

MINUTES of the meeting of Regulatory Sub Committee held at Meeting Room 18a, Brockington, 35 Hafod Road, Hereford on Tuesday 13 November 2012 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)
Councillors: CM Bartrum and PJ McCaull

76. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

77. APOLOGIES FOR ABSENCE

No apologies for absence were received.

78. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

79. DECLARATIONS OF INTEREST

There were no declarations of interest made.

80. APPLICATION FOR VARIATION OF PREMISES GAMING MACHINE PERMIT 'THE ROSE & CROWN, 152 LEDBURY ROAD, HEREFORD, HR1 1AG.'

The Licensing Officer presented the report and advised Members that it related to an application received by Greene King to increase the number of AWP gaming machines in The Rose and Crown from 3 to 4.

Prior to making their decision Members heard from Mr Howles, representing Recaf, the supplier of the gaming machines, as well as Mr Perkins, representing the Rose and Crown.

Mr Perkins advised the Committee that all of the machines were located within view of the two bars and that under 18's were not permitted to use the machines. He explained the layout of the premises and described how the two bars were connected resulting in a high level of visibility for staff to monitor the usage of the machines.

RESOLVED:

THAT the application for one additional AWP gaming machine (total of 4 machines) at the Rose and Crown, 152 Ledbury Road, Hereford, HR1 1AG' be approved.

81. APPLICATION FOR VARIATION OF PREMISES LICENCE 'THE IMPERIAL, 31 WIDEMARSH STREET, HEREFORD, HR4 9EA.'

The Licensing Officer advised that the applicant had agreed all conditions with the Police and Trading Standards and therefore the application had been approved under delegated powers.

82. APPLICATION FOR REVIEW OF PREMISES LICENCE 'KINGS ACRE POST OFFICE & STORES, 95 KINGS ACRE ROAD, HEREFORD, HR4 0RQ.'

The Licensing Officer requested that the determination of the application be adjourned until 4 December 2012 pending the receipt of a minor variation from the premises licence holder.

83. APPLICATION FOR REVIEW OF PREMISES LICENCE 'COPPER KETTLE, 177 AYLESTONE HILL, HEREFORD, HR1 1JJ.' (Pages 9 - 10)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premises licence for the Copper Kettle, 177 Aylestone Hill, Hereford, HR1 1JJ. The Review had been applied for by Herefordshire Council's Licensing team. The review related to the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

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

- James Mooney (West Mercia Police)
- Fred Spriggs (Applicant for Review)
- Tim Thorne (Trading Standards)
- Craig Bradbury (Premises Licence Holder)
- Debbie Berry (Area Manager)

The Chairman advised the attendees of the hearing procedures and asked if they required an extension to the 10 minute time limit for public speaking, no extensions to the time limit were requested.

The Licensing Manager presented her report. She advised Members that the premises had failed a test purchase operation on 14 September 2012 when a member of staff had served a 15 year old male and a 16 year old female with alcohol.

In accordance with the Licensing Act 2003 (Hearings Regulations 2005, Fred Spriggs, the applicant for the review, addressed the sub-committee. He drew members' attention to a number of proposed conditions which were contained within his representation.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, James Mooney, representing West Mercia Police, addressed the sub-committee. He advised that there were some duplicate conditions in the representations from the Police and Trading Standards. He advised the Sub-Committee that he was happy to withdraw some of the conditions proposed by the police as they could be replaced with conditions contained within the Trading Standards representation. He did however request that Police conditions 1 and 3 remain.

Mr Bradbury addressed the Sub-Committee and advised the Members that this was the first test purchase failure in any of his 8 stores over a period of 5 years. He apologised for the failure and voiced concerns as to how the sale had been allowed to happen. He added that he was happy to accept all of the proposed conditions apart from the condition requiring the DPS being in store at all times. He explained why this could prove problematic due to annual leave and sickness and requested that the condition be reworded to allow the store manager to be the DPS at the store.

