

Minutes of the meeting of Licensing sub-committee held at The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 14 February 2018 at 2.00 pm

Present: Councillor DW Greenow (Chairman)
Councillors: A Seldon and EJ Swinglehurst

Officers: Emma Bowell, Ariz Trezins and Fred Spriggs

92. APOLOGIES FOR ABSENCE

No apologies for absence were received.

93. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

94. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**95. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF:
THE LION HOTEL, HIGH STREET, LEINTWARDINE, SY7 0JZ - LICENSING ACT
2003**

Members of the licensing sub committee of the council's planning and 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 Fred Spriggs, Licensing Officer and Ariz Trezins, Environmental Health Officer. Members also heard from the applicant, Jane Watkins and applicant's agent, Nick Semper.

Mr Trezins reported to the committee that environmental health had received public nuisance reports in relation to noise due to the close proximity of residential properties to the premises. The residents have continued to complain about noise when large events are taking place. Environmental Health and the applicant's agent had now agreed appropriate conditions.

Mr Semper explained that the premises were one of two pubs within the village which was well established as a 5* country dining premises and had received numerous awards. The pub was the largest employer within the village and the hours on the licence were currently restrictive and the conditions were out of date. The revised application contained the mandatory conditions, together with the licensing authority's model conditions. Representations had been received and conditions agreed with trading standards and environmental health. The police had made no objection to the application.

Due to the concerns raised in the public representations, Mr Semper had requested details of complaints under the Freedom of Information Act. The public representations had been in relation to the Lionstock Festival and that no formal action had been taken by any of the responsible authorities.

Following questions from members of the committee, it was confirmed:

- There would be fencing along the boundary line of the property
- Gazebos would be in place along the bank of the river which would have their back to the river.
- Adults from the youth club provide the traffic management control, e.g. slowing the traffic down. It was noted that there would need to be a formal arrangement in place.
- No children were present at the event and Sunday which finished early was a family day
- In the past the police have provided advice on the traffic management plan (TMP)
- The premises were looking to hold 6 smaller events and 6 larger events and were proposing a generic TMP which covers all the events and then each event is risk assessed based on the TMP.
- There were complaints in 2017 which was from a household who had not complained previously.
- Neighbours are contacted prior to any events.
- The stewards patrol the area to ensure that there was appropriate parking and the police are normally present at events. SIA and staff normally deal with issues as they arise.
- There is an additional charge for parking and the money from this goes to the local church. It was noted that some people do not wish to pay for parking and this may lead to anti-social parking.
- An event management plan (EMP) would be prepared for events for over 300 people. For events under 300 people car parking had never been an issue.
- For weddings, guests tend to park at the church and walked down to the premises. They only cater for 100 people at wedding events.
- There are 20 car parking spaces on site.
- The premises do not make a lot of money from the annual large event. Once costs have been covered, the remainder of the money goes to a charity or the local youth club.

After an adjournment, the committee reconvened and indicated while they were minded to approve the application but this was subject to finding an appropriate method to address the concern that the EMP and TMP would need be modified to reflect any changes in the +300 events held under the licence and thus ensure the promotion of the licensing objectives in each case. It did not follow that each event would necessary be in the character of the "Lionstock" event that had been carried out previously. In addition it was noted that the licence could be transferred to another person in due course. The members did not consider the conditions as proposed addressed this difficulty. Any changes to the TMP or EMP would need to be signed off by the appropriate authorities. Following a discussion the members invited the Applicant and their Agent and Licensing Authority to consider an appropriate form of condition or amendment to the conditions proposed that would address this concern be that was appropriate and proportionate to promote the licensing objectives but which would work with the existing arrangements with the relevant authorities for dealing with EMPs.

The committee re-convened and heard the proposed wording of the condition.

The committee carefully considered all the representations made, the statutory framework as well as having regard to the statutory guidance and Herefordshire council's licensing policy.

DECISION

This is the decision of the licensing sub-committee in respect of a variation to the premises licence concerning The Lion Hotel, High Street, Leintwardine, SY7 0JZ. .

