

# AGENDA

## Regulatory Committee

Date: **Tuesday 5 July 2011**

---

Time: **2.00 pm**

---

Place: **The Council Chamber, Brockington, 35 Hafod Road,  
Hereford**

---

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Pete Martens, Committee Manager Planning & Regulatory**

Tel: 01432 260248

Email: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)

---

If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260248 or e-mail [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Regulatory Committee

## Membership

**Chairman**                      **Councillor JW Hope MBE**

**Councillor CM Bartrum**  
**Councillor PL Bettington**  
**Councillor BA Durkin**  
**Councillor AJ Hempton-Smith**  
**Councillor RC Hunt**  
**Councillor Brig P Jones CBE**  
**Councillor PJ McCaull**  
**Councillor C Nicholls**  
**Councillor GA Powell**

## **GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS**

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

**AGENDA**

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. ELECTION OF CHAIRMAN</b>	
To note that at the meeting of Council on 27 May 2011, Councillor JW Hope MBE was elected as Chairman of the Regulatory Committee.	
<b>3. ELECTION OF VICE CHAIRMAN</b>	
To elect a Vice-Chairman for the ensuing year.	
<b>4. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>5. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>6. MINUTES</b>	1 - 4
To approve and sign the Minutes of the meeting held on 5 April, 2011.	
<b>7. MINOR AMENDMENTS TO THE LICENSING POLICY - LICENSING ACT 2003</b>	5 - 8
To consider proposed minor amendments to the Herefordshire Council licensing policy in respect of carrying out its functions under the Licensing Act 2003.	
<b>Conditions</b>	9 - 28
<b>Licensing Page 22 - 23 Amendment</b>	29 - 30
<b>Licensing Page 30 - Amendment</b>	31 - 32
<b>8. UPDATE ON ACTIVITY OF COMMUNITY PROTECTION TEAM</b>	33 - 34
To receive an update on the main activities of the Community Protection Team for the period April to May 2011.	
<b>9. REGULATORY ACTIVITIES OF ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS SINCE 1ST APRIL, 2011</b>	35 - 40
To note the main regulatory activities of Environmental Health & Trading Standards service.	
<b>Main Activities of Environmental Health &amp; Trading Standards from 1st April,</b>	41 - 44

**3011**

**10. REGULATORY ACTIVITY OF PRIVATE SECTOR HOUSING**

45 - 48

To note the main regulatory activities of Private Sector Housing for the year 2010/11.

**11. PROGRESS OF REGULATORY MATTERS**

49 - 52

To note the main activities of those involved in regulatory matters since the introduction of changes to the Constitution on 1st February, 2011.

## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

### **Public Transport Links**

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 5 April 2011 at 2.00 pm**

**Present:** Councillor JW Hope MBE (Chairman)  
Councillor PGH Cutter (Vice Chairman)

Councillors: CM Bartrum, SPA Daniels, JHR Goodwin, RC Hunt,  
Brig P Jones CBE, PJ McCaull and A Seldon

**122. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillor GA Powell.

**123. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes present at the meeting.

**124. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting

**125. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 1st February, 2011 be approved as a correct record and signed by the Chairman.

**126. PROPOSED REVISED DUAL HACKNEY CARRIAGE/PRIVATE HIRE DRIVER CONDITIONS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847**

A report was presented by the Regulatory Services Manager about proposed revisions to the licence conditions for dual hackney carriage/private hire drivers as part of an overall review of licensing conditions that was carried out from time to time.

The Herefordshire Hackney and Private Hire Taxi Association had requested a review following on from the adoption of revised vehicle conditions in March 2010.

The Regulatory Services Manager outlined the process which had been followed for the review which had taken place over a period of several months and involved extensive consultation with the Association and interested parties. He outlined the proposed conditions which had been amended with input from the trade and which were detailed in his report. He did not consider that any further consultation was necessary on the proposals which met the legislative and legal requirements and fulfilled the Council's main aim of protecting the public.

The Committee discussed the main points and consultation that had taken place and heard the views of Mr Jones the Chairman of the Association. It expressed its agreement with the proposals put forward by the Regulatory Services Manager

## **RESOLVED THAT**

**the revised hackney carriage/private hire driver conditions presented in the report of the Regulatory Services Manager be approved.**

### **127. PROGRESS OF REGULATORY MATTERS**

The Committee Manager presented a report about the Changes that had been made to the Constitution regarding the Regulatory Committee. The changes were aimed at incorporating and regularising the regulatory function which had evolved over the years in line with best practice, legislation and operational requirements, but had not been clearly reflected within the Constitution. He said that the amendments were part of an ongoing comprehensive review of the Constitution which had been approved by Council at its meeting on 19th November, 2010. At Council it was decided that the amendments should be introduced on 1st February 2011, subject to consultation first being undertaken with key stakeholders. He said that the consultation process had involved the Committee, officers dealing with the legal framework, safeguarding, licensing and footpath diversions and West Mercia Police.

