by the PC Thomas and the Principal Trading Standards Officer was for guidance and related to violent crime and alcohol related violent crime and was therefore not relevant in this case. He advised the Sub-Committee that both members of staff who had made the sales had been served with final written warnings and that Somerfield had now introduced the 'Serve Legal' independent test sale campaign.

In response to a point made by Mr Walsgrove, PC Thomas stated that Somerfield had become an intelligence led premises following two failed test purchases in 2008.

The Sub-Committee retired to make their decision, the Legal Practice Manager and the Democratic Services Officer also retired to assist them with procedural matters.

The Chairman felt that the licence should be amended to include the conditions recommended by the police authority. He also confirmed that the Sub-Committee felt that the licence should be suspended for 24 hours. He advised the licence holder that this suspension would commence 21 days after the date of the Hearing in order to allow an appeal to be lodged in accordance with Section 52 (11) of the Licensing Act 2003.

In response to a question from Mr Walgrove, the premises licence holder's legal advisor, the Legal practice Manager confirmed that the committee felt that a 24 hour suspension of the licence was necessary and proportionate due to the failure rate of the store during recent test sale operations.

The Legal Practice Manager stated that the sub-committee was cognisant that the licence was capable of being deemed as property within the meaning of the European Court of Human Rights. He said that in reaching its decision the committee had heard all of the submissions and had made its adjudication in a manner which was both balanced and proportionate and consistent with the licensing objectives and its own licensing policy.

RESOLVED

That;

- i) the premise licence in respect of Somerfield, Dishley Street, Leominster, HR6 8PX, be amended as detailed in the attached decision notice.**
- ii) the premises licence be suspended for a period of 24 hours.**

34. PREMISES LICENCE REVIEW ' MCCOLL'S, 7 THE OVAL, HEREFORD, HR2 7HG.' (Pages 9 - 10)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premise licence in accordance with Section 51 of the Licensing Act 2003. The Review had been applied for by the Chief Constable of the West Mercia Constabulary after McColl's had failed in three test purchase operations since the introduction of the Licensing Act in November 2005. The sales were made on 4 May 2007 and 12 August 2008 (2 sales made).

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and then asked the Licensing Officer to present his report.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, PC Steve Thomas, representing West Mercia Police Authority addressed the sub-committee. He advised them that the test purchase operations had initially been introduced as a Home Office sponsored initiative but due to a high failure rate in Herefordshire the Police Authority and the Trading Standards department had taken the decision to undertake a further series of test purchase operations throughout the end of 2007 and 2008. He confirmed that McColl's had sold alcohol to a 16 year old female in May 2007 and two 16 year old females in one day on 12 August 2008. He also added that a sale of alcohol had also been made to a minor in August 2005. In order to promote the licensing objectives of the prevention of public nuisance and the protection of children from harm and in accordance with Section 53 C (3)(a) of the Licensing Act 2003, he requested that two further conditions be added to the licence:

- That the use of "challenge 25" is made a condition of all sales made on the premise.
- That that the premise employs proven training method for all staff, in age restricted sales, and that written records of the training are kept and made available for inspection by the Licensing Authority and Police.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Tim Thorne, the Principal Trading Standards Officer addressed the sub-committee.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr David Crank, the premise licence holder's legal advisor addressed the sub-committee. He noted that it was the committee's responsibility to promote the licensing objectives and felt that this would be best achieved through the addition of conditions on the licence. He agreed to the suggested conditions as well as proposing a further condition regarding appropriate signage. He presented the committee with a booklet given to all employees called 'Your Guide to Selling Alcohol' and a fully documented training log which had been signed by all staff. He also stated that the store had decided to voluntarily introduce a challenge 30 scheme in store in an effort to promote the licensing objectives. He confirmed that the store had CCTV and also had a till prompt system.

In response to a question regarding the recent test sale failure Mr Crank advised the sub-committee that the member of staff responsible for the two sales was a personal licence holder and an experienced member of staff. He added that the sales were made on her first day back in the store after a period of absence. He confirmed that she had since received further training and had received disciplinary action.

As well as the measures mentioned previously Mr Crank also confirmed that the

Regional Manager had recently introduced a counter sign system where all receipts for alcohol sales were counter signed by another member of staff. He also added that on a national level McColl's were investing in a new CCTV and till prompt system which would cost the company in excess of £18 million.

The Sub-Committee retired to make their decision, the Legal Practice Manager and the Democratic Services Officer also retired to assist them with procedural matters.

The Chairman felt that the licence should be amended to include the three conditions agreed with the applicant as well as an additional condition requiring a personal licence holder to be on site during any sales of alcohol. He advised the licence holder that the conditions would commence 21 days after the date of the Hearing in order to allow an appeal to be lodged in accordance with Section 52 (11) of the Licensing Act 2003.

The Legal Practice Manager stated that the sub-committee was cognisant that the licence was capable of being deemed as property within the meaning of the European Court of Human Rights. He said that in reaching its decision the committee had heard all of the submissions and had made its adjudication in a manner which was both balanced and proportionate and consistent with the licensing objectives and its own licensing policy.

RESOLVED

That the premise licence in respect of McColl's, 7 The Oval, Hereford, HR2 7HG, be amended as detailed in the attached decision notice.

The meeting ended at 11.55 a.m.

