

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 15 May 2012 at 10.00 am

Present: Councillor RC Hunt (Chairman)

Councillors: Brig P Jones CBE and PJ McCaull

144. ELECTION OF CHAIRMAN

Councillor RC Hunt was elected as Chairman for the Regulatory Sub-Committee hearing.

145. APOLOGIES FOR ABSENCE

Apologies were received from Councillor PL Bettington.

146. NAMED SUBSTITUTES (IF ANY)

Councillor RC Hunt attended the hearing as a substitute member for Councillor PL Bettington.

147. DECLARATIONS OF INTEREST

There were no declarations of interest made.

148. APPLICATION FOR A VARIATION OF A PREMISES LICENCE 'THE EAGLE INN, 23 BROAD STREET, ROSS-ON-WYE, HR9 7EA.' (Pages 1 - 8)

The Regulatory Sub Committee was convened in order to determine an application for a variation of the premises licence in respect of the Eagle Inn, 23 Broad Street, Ross-on-Wye, HR9 7EA. 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:

- Mrs Gooding (Applicant)
- Mr Mooney and Inspector Gebbie (West Mercia Police)
- Richard Roberts (Environmental Health Officer)
- Councillor CM Bartrum (Local Ward Member)
- Mrs Kefalas, Ms Munez, Miss Lucas, and Mr Phillips (Local Residents)

The Chairman advised them of the hearing procedures and asked if any party required an extension to the 10 minute time limit for public speaking. No extensions to the time limit were requested.

The Licensing Officer presented the report and advised Members that a copy of the advertisement had been received by the Licensing Department and that it was acceptable. In response to a question from the Democratic Services Officer he confirmed that the advertisement did not mention outside activities and that therefore the Committee could only consider indoor activities.

Mrs Gooding advised the Licensing Officer that she had been present at the premises since April 2011 although the licence was only transferred to her name from February 2012.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Mooney, representing West Mercia Police addressed the sub-committee. He advised that all conditions had now been agreed and that therefore the Police had no further comment to make. In response to a question Mr Mooney advised that noise was not a criminal offence although nuisance and disturbance was. A further discussion then took place in respect of fixed penalty notices and Section 27 notices requesting that people leave the area immediately.

The Licensing Officer requested clarification from the Police in respect of issues at the premises since Mrs Gooding took over as the premises licence holder. He advised that there had been a bad history at the premises prior to Mrs Gooding taking over the premises, this had resulted in the police applying for a review of the premises licence. Since March 2011 there had been 5 incidents at the Eagle Inn, 1 of these was when the premises was closed, out of the remaining 4 incidents, the police had been called to assist with ejecting patrons. On all but one occasion the person in question had already left the premises prior to the police arriving. Mr Mooney added that this was a vast improvement on previous issues at the premises. Finally he confirmed that there had been no noise complaints recorded on the Police system since March 2011.

Richard Roberts, the environmental health officer, was also present. He also advised that conditions had been agreed with the applicant. He added that the Environmental Health Team did not have any noise complaints registered on their systems since March 2011 in respect of the Eagle Inn.

In response to these comments a number of the neighbouring residents advised that they had made a number of complaints to both the police and the Environmental Health team and they were surprised that their calls had not been recorded.

The Sub-Committee heard from a number of neighbouring residents as well as the local ward member, who was present to represent an attendee. The general view was that the current licensee had improved the management of the premises and that there was considerably less disorder than under the previous management. However concern was still expressed in respect of noise emanating from the premises, it was noted that the premises was grade 2 listed and that it would prove difficult to sound proof the building fully. The neighbouring residents reiterated their concerns that their complaints to both the police and the environmental health team did not appear to be recorded. The local residents were all of the opinion that they wanted the public house to be successful but felt, on balance, that the requested hours were too late. They added that they would be amenable to amended hours and recommended that all licensable activities cease at midnight.

In response to a point raised by the speakers, Inspector Gebbie confirmed that at present there were no plans to reduce policing levels in Ross-on-Wye.

Mrs Gooding addressed the sub-committee and gave details of the improvements that had been made to the premise itself and the management of the premises within the previous 12 months. She advised that the Eagle Inn had started serving food recently and that this was an area which they were keen to expand. She advised the sub-committee that she would be happy to reduce the hours applied for to 11:30 pm in the week and 12:30 am on the weekend.

The Licensing Officer confirmed that there had been no application to change the existing conditions of the licence. Mrs Gooding confirmed that this was the case, and

that she was happy to accept the three conditions proposed by the Environmental Health Officer.

The Sub-Committee retired to make their decision, the Acting Principal Lawyer and the Democratic Services Officer also retired to assist them with procedural matters.

At the conclusion of the meeting the Acting Principal Lawyer read out the sub committee's decision.

RESOLVED

THAT the variation of the premises licence in respect of the Eagle Inn be accepted subject to a reduction in the hours for licensable activity and the accepted conditions as set out in the attached decision notice.