In response to a question Mr Bradbury confirmed that the member of staff who had made the sale had been dismissed.

The Sub-Committee retired to make their decision. The Acting Principal Lawyer and the Democratic Services Officer retired with the Sub-Committee to offer legal and procedural advice.

RESOLVED

That the following conditions be attached to the licence to address the concerns of the Licensing Authority, the Police and Trading Standards.

- **The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)**
- **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).Retraining to take place 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**
- **All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employed. All staff shall be re-trained twelve monthly thereafter. The training shall include:**
 - Drugs Awareness**
 - Conflict resolution**
 - Selling to under age person**
 - Selling to drunks**
- **Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 fonts bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving area advertising the scheme operated**

84. APPLICATION FOR REVIEW OF PREMISES LICENCE 'THE HERDSMAN, 54 WIDEMARSH STREET, HEREFORD, HR4 9HG.' (Pages 11 - 12)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premises licence for the Herdsman, 54 Widemarsh Street, Hereford, HR4 9HG. The Review had been applied for by Herefordshire Council's Licensing team. The review related to the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

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

- James Mooney (West Mercia Police)
- Fred Spriggs (Applicant for Review)
- Tim Thorne (Trading Standards)
- Mark Higgins (Premises Licence Holder)

The Chairman advised the attendees of the hearing procedures and asked if they required an extension to the 10 minute time limit for public speaking, no extensions to the time limit were requested.

The Licensing Manager presented her report. She advised Members that the premises had failed a test purchase operation on 14 September 2012 when a member of staff had served a 15 year old male and a 16 year old female with alcohol.

In accordance with the Licensing Act 2003 (Hearings Regulations 2005, Fred Spriggs, the applicant for the review, addressed the sub-committee. He drew members' attention to a number of proposed conditions which were contained within his representation. He added that the sale had been made by the wife of the DPS who had only recently been trained in under age sales as part of her application to be a personal licence holder.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, James Mooney, representing West Mercia Police, addressed the sub-committee. He advised that there were some duplicate conditions in the representations from the Police and Trading Standards. He advised the Sub-Committee that he was happy to withdraw some of the conditions proposed by the police as they could be replaced with conditions contained within the Trading Standards representation.

Mark Higgins, the premises licence holder, addressed the Sub-Committee and advised them that he accepted all of the proposed conditions apart from the condition relating to till prompts. He added that this was due to the financial outlay required to replace three tills throughout the public house. He advised the Sub-Committee that retraining in under age sales had been completed by the brewery.

RESOLVED

That the following conditions be attached to the licence to address the concerns of the Licensing Authority, the Police and Trading Standards.

- **Each till shall have above it a clear notice reminding the seller of his responsibility under the Challenge 25 policy. The contents of such a notice must be approved in advance by the Herefordshire Council Trading Standards Service.**
- **The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)**
- **All staff including the seller in the instance which caused this review shall be explicitly trained in the challenge 25 policy within 1 month of commencing employment at the premises. Existing staff this training shall be completed within 1 month of the date that this condition first appears on the licence).Retraining to take place 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**

- **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 prior to selling alcohol 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).Retraining to take place 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 counter advertising the scheme operated.**

85. GUARDIANSHIP REQUEST UNDER SECTION 7 OF THE MENTAL HEALTH ACT 1983

The Mental Health Lead advised the Sub-Committee that Guardianship was a process prescribed by the Mental Health Act 1983 with the purpose of enabling a service user to receive care outside hospital when it could not be provided without the use of compulsory powers. The guardian had three specified powers: the right to decide where the service user should live; to require the service user to attend for treatment, work, training or education at specific times and places; and to require that a specified person had access to the service user at the place where they lived.

Therefore, guardianship involved a curtailment of the rights of the service user. An application for guardianship was made by an Approved Mental Health Professional, on the recommendation of two doctors. The application was made to the Local Social Service Authority (LSSA). If the LSSA accepted the application it became the Guardian.