It is the committee's decision that the application should be granted subject to conditions set out below:

General

- a) The maximum capacity for any event shall not exceed 300 which includes staff, performers and all persons
- b) The licence is restricted to only 6 days per annum for events of less than 300 people. (A day is defined as any 24 hour period)
- c) No event shall last for more than 24 hours.
- d) The terminal hour for licensable activities shall still apply for conclusion of the event.
- e) Live Amplified Music shall cease at 2300 hours in the outside area.
- f) Recorded Music will cease at 01:00hrs.
- g) No amplified public address system shall be used after 00:00hrs (including that used by any DJ) unless in the event of an emergency

Prevention of Crime

1. CCTV (IF FITTED) will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

- a. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/supply of alcohol occurs.
- b. 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.
- c. 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 recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand to be agreed.
- d. 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.
- e. 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 Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

3. 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 existing staff to be trained within three months of this condition appearing

on this licence. All staff shall be re-trained six monthly thereafter. The training shall included:

- a. Drugs Awareness
- b. Conflict resolution
- c. Selling to under age person
- d. Selling to drunks
- e. 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.

4. A written or electronic 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. It will be collected and reviewed 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.

5. 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 be 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 (relevant to the licensing objectives) reported to the venue
- (b) all ejections of patrons
- (c) any complaints (relevant to the licensing objectives) received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV(IF FITTED) system or searching equipment or scanning equipment.
- (g) any visit by a relevant authority or emergency service

6. No open containers of alcohol will be removed from the licensable area of the premises.

7. When licensed to be open after midnight for licensable activities, there will be no new customer entry to the premises or re-entry to the premises after midnight.

Public Safety

1. All staff shall wear clothing which identifies them as members of staff of the premises.

2. A HSE Compliant Industrial High Response First Aid Kit for 21 -50 people must be located within the licensable area of the premises and be readily available to all staff at all times. The kits will be inspected weekly and replenished where required, an endorsed log sheet will be contained in each kit. Such kit shall contain:

- 1 x Guidance Leaflet
- 60 x Washproof Plasters
- 6 x Eye Pads with Bandage
- 8 x Triangular Bandages
- 12 x Safety Pins
- 16 x Assorted Sterile Dressings
- 20 Moist Wipes

3 Pairs Disposable Gloves

Electrical & Gas Installations:

3. 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 person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
4. 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.
5. 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 person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

The prevention of public nuisance

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
2. 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. Live or Recorded music shall be restricted to the area marked on the premises plan.
3. Any speaker within the premises shall be directed away from any residential property
4. '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 condition; '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'.
5. No external area of the premises will be used for any form of regulated entertainment after midnight.
6. No external area at the premises shall be used for any customer activities after midnight save for customers smoking, where the purpose is to use a a designated smoking area purely for that purpose. No alcohol will be allowed in this area after this time.

Protection of Children from Harm

1. No person under the age of 18 years shall be permitted to be on the premises after 2300hours unless supervised by a person over the age of 18 years.
2. 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 Act2003), 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.

3. 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).

Conditions for events of more than 300 people

General

1. The maximum capacity for any event shall not exceed 1200 which includes staff, performers and all persons

2. The licence is restricted to only 6 days per annum for events of more than 301 people. (A day is defined as any 24 hour period)

3. Each 24 hour period will form one of the 6 days.

4. The terminal hour for licensable activities shall still apply for conclusion of the event.

5. The date of each event will be notified to the Safety Advisory Group (SAG) at least two (2) months prior to the event taking place or such lesser period as is agreed by the SAG.

6. The Premises Licence Holder or a nominated Deputy (in writing) must be on these licensed premises and available to the Responsible Authorities and the Licensing Authority at all times when licensable activities are taking place.

7. Details of the Premises Licence Holder or his Deputy who is on duty when licensable activities are undertaken shall be recorded, on these premises, at the time. These records shall be made available to the Licensing Authority or a Responsible Authority on demand. Such record shall be kept for a period of 12 months after the end of licensable activities. This information post event must be provided to the Licensing Authority or a Responsible Authority within 24 hours of the request.

8. At all times there shall be one personal licence holder on these premises for each 2 bars which are open for the sale and supply of alcohol.

9. A schedule will be provided of details of the personal licence holder who is on duty and their areas of responsibilities when licensable activities are undertaken on these premises at that time. This will be made available to the Licensing Authority and or other responsible authority during the period of the event on demand. Such record shall be kept for a period of 12 months after the end of licensable activities. This information must be provided to the Licensing Authority or a Responsible Authority within 24 hours of the request.

10. A draft Event Management Plan (EMP) will be submitted 2 months prior to the first day of any event to the Licensing Authority and all members of the Safety Advisory Group (SAG). Members of the SAG will notify the Premises Licence Holder, in writing, of any changes required to the draft EMP within one calendar month of receipt. Where notification is not received the draft EMP shall be deemed by the Premise Licence

Holder to have been agreed. The Event shall not take place until The Draft Event Management Plan has been agreed by the Licensing Authority.

