

Representation made by the Local Authority 20 March 2017

I am an officer authorised under the Licensing Act 2003 and I make this representation on behalf of the Local Authority

I refer to the grant application made on 31st January 2017 for a new premises licence in respect of the 'The Grapes Tavern, East Street, Hereford, HR1 2LW'.

The applicant is shown as Caldwell Entertainment & Enterprises Ltd, The Grapes Tavern, East Street, Hereford, HR1 2LW. The persons named on the application are, Sonia Mary Caldwell and Gary Dermott Caldwell.

The detail on records held by Companies House, identifies that the Company Registration Number listed is: 10568973, and that Sonia Mary Holden and Gary Dermott Caldwell hold the position of directors.

Section 158 of the Licensing Act 2003 makes it an offence to knowingly or recklessly make a false statement in or in connection with an application for a premises licence or a temporary event notice. Therefore, the authority requires clarification in regard to the correct name of the applicant as there appears to be two different names being used by one of the applicants. The authority is not satisfied that all statements made in the application are correct and that a false statement has been made to Companies House or the Licensing Authority concerning one of the named directors.

Since the application was made, and during the 28 day consultation period a complaint was received at the offices of the authority, that on the evening of Saturday 4th March 2017 the premises were open to the public and was selling alcohol and providing regulated entertainment. This was confirmed by officers of the authority, who upon investigation found video footage of the event which had been placed on Facebook by the Grapes Tavern. In this recording it could be seen that 3 males were playing guitars and one was playing the drums. People could also be seen drinking in the premises what appeared to be alcohol. The beverages were in pint glasses and looked like lager/beer. As a result the authority wrote a warning letter to both Sonia and Gary Caldwell on 8th March 2017. There had been several communications with the applicants and the licensing authority are satisfied that both applicants were aware that there was no licence or temporary event notice in place to cover licensable activities at the premises. They were warned regarding carrying on unlicensed activities in the future.

Following receipt of this warning letter, Sonya Caldwell emailed the authority on 10th March to apologise.

The Guidance issued under Section 182 of the Act at paragraph 4.18 states that the Designated Premises Supervisor (DPS) 'will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder'. The DPS within the application is shown as Eleanor Teague. The authority has further concerns in respect of the management and running of the premises as the named DPS does not appear to have the required responsibility for running the premises.

Between the 20th January 2017 and 17th February the Licensing authority received notification of 6 temporary event notices (TENs) in respect of the premises. Two (2) each

from Gary and Sonia Caldwell, one (1) from a Matt Smith and One (1) from Eleanor Teague. In addition to this a further two (2) TENs were received from a Joshua Baxter. The final notification was refused due to the statutory number being used up for the premises. The authority has had numerous contacts with the applicants throughout the application process, and there are inconsistencies regarding who will have day to day control of the premises. It would appear that it will in fact be Sonia and Gary Caldwell who will have control of the premises and this raises concerns for the Local Authority.

Sonya Caldwell states that she has been a licensee in Ireland and has run a number of premises. She has stated that she has no knowledge of English Licensing Law.

The authority therefore has serious reservations over her ability to be able to run a city centre pub when she has little or no knowledge of the licensing laws. There are concerns that the DPS will play little or no part in the day to day running of the premises. The applicants have already demonstrated their disregard or lack of understanding of the requirements of the Licensing legislation, by operating without a licence. The proposed premises licence holders have demonstrated a willingness to disregard the licensing objectives, and the authority believes this could have an adverse effect on the licensing objectives.

Summary of representation

1. One of the applicants is using different names and the Authority is not satisfied that the application does not contain a false declaration. Therefore, there may be an offence under S158 of the Act.
2. The applicants have operated the premises without a licence. (This representation does not fetter the Authorities ability to take further action, if it is deemed to be in the public interest).
3. The DPS does not appear to be the person who will be in charge of the premises; this has raised concerns due to the lack of understanding and/or compliance with the relevant UK Law.

The Licensing Authority therefore at this time **objects** to the licence being granted.



Fred Spriggs
Licensing Officer