The meeting ended at 11.20 am

CHAIRMAN



HEREFORDSHIRE COUNCIL

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

PREMISES	The Eagle Inn
APPLICANT'S NAME	Mrs Maria Gooding
APPLICATION TYPE	Variation of Premises Licence
PANEL MEMBERS	Councillor RC Hunt (Chairman) Councillor Brig P Jones CBE Councillor PJ McCaull
DATE OF MEETING	15 May 2012

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 Mr Mooney, representing West Mercia Police; Mr Roberts, the environmental health officer; Mrs Gooding, the applicant; and Councillor Bartrum (representing Mrs Kefalas), Ms Munez, Miss Lucas, and Mr Hodges, members of the public who had made valid representations 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 with immediate effect subject** to the conditions appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) 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 (ALL INDOORS ONLY)

	Recorded Music	Live Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	0900 - 2330	0900 - 2330	2300 - 2330	0900 - 2330	0900 - 2330
Tuesday	0900 - 2330	0900 - 2330	2300 - 2330	0900 - 2330	0900 - 2330
Wednesday	0900 - 2330	0900 - 2330	2300 - 2330	0900 - 2330	0900 - 2330
Thursday	0900 - 2330	0900 - 2330	2300 - 2330	0900 - 2330	0900 - 2330
Friday	0900 - 2330	0900 - 2330	2300 - 0030	0900 - 0030	0900 - 0030
Saturday	0900 - 2330	0900 - 2330	2300 - 0030	0900 - 0030	0900 - 0030
Sunday	1000 - 2330	1000 - 2330	2300 - 2330	1000 - 2330	1000 - 2330

HEREFORDSHIRE COUNCIL

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

NON-STANDARD TIMINGS

	Live & Recorded Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Sunday before Bank Holiday Monday	0900 - 2330	2300 - 0030	0900 - 0030	0900 - 0030
New Year's Eve	Start of permitted hours on New Year's Eve until end of permitted hours on New Year's Day.			

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.

The following three conditions as agreed with the Environmental Health Officer:

- All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). With retraining every 6 months. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand
- A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

REASONS

- The sub committee considered the 4 licensing objectives in general and the issue of the prevention of public nuisance in particular.

APPEAL INFORMATION

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

Under Schedule 5 Section 2, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

FOR INFORMATION

Following the above conditions being attached, the licence conditions now read as shown below:

PREVENTION OF CRIME AND DISORDER

1. On Fridays and Saturdays, Two (2) SIA Licensed Door staff shall be employed at the premises from 2100 hrs until the termination of licensable activities. When employed externally Door staff shall wear hi-viz reflective jackets. When employed internally they shall be readily identifiable as door staff.
2. The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.
3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by Officers of the Fire Authority, Police or Licensing Authority.
4. An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Council or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service
5. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

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

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

6. All staff shall be trained within 2 weeks of taking up employment and six monthly thereafter. The training shall include:
 - (a) Drugs Awareness
 - (b) Conflict resolution
 - (c) Selling to under age person
 - (d) Selling to drunks

Such training will be recorded and records shall be kept at the premises which will be produced to an authorised officer the licensing authority or the police on demand.

7. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). With retraining every 6 months. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand
8. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
9. A Personal licence Holder shall be on duty at all times when the premises operate for licensable activities.

PUBLIC SAFETY

10. The DPS and all other staff shall ensure that no vessels are taken off the premises by customers.
11. All staff shall wear clothing which identifies them as members of staff of the premises.

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

12. The capacity limit for the premises shall be in accordance with that set within the Fire Risk assessment.
13. A system shall be place which is capable of showing the number of persons on the premises at any one time. This number shall be given immediately on demand to an officer from the Licensing Authority or police.
14. Cylinders or containers of gas under pressure, other than Cellar Gases , shall not be used on the premises except with the prior consent of the Licensing Authority.

First aid

15. A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar.

Electrical & Gas Installations

16. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an authorised Licensing Authority officer or Police on demand.
17. All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.
18. The residual circuit device shall be tested at lease once a week and a record of this check shall be kept at the premises.
19. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an authorised Licensing Authority officer or Police on demand.

Hypnotism

20. The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism without the express written consent of the Licensing Authority and in accordance with any conditions attached to such consent. The special conditions relating to the regulation of exhibitions, demonstrations or performances of hypnotism are available on request.

Maintenance, Repair and Cleanliness

21. All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)****Special Effects**

22. The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without specific written consent of the Licensing Authority. Application for consent, together with a detailed description of the method of use, should be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.
23. Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without the prior written approval of the Licensing Authority.
24. The use of foam shall not be permitted unless with the prior written approval of the Licensing Authority.

Disabled people

25. When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to the Licensing Authority or Police on demand.
26. Disabled people on the premises must be made aware of the evacuation procedure.

Prevention of Public Nuisance

27. All windows will be kept shut after 23:00.
28. Recorded music volume will be reduced to background levels during the wind down period.
29. Prominent, clear and legible signage (in not less than 32 bold font) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
30. The courtyard garden shall not be used after 23:00 hours.
31. The premises licence holder or DPS or nominated responsible person (in writing) shall ensure that noise and vibration does not emanate from the premises so as to cause a nuisance to any person residing in any noise sensitive dwelling.
32. Where regulated entertainment is provided, a responsible person will monitor noise emanating from the premises at least once a hour to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of the local authority or police.
33. Any musical amplification system/equipment located at the premises, prior to use, shall be wired through a sound limiting device located in a separate and remote lockable cabinet. The level shall be pre-set by a responsible person in charge of the premises to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall

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

then by secured. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person.

34. Any musical amplification system/equipment located at the premises, prior to use, shall be wired through a sound limiting device located in a separate and remote lockable cabinet. The level shall be pre-set by a responsible person in charge of the premises to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person.

Protection of Children

35. No person under the age of 18 shall be permitted on the premises unless dining and accompanied by an adult aged 21 or over.
36. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
37. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