CHAIRMAN



HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	The Black Horse
APPLICANT'S NAME	Newport Pub Company Ltd
APPLICATION TYPE	Variation to Premises Licence
PANEL MEMBERS	Councillor P Jones CBE (Chairman) Councillor JW Hope MBE Councillor CM Bartrum
DATE OF MEETING	4 November 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from the applicant and the Designated Premises Supervisor, together with the interested parties who raised objection in respect of the application.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY

	Live / Recorded Music, Performance of Dance	Prov. of Facilities for Making Music or Dancing	Late Night Refreshment	Sale of Alcohol	Open to the public
Monday				1000 – 2300	1000 – 2330
Tuesday				1000 – 2300	1000 – 2330
Wednesday				1000 – 2300	1000 – 2330
Thursday				1000 – 2300	1000 – 2330
Friday	1000 – 0000	1000 – 0000	2300 – 0000	1000 – 0000	1000 – 0030
Saturday	1000 – 0000	1000 – 0000	2300 – 0000	1000 – 0000	1000 – 0030
Sunday				1200 – 2300	1200 – 2330

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.

PREVENTION OF PUBLIC NUISANCE

- The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.
- Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The licensee shall encourage patrons to leave the premises and the immediate vicinity in an orderly and sociable manner.
- All external doors shall be kept closed during provision of regulated entertainment except for access and egress to and from the premises.
- All external windows to entertainment areas shall be kept closed when regulated entertainment is provided on the premises.
- Bottling out shall not take place between 23.00 hours and 07.00 hours.
- Management and staff will regularly monitor the rear garden and where necessary encourage customers to respect the proximity of local residents.

PUBLIC SAFETY

- The approved arrangements and all fixtures and fittings, including the electrical equipment and mechanical equipment shall be maintained in good condition and full working order.
- A suitable and sufficient risk assessment for all licensable activities provided on the premises shall be recorded and maintained. Adequate systems shall be in place to ensure the actions (and precautions) identified in the risk assessment are effectively implemented.
- A current inspection certificate shall be held for all electrical installations in accordance with BS 7671 and BS5266-1.

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

- All portable electrical equipment shall be powered through a suitable and sufficient sensitive earth leakage protection system (residual current device).
- All parts of the premises shall be provided with adequate illumination whilst the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems.
- Suitable and sufficient means of ventilation shall be provided to all parts of the premises to which the public have access, particularly when regulated entertainment is provided on the premises.
- After 23.00 hours, only customers who are not eating or drinking (that is smokers) will be allowed outside the building.

PROTECTION OF CHILDREN FROM HARM

- All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.
- Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises.
- Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which are illegal to sell to children.



HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	Stokes Stores
LICENCE HOLDER	Mrs CA Merrett
APPLICANT'S NAME	Chief Constable Paul West
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor Brigadier P Jones CBE Councillor JW Hope MBE Councillor CM Bartrum
DATE OF MEETING	4 November 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from PC Thomas, representing West Mercia Constabulary, and Mr Thorne, the Principal Trading Standards Officer, together with Mr Walker, the premises licence holder's legal advisor, and Mr Harris, an employee from Stokes Stores.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

That the License be suspended in respect of all licensable activity for a period of 24 hours*.

That the following additional condition be imposed upon the licence from 4 February 2009:-

- Personal licence holder to be on site at all times during sales of alcohol.

That the following additional conditions be imposed forthwith* upon the licence:-

- That the use of 'Challenge 21' is made a condition of all sales made on the premises.
- Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and trading standards officers.

HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them. The Members made their decision in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or*
- (b) if the decision is appealed against, until the appeal is disposed of.*



HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	Somerfield
LICENCE HOLDER	Somerfield Stores Ltd
APPLICANT'S NAME	Chief Constable Paul West
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor Brigadier P Jones CBE Councillor JW Hope MBE Councillor CM Bartrum
DATE OF MEETING	4 November 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from PC Thomas, representing West Mercia Constabulary, and Mr Thorne, the Principal Trading Standards Officer, together with Mr Walsgrove, the premises licence holder's legal advisor.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

That the License be suspended in respect of all licensable activity for a period of 24 hours*.

That the following additional conditions be imposed forthwith* upon the licence:-

- That the use of 'Challenge 25' is made a condition of all sales made on the premises.
- All staff engaged in selling alcohol be trained in alcohol awareness in strict accordance with the training regime annexed to the letter from Blake Laphorn dated 7 October 2008.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or
(b) if the decision is appealed against, until the appeal is disposed of.*

HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them. The Members made their decision in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.



HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

PREMISES	McColls
LICENCE HOLDER	Martin McColl Ltd.
APPLICANT'S NAME	Chief Constable Paul West
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor Brigadier P Jones CBE Councillor JW Hope MBE Councillor CM Bartrum
DATE OF MEETING	4 November 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from PC Thomas, representing West Mercia Constabulary, and Mr Thorne, the Principal Trading Standards Officer, together with Mr Crank, the premises licence holder's legal advisor.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

That the following additional condition be imposed upon the licence from 4 February 2009:-

- Personal licence holder to be on site at all times during sales of alcohol.

That the following additional conditions be imposed forthwith* upon the licence:-

- That the use of 'Challenge 25' is made a condition of all sales made on the premises.
- Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and trading standards officers.
- Prominent signs publicising the age challenge policy to be displayed at the entrance to the premises, at the tills and in all areas where alcohol is being displayed.

HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them. The Members made their decision in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

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(b) if the decision is appealed against, until the appeal is disposed of.*