11. The final EMP will be submitted to the Licensing Authority and all the SAG at least 14 days prior to the first day of the event. Once submitted no further changes shall take place to the EMP without the agreement of the Licensing Authority. .

12. The EMP will be a working document providing details of how the event is to be conducted and how safety issues, identified in the event risk assessment, are to be addressed. The EMP will include an event risk assessment and provide specific details on the following areas:

- Health and Safety Responsibilities
- Venue and Site Design
- Fire Safety
- Major Incident Planning (Emergency planning)
- Communication
- Crowd Management (including steward and security numbers and their roles)
- Traffic Management Plan *(At the start of a calendar year a generic traffic management (TMP) shall be drawn up in consultation with a traffic management company or similar suitably qualified professional. The plan shall be reviewed for each event. The plan shall include details of a safe route from any parking field to the premises and back, to enable pedestrians to travel between the two safely. It shall also include details of how vehicles will enter and leaving the parking field safely. In addition to this the plan will address the management of any off road parking issues. Such plan shall be submitted to the Licensing Authority who will share it with Highways Authority (or their representative) and the police (traffic management). No event will take place until such time as both have approved the plan as fit for purpose).*
- Management Structures
- Barriers
- Electrical Installations and Lighting
- Food and Alcohol
- Water
- Merchandising and Special Licensing
- Amusements,
- Attractions and Promotional displays
- Sanitary Facilities
- Waste Management
- Sound: Noise and Vibration
- Special Effects, Fireworks and Pyrotechnics
- Camping
- Facilities for People with disabilities
- Medical, Ambulance and First Aid Management
- Information and Welfare
- Children - including Lost Children's Policy
- Performers
- TV and Media

Each event must take place in accordance with the Final agreed EMP.

Prevention of crime and disorder

1. The Premises Licence Holder will employ Security industry Authority (SIA) door supervisors for each event, unless they have recorded the reasons why they are not required through a risk assessment process. At all times the need to employ SIA door supervisors will be through a risk assessment process.

Numbers of Event Personnel:

2. 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 and their SIA badge numbers. The register shall be made available on demand for inspection by Police, Licensing Authority or an authorised officer of the Security Industries Authority.

3. No person under the age of 18 years will be employed as stewarding personnel.

4. No person under the age of 21 years will be employed as SIA badged staff.

Security Uniforms and Security Logs:

5. All security and stewarding personnel (if employed) will be readily identifiable by means of a tabard bearing a job title.

6. No person shall perform the role of stewarding personnel without wearing a tabard.

7. No person shall perform the role of security personnel (apart from a plain-clothed team) without wearing a tabard. All plain clothes security personnel shall carry an identity badge issued by the Premises Licence Holder confirming that they are security personnel which shall be produced to a member of the Licensing Authority or Police on demand.

8. An incident log must be kept at the premises, and 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 Police, which must record the following:

- (a) all crimes reported to the venue (relevant to the licensing objectives).
- (b) all ejections of patrons
- (c) any complaints received (relevant to the licensing objectives)
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any visit by a relevant authority or emergency service

Incident log records will be retained for a period of 12 months from the date it occurred.

Public safety

Event Safety Coordinator:

1. The Premises Licence Holder will appoint an Event Safety Coordinator to plan, coordinate and supervise safety measures.

2. The Event Safety Coordinator will be responsible for:

- Monitoring of contractors
- Liaison with contractors
- Checking of method statements and risk assessments
- Preparation and monitoring of site rules
- Safety inspections and audits
- Collection and checking of completion certificates
- Communication of safety information to contractors and employees
- Monitoring and coordinating safety performance
- Coordinating safety in response to a Major incident
- Liaison with nominated officers from Herefordshire Council.

Electrical wiring and distribution systems:

3. Temporary electrical wiring and distribution systems shall be signed off by a competent person prior to any licensable activity taking place at the premises. The competent person must be a member of a recognised electrical association such as NICEIC, NAPIT, ECA or other association as agreed by the licensing authority. The sign-off certificates shall be available for inspection in the Licence Compliance Office located on the licensed premises.

4. Any additional electrical work required after the event has commenced shall be signed off by a competent person. The competent person must be a member of a recognised electrical association such as NICEIC, NAPIT, ECA or other association as agreed by the licensing authority. The sign off certificates shall be available for inspection in the Licence Compliance Office located on the licensed premises.

Structures:

5. The Premises Licence Holder will ensure that all temporary structures and any other elements of infrastructure or artistic installation have been inspected and signed off as being safe prior to the commencement of its use.

