

**Minutes of the meeting of Licensing sub-committee held at
Committee Room 1, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX on Wednesday 28 March 2018 at 2.00 pm**

Present: Councillor DW Greenow (Chairman)
Councillors: PGH Cutter and A Seldon

Officers: Emma Bowell and Leah Wilson

5. APOLOGIES FOR ABSENCE

No apologies for absence were received.

6. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

7. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**8. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'PREMIER INN,
16 BLACKFRIARS STREET, HEREFORD. HR4 9HS' - LICENSING ACT 2003**

Prior to making their decision the members heard from Ms Emma Bowell, Licensing Technical Officer and Leah Wilson, Trading Standards Officer. Members also heard from Chris Grunert representing the applicant and Stuart Rose, Regional Acquisitions Manager

Ms Wilson explained that representations 1 and 2 had been agreed with the applicant. The sticking point was in connection with Challenge 25 and the following points were raised:

- Each application was decided on a case by case basis. In this case the applicant had applied for an on and off licence and Challenge 25 was felt appropriate due to the close proximity of the city centre; Hereford Football Club's grounds; a secondary school and a primary school.
- Whitbread in Scotland operate challenge 25 so Trading Standards did not believe that it would be onerous
- Herefordshire Council's policy was to request Challenge 25 unless there were exceptional circumstance. No exceptional circumstances had been presented to them.
- In the experience of Trading Standards, there was more difficulty in a member of staff identifying a customer under 21.
- The applicant had indicated that they do independently test their premises in connection with Challenge 21 but no evidence of how this was conducted had been received.

- Whitbread Group PLC had a primary authority relationship with Bedfordshire Central Council and they have adopted Challenge 25.

The committee then heard from Mr Grunert who indicated that he would concentrate on the Challenge 25 as that was the issue:

- Challenge 21 is the policy of Whitbread Group PLC who had been an early adopter of Challenge 21
- Whitbread supported Challenge 21 and trained staff. The training provided is detailed and is refreshed at a minimum annually.
- Whitbread do not want alcohol to fall into the wrong hands.
- The reason for an off licence request was so that residents of the hotel could purchase alcohol to take to their rooms. They would be happy to restrict licence to residents of the hotel only.
- Challenge 25 is a statutory requirement in Scotland but not in England and Wales.
- Whitbread Group PLC wished to have consistency across their holdings. This consistency would also enable staff to transfer between premises and there would be no change in processes.
- All of the till prompts and information were for Challenge 21.
- The new hotel was an investment in Herefordshire which would be a modest size hotel at 65 rooms and would create 25 jobs.
- The committee needed to be mindful of the legislation as the burden was to assess whether there is evidence to modify the licence.
- Whitbread Group PLC was a responsible operator and have grown on that reputation.
- The group use Serve Legal to carry and spot checks and any fails were acted upon.
- No evidence had been provided of a failed Challenge 21 by Trading Standards.
- The police had conceded that Challenge 21 is appropriate and their agreement should also be taken into account.

Following questions by the committee is was confirmed:

- There will be a food and beverage service but the main focus will be the rooms. In larger Premier Inn premises there are small lounge areas.
- Bedfordshire Central Council have never given advice to Whitbread Group PLC, but the Group were early adopter of Challenge 21 and everything is designed around Challenge 21.
- There is a training and testing regime. The training is annual and the testing was conducted by Serve Legal on an unannounced basis. Their testing covered a range of issues, including customer service and Challenge 21.
- The reception was manned and after hours residents would only be able to access the premises via interlink to a member of staff or by using their key.
- Anyone purchasing alcohol would not be allowed to leave the premises with it.
- They would deal with staff who had failed any Challenge 21 test appropriately.
- If there were football matches, SIA trained door staff would be employed on case by case and a risk assessment basis.

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 new premises licence concerning Premier Inn, 16 Blackfriars Street, Hereford. HR4 9HS.

It is the committee's decision that the application should be granted in the terms sought subject to any mandatory conditions required by the Act and the conditions agreed with Trading Standards and West Mercia Police and set out in the schedule attached.

REASONS

The members considered the conditions agreed with Trading Standards and the Police were appropriate and proportionate in the circumstances to promote the licensing objectives and were mindful that the matter in issue was whether Challenge 21 or 25 should apply. They considered that a condition requiring Challenge 21 was appropriate and proportionate on this occasion and that a deviation from the Herefordshire Council statement of Licensing Policy would be justified for the following reasons:

- Members considered each application should be considered on its own merits.
- The Police were now satisfied with Challenge 21 and were therefore not concerned it would undermine the prevention of crime and disorder licensing objective.
- The Section 182 guidance held this out as being generally appropriate.
- This was a national operator of licensed premises and there was no evidence before the committee that the Challenge 21, as operated by the applicant, was leading to underage sales or that the applicant had a poor record in relation to underage sales.
- There was no evidence before the committee that there was a problem with underage sales in the vicinity of this premises.
- The majority of the applicant's venues operated Challenge 21 in England and Wales. They were only Challenge 25 in Scotland due to the different legislation. This meant staff were consistently trained and could move between sites.
- The applicant had given evidence as to their approach to training, self-testing and retraining and members considered that persuasive of the likely efficacy of Challenge 21 in these circumstances.
- Challenge 25 was routinely prescribed for off licences. The members heard that 99% of off sales were to residents wishing to take a drink to their respective rooms. It was not intended to operate this as an off licence.
- There was no "bar area" proposed, alcohol had to be purchased through table service and members considered it would not function as a pub venue.

The meeting ended at 3.32 pm