

MINUTES of the meeting of Regulatory Sub Committee held at Grand Jury Room, The Shire Hall St Peter's Square Hereford HR1 2HX on Thursday 23 October 2014 at 11.00 am

Present: Councillor (Chairman)
Councillor (Vice Chairman)

Councillors: JW Hope MBE, Brig P Jones CBE and A Seldon

In attendance:

Officers: Mike Jones and Adrienne Poole

8. ELECTION OF CHAIRMAN

Councillor A Seldon was elected as Chairman for the Regulatory Sub-Committee hearing.

9. APOLOGIES FOR ABSENCE

No apologies for absence were received.

10. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

11. DECLARATIONS OF INTEREST

There were no declarations of interest made.

12. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF LEFT BANK, BRIDGE STREET, HERFORD HR4 9DG - LICENSING ACT 2003

Members of the Licensing Panel of the Council's Regulatory Sub-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 Adrienne Poole, representing the Licensing Authority, Fred Spriggs, presenting the Licensing Authority's representation, Jim Mooney, presenting West Mercia Police representation, Elisabeth Laughland, presenting the Environmental Health representation and Mr Heath Thomas representing on behalf of the applicant.

Having carefully considered those matters brought before them, the Sub-Committee determined the application as follows, with a view to promoting the licensing objective, namely the prevention of, the prevention of public nuisance, as set out in the guidance issued under Section 182 of the Licensing Act 2003, and the Council's Licensing Policy:

The Licensing Panel of the Council's Regulatory Sub-Committee are mindful to approve the application given that the Sub-Committee believe that the application would not add to issues of Public Disorder and that the applicants have demonstrated this to the satisfaction of the Sub-Committee.

The Sub-Committee considered that the refusal of the application would be disproportionate (case of Thwaites plc v Wirral Borough Magistrates' Court).

The Sub –Committee have decided that the licensing objective, is best promoted by granting the Application subject to the following conditions which we consider appropriate.

Conditions:-

1. 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.
The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage onto recordable media which shall be handed to the Police, an authorised Herefordshire Trading Standards Officer or the 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.
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 '101' immediately.
2. The DPS will employ SIA doorstaff at 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 an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
4. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any incidents of disorder
 - d. seizures of drugs or offensive weapons
 - e. any faults in the CCTV system or searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency services
5. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
6. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

7. 'Noise' from the premises must not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this conditions; 'Noise' - is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernible' - is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.
8. No regulated activity will take place in external areas on any day after 2400hrs (midnight)
9. Save for events where there is no sale or supply of alcohol, no person under the age of 18 shall be permitted on the premises after 2300hours unless accompanied by a person over the age of 18 years.
10. Children - non alcohol events
Any bar at the premises shall be separate from the area used for regulated entertainment (as defined by the Licensing Act 2003) by a physical permanent barrier.
No person under 18 shall be permitted access to the bar area unless accompanied by a parent, guardian or responsible person aged over 21.
SIA registered door staff shall be employed on a risk assessed basis - if SIA registered door staff are engaged for the event at least one will be a female.
Each and every person entering the bar shall on every occasion on entry be subject to the Challenge 25 policy
A valid driver's licence, a valid passport or an identity card carrying the PASS hologram shall be the only acceptable documentation in respect of proof age.
Any person at the venue, under the age 14 years, shall be accompanied by a Chaperone who shall be either a parent, guardian or responsible person aged 21 or over
Any person performing at the premises aged 16 years or younger shall be accompanied by a Chaperone who shall be either a parent, guardian or responsible person aged 21 or over
No alcohol shall be removed from any bar area
An additional bar, which will contain non-alcoholic beverages shall be made available at the premises and shall offer a free supply of drinking water
At each and every event and for the full duration of the event there shall be present within the entertainment area a person who have received training as approved by Herefordshire Council in respect of the Safeguarding of Children to a minimum of Level 2.
11. 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 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.
12. 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).

The meeting ended at Time Not Specified

CHAIRMAN