6. The premises licence holder must submit arrangements to the satisfaction of the Responsible Authorities on how such maximum occupancy capacities will be managed.

7. All enclosed structures that the public have entry to will have designated entry/exit points. The numbers of these entry/exit points will be determined by the occupancy capacity and will be listed in the Tent Exit Calculation document submitted in the EMP.

N.B. In this licence "enclosed structures" are classed as a structure whether tented or not, which has less than 25% of its sides open to the atmosphere (excluding entrances and exits) and which are accessible to the public when regulated entertainment is provided.

Special Effects:

8. The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke/foam producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. A detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the above equipment is to be used.

Lanterns:

9. Paper lanterns will not be sold on site and will be listed within the ticketing terms and conditions as items that may not be brought to the venue.

Sanitary Facilities:

10. Sanitation Management Strategy will be provided to the satisfaction of Herefordshire Council's Environmental and Trading Standards Service at least 21 days prior to commencement of each Event.

Prevention of Public Nuisance

1. A Noise Management strategy as approved by Herefordshire Council must be provided at least 21 days before the commencement of each event. The Premise Licence Holder must comply with the Noise Management Strategy.

2. Between 00:01 and 02:00hrs on all days of the event 'noise' from the event should not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In these 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 site.

3. Any testing of sound equipment will not take place before 09.00hrs and will last for no more than 2 hours on anyone day

4. Any stage shall cease all licensable activities at midnight on Sunday night/Monday morning.

5. The Premises License Holder will maintain a noise log and this will be kept in the Licensing Compliance Office and will be available at all times for inspection by Herefordshire Council.

6. A noise 'hot-line' will be installed and publicised so that local residents can report any noise issues directly to the Event Managers. All calls will be logged by time, location and contact number and address will be requested.

The protection of children from harm

Under 16s:

1. Any unaccompanied person under the age of 16 years found on the Licensed Premises will be accompanied to the Welfare Tent. This task will be undertaken by at least 2 members of staff.

2. No unaccompanied person under the age of 16 years shall be permitted on the Licensed Premises.

Data Barring Service (DB5) Check:

3. Any personnel whose role involves the looking after of children or vulnerable adults shall have a current enhanced DBS (dated within the 9 month period preceding the first day of each event). No person shall be involved in this role unless the enhanced DBS shows 'None Recorded' against the following categories:

- a. Police Record of Convictions, Cautions, Reprimands and Warnings,
- b. Information from the list held under Section 142 of the Education Act 2002,
- c. ISA Children's Barred List Information
- d. ISA Vulnerable Adults Barred List Information
- e. Other relevant information disclosed at the Chief Police Officer(s) discretion

Lost Children Policy:

4. The goal of the Lost Children Policy is to reunite each lost child with its parents or guardians. However, if there is any evidence, concern or suspicion of abuse or neglect of children, then this must be reported to the appropriate authority.

Age Verification:

5. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Licensing Authority, 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 once every 5 metres behind any bar advertising the scheme operated.

6. In conjunction with the above, proof of the attainment of 21 years of age will be required through production of a PASS card, full or provisional photo card driving licence, or by a photo passport prior to any alcohol sale taking place or entry to age restricted areas.

7. Bar staff must ask for proof of age ID whenever the customer appears to be under 21. If there is any doubt as to the age of the customer they will be refused service.

8. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed stating that: It is an offence to purchase or attempt to purchase alcohol if you are under the age of 18 - Section 149 Licensing Act 2003.

9. The Designated Premises Supervisor will brief bar security staff in the arena and the bars that they should take reasonable steps to monitor the final destination of the drinks and where it would appear that supply is being made to a person under the age of 18 years take steps to prevent the consumption by that person.

10. No bar servers will be under 18.

11. The Designated Premises Supervisor, the bar manager and other bar supervisors will monitor the performance of the serving staff to ensure adherence to the licensing laws.

12. Any under-age persons who are found arriving at or on the Licensed Premises with alcohol will have the alcohol confiscated by staff. The Event Safety Coordinator will exercise due diligence in safeguarding and discharging any duty of care towards any under-age persons who attempt any unauthorised access to the event.

13. A bar manager will be appointed for every two bars utilised and this person under the direction of the Designated Premises Supervisor will be fully in control of the sale of alcohol from that bar.

14. All staff shall be trained prior to undertaking any sale of alcohol on the premises. The training shall included:

- Drugs Awareness,
- Conflict resolution,
- Selling to under-age person,
- Selling to drunks.

Such training will be recorded and records shall be kept at the premises which will be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

The meeting ended at 3.45 pm

Chairman