Council had also decided that an officer review panel should be created to deal with certain taxi licensing matters and applications for County transport badges. Council had also suggested that the Committee may wish to consider delegating certain functions to the Regulatory Sub-Committee, thereby freeing up the Committee to consider policy matters and the performance of those departments that were involved in the wider regulatory aspects of the Council. The Sub-Committee already dealt with matters under the provisions of the 2003 licensing Act and the 2005 Gambling Act and the Committee Manager suggested that the opportunity also now presented itself for it to deal with certain footpath diversion matters; hear appeals against refusals for hackney carriage/private hire drivers licences; and recommendations for the revocation of such licences by the Officer Panel.

The Committee discussed the proposals put forward by the officers and agreed that certain matters should be delegated to the Regulatory Sub-Committee. It also received in formation about the following:

- matters considered at meetings of the Regulatory Sub-Committee;
- a review of the Licensing Policy and Cumulative impact Policy – Licensing Act 2003
- adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 2003 (power to regulate lap dancing and similar clubs); and
- the activities of the Community Protection Team during a six-month period.



**RESOLVED THAT:**

- (i) **the report be noted; and**
- (ii) **the Regulatory Sub-Committee be given delegated authority to consider appeals and recommendations for revocation of hackney carriage/private hire drivers licences by the Officers Panel; together with certain footpath diversion matters.**

**128. REPORT ON REGULATORY ACTIVITY OF ENVIRONMENTAL HEALTH & TRADING STANDARDS**

The Committee received an information report presented by the Regulatory Services Manager regarding the main regulatory activities of the Environmental Health & Trading Standards service for the year 2010/11.

**129. TO CONSIDER A 2 % UPLIFT ON THE TAXI LICENCE FEES AND CHARGES**

The Regulatory Services Manager presented a report setting out proposals for a 2% increase in respect of the fees for hackney carriage and private hire licences. He said that it was proposed to implement the increase on 1st April but that an objection had been received from the trade. He advised that the proposed increase was advertised for a two week period ending on the 31st March 2011 and that an objection had been received from the Chairman of the Herefordshire Taxi Association.

Mr Jones the Chairman of the Association set out the grounds for his objection and drew attention to the considerable increase in operational costs which were already facing the trade, together with a decrease in demand by customers because of the economic situation.

The Committee carefully considered the objections which had been made and noted that the licensing service was also faced with increasing costs and would still be facing a deficit. The Council had asked for a proportionate increase across all its services to meet costs and the government cutbacks it was having to face. The Committee noted the alternatives that were available to it. Having carefully considered the options, the Committee felt that there was no alternative but to approve the increase.

**RESOLVED THAT:**

**the hackney carriage/private hire licence fees be increased by 2% with immediate effect**

The meeting ended at 4.35 pm

**CHAIRMAN**



<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>5 JULY 2011</b>
<b>TITLE OF REPORT:</b>	<b>MINOR AMENDMENTS TO THE LICENSING POLICY – LICENSING ACT 2003</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH &amp; WELLBEING SERVICE PEOPLE'S SERVICE DIRECTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To make minor amendments to the Herefordshire Council licensing policy in respect of carrying out its functions under the Licensing Act 2003. (Attached as Appendix 1).

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

THAT The Committee adopt the amendments as presented subject to any ratification required by Council.

### **Key Points Summary**

- The amendments are the subject of public consultation

### **Options**

1. a. Adopt the amendments as presented (subject to no adverse comment on the consultation)  
b. Refuse to adopt the amendments as presented  
c. Adopt the amendments (subject to no adverse comment on the consultation) but with amendments  
d. Reach some other decision

### **Reasons for Recommendations**

2. The minor amendments will ensure that the Licensing Authority fulfils its requirements under the licensing act by complying with a number of recent stated cases in respect of conditions.