In Herefordshire the LSSA was the Council. The LSSA had the power to discharge guardianship at any time, but had a duty to consider discharge when guardianship had been renewed by the responsible clinician. This duty had been delegated to the Regulatory Sub Committee. This was the first time that the Regulatory Sub Committee had been asked to undertake this duty.

The Mental Health Lead added that the Regulatory Sub Committee was required to consider the discharge of the subject of the report’s guardianship following the recent renewal. The subject’s eldest daughter and professionals involved in her care felt that the guardianship was still necessary at this time. The recommendation was that the subject remained subject to guardianship as there was evidence that it continued to be both effective and necessary.

In response to a question, the Mental Health Lead advised that legally the LSSA had to consult with the nearest relative.

Members discussed the application and had concerns that they had not been provided with copies of the reports which had been key in making the recommendation. They noted that there were issues of confidentiality but confirmed that all Members had received CRB checks and dealt with confidential information on a regular basis. The Mental Health Lead advised that the Sub-Committee's comments would be reported back to her line manager in order to ensure that the appropriate information could be presented to the Sub-Committee at future meetings.

RESOLVED

THAT the subject of the report remains subject to the guardianship of Herefordshire Council under S7 of the Mental Health Act 1983 until a further order is made, if required.

86. APPLICATION FOR REVIEW OF PREMISES LICENCE 'ANDREWS, HOLMER SELF SERVICE STORES, BELLE BANK AVENUE, HEREFORD, HR4 9RL.' (Pages 13 - 14)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premises licence for Andrews, Holmer Self Service Stores, Belle Bank Avenue, Hereford, HR4 9RL. The Review had been applied for by Herefordshire Council's Licensing team. The review related to the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

Prior to the application being considered, the Sub-Committee decided that it would not be in the public interest to adjourn the determination of the application due to the premises licence holder not being in attendance. The Sub-Committee were satisfied that the premises licence holder had been made aware of the hearing and had been served with the appropriate papers.

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

- James Mooney (West Mercia Police)
- Fred Spriggs (Applicant for Review)
- Tim Thorne (Trading Standards)

The Chairman advised the attendees of the hearing procedures and asked if they required an extension to the 10 minute time limit for public speaking, no extensions to the time limit were requested.

The Licensing Manager presented her report. She advised Members that the premises had failed a test purchase operation on 14 September 2012 when the Designated Premises Supervisor had served a 15 year old male and a 16 year old female with alcohol.

In accordance with the Licensing Act 2003 (Hearings Regulations 2005, Fred Spriggs, the applicant for the review, addressed the sub-committee. He drew members' attention to a number of proposed conditions which were contained within his representation and also requested that the designated premises supervisor be removed from the premises.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, James Mooney, representing West Mercia Police, addressed the sub-committee. He advised the Sub-Committee that there had been a previous failure at the store on 17 September 2011 although Mr Round, the premises licence holder, had stated that he was not aware

of this failure. He suggested a number of conditions which would address the concerns of West Mercia Police which had were contained within his written representation.

In response to a question from the Acting Principal Lawyer, the Licensing Officer confirmed that the sale had been made by the designated premises supervisor, hence why there was a recommendation to remove the DPS in this instance.

Mr Mooney confirmed that an application had been received to replace the current designated premises supervisor at the store.

The Sub-Committee retired to make their decision. The Acting Principal Lawyer and the Democratic Services Officer retired with the Sub-Committee to offer legal and procedural advice.

RESOLVED

That the current Designated Premises Supervisor be removed from the licence.

That the following conditions be attached to the licence to address the concerns of the Licensing Authority, the Police and Trading Standards.

