

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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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.*