- **A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol.**
- **The current Premises Licence Holder/DPS shall be re-trained to BIIAB NCPLH level 2 (or recognised equivalent)**
- **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. This training to be delivered PRIOR to undertaking any alcohol sales. (Where there are existing staff this training shall be completed within 1 month of the date that this condition first appears on the licence).Retraining to take place 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 counter advertising the scheme operated.**

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

PREMISES	The Copper Kettle
PREMISES LICENCE HOLDER	Mr Craig Bradbury
APPLICANT'S NAME	Herefordshire Council
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor CM Bartrum Councillor PJ McCaull
DATE OF MEETING	13 November 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 Jim Mooney, representing West Mercia Police; Tim Thorne, representing Herefordshire Council Trading Standards; and Fred Spriggs, the Licensing Officer together with Craig Bradbury and Debbie Berry, the DPS and Area Manager for Hereford Confectionary Services Ltd.

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 conditions be imposed forthwith* upon the licence:-

- The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
- 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). Retraining to take place 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
- All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. The training shall include:

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(THE LICENSING ACT 2003)**

Drugs Awareness
Conflict resolution
Selling to under age person
Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) 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 an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 fonts bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving area advertising the scheme operated

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 Sub-Committee complimented Mr Bradbury and Ms Berry for their proactive approach in addressing the concerns raised.

The Sub-Committee noted the premises licence holder's previous good compliance throughout his chain of stores.

The attendance of the premises licence holder and the area manager at the hearing was welcomed with Members benefitting from the opportunity to hear a clear, concise explanation of the circumstances in which the sale was made.

The Members made their decision in order to promote two of the four licensing objectives, namely the prevention of crime and disorder and the protection of children from harm.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8, 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.

** 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	The Herdsman
PREMISES LICENCE HOLDER	Mr Mark Higgins
APPLICANT'S NAME	Herefordshire Council
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor CM Bartrum Councillor PJ McCaull
DATE OF MEETING	13 November 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 Jim Mooney, representing West Mercia Police; Tim Thorne, representing Herefordshire Council Trading Standards; and Fred Spriggs, the Licensing Officer together with Mark Higgins, the premises licence holder for the Herdsman.

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 conditions be imposed forthwith* upon the licence:-

- Each till shall have above it a clear notice reminding the seller of his responsibility under the Challenge 25 policy. The contents of such a notice must be approved in advance by the Herefordshire Council Trading Standards Service.
- The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
- All staff including the seller in the instance which caused this review shall be explicitly trained in the challenge 25 policy within 1 month of commencing employment at the premises. Existing staff this training shall be completed within 1 month of the date that this condition first appears on the licence).Retraining to take place 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
- 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 prior to selling alcohol 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).Retraining to take place every 6 months. Training records shall be kept on the premises

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(THE LICENSING ACT 2003)**

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 counter advertising the scheme operated.

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 attendance of the premises licence holder at the hearing was welcomed with Members benefitting from the opportunity to hear a clear, concise explanation of the circumstances in which the sale was made.

The Members made their decision in order to promote two of the four licensing objectives, namely the prevention of crime and disorder and the protection of children from harm.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8, 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.

** 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	Andrew's
PREMISES LICENCE HOLDER	Mr Andrew Round
APPLICANT'S NAME	Herefordshire Council
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor CM Bartrum Councillor PJ McCaull
DATE OF MEETING	13 November 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 Jim Mooney, representing West Mercia Police; Tim Thorne, representing Herefordshire Council Trading Standards; and Fred Spriggs, the Licensing Officer.

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 current Designated Premises Supervisor be removed from the premises.

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

- A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol.
- The current Premises Licence Holder/DPS shall be re-trained to BIIAB NCPLH level 2 (or recognised equivalent)
- 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. This training to be delivered PRIOR to undertaking any alcohol sales. (Where there are existing staff this training shall be completed within 1 month of the date that this condition first appears on the licence). Retraining to take place 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

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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 counter advertising the scheme operated.

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 two of the four licensing objectives, namely the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee noted that the sale was made by the Designated Premises Supervisor, it considered the removal of the DPS as both reasonable and necessary to promote the licensing objectives.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8, 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.

** 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.*