Further information on the subject of this report is available from  
Fred Spriggs – Licensing Officer 01432 383542

## Introduction and Background

- 3 Section 4 of the Licensing Act 2003 requires the licensing authority to carry out its functions under the Act with a view to promoting the following licensing objectives:-
  - a) the prevention of crime and disorder;
  - b) public safety;
  - c) the prevention of public nuisance
  - d) the protection of children from harm.
- 4 Section 5 of the Licensing Act 2003 requires the local authority to determine every three years its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period. The current statement of licensing policy had effect from 1<sup>st</sup> February 2011.
- 5 Section 5(4) of the Act states that:

During each three year period, a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
- 6 Before determining the policy the licensing authority must consult –
  - a) The chief officer of police for the licensing authority’s area.
  - b) The fire authority for that area,
  - c) Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority.
  - d) Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
  - e) Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
  - f) Such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 7 There have been a number of recent stated cases which have looked at the issue of conditions being attached to licences. The Secretary of State’s Guidance issued under Section 182 of the Act for licensing authorities on the discharge of their functions under the Act has now been amended to reflective these cases. This guidance states that conditions should be: -
  - necessary for the promotion of the licensing objectives

- enforceable
- unequivocal/unambiguous
- proportionate and
- do not duplicate other statutory provisions

- 8 As a result of this a 'Pool of Model Conditions' has now been drawn up to assist applicants when making application (although this will not form part of the policy, as it is likely to be regular updated).
- 9 Whilst the consultation is not complete, due to the nature of the proposed changes it is felt that no adverse comment will be received.
- 10 The committee are therefore asked to consider the matter with a view to agreeing it, subject to their being no adverse comments from the consultation, bearing in mind that the matter could not come before the committee again until 4<sup>th</sup> October 2011.

## **Consultation.**

- 11 The amendments are the subject of consultation at the moment.
- 12 The chief officer of police for West Mercia has been consulted and fully supports the amendments.
- 13 All other consultees as listed at 6 above are currently being consulted.
- 14 All the elected members were notified of the amendments by email with a link to the authority's consultation page.
- 15 All parish councils and town councils were notified of the amendment consultation.

## **Community Impact**

- 16 The policy may impact on the Community.

## **Appendices**

- 17 a. Amendments to Licensing Policy

## **Background Papers**

**Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.**



## PREVENTION OF CRIME

PC 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 in a recordable format EITHER DISC or VHS to the Police/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. 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.

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 XXXXXXXXXXXX immediately.

PC 2 On Fridays and Saturdays ?????, Three (3) ????? SIA Licensed Door staff shall be employed at the premises as shown below until the termination of licensable activities. When employed externally Door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.

Duties: One (1) Door-staff shall commence duty at 2200 hrs.

Two (2) further Door-staff shall commence duty at 2300 hrs when the premises operate for licensable activities.

After 2300 hrs - Two (2) SIA Licensed Door-staff shall be deployed at the main access and egress point(s) until the termination of licensable activities.

One (1) Licensed Door-staff shall be deployed patrolling the internal licensable area until the termination of all licensable activities

The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.

PC 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.

PC 4 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) or the Police, which must record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

- (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
- PC 5 Toughened/Polycarbonate/plastic containers shall be used at all times when the premises operate for licensable activities. In the event that toughened/polycarbonate/plastic bottles cannot be provided by the suppliers, then all drinks will be dispensed and served in toughened/polycarbonate/plastic containers.
- PC 6 A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol.
- PC 7 The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
- PC 8 All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with trading standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
- PC 9 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 employment. All staff shall be re-trained six monthly thereafter. The training shall include:
- Drugs Awareness
  - Conflict resolution
  - Selling to under age person
  - Selling to drunks
- 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 or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
- PC 10 No admission for new customers will be allowed to the premises after 0100 hrs ?????. Only existing patrons whose hand has been stamped by a member of staff – who step outside (i.e. smoking) will be allowed to return after that time.
- PC 11 Signage in not less than 32 font shall be clearly displayed prominently at the point of access to the premises in relation to the Admission Policy, Age Policy, Drug Policy, and Dress Policy.
- PC 12 The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers.



- PC 13 A secure disposal bin will be sited adjacent to the main access/egress door to facilitate disposal of glasses and bottles.
- PC 14 A fixed and secured drug safe shall be provided at the premises. This shall be kept locked at all times. The keys securing the safe shall be held by the premises licence holder or authorised (in writing) duty manager/head door person and shall not be accessed by any other person. A policy in relation to the seizure and disposal of drugs shall be written down and kept at the premises. Such policy shall have meet with the agreement of the local police licensing officer for the area and be signed off by them. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police.
- PC 15 A fixed and secured safe shall be provided at the premises for the storage of knives and other seized illegal items. This shall be kept locked at all times. The keys securing the safe shall be held by the premises licence holder or authorised (in writing) duty manager/head door person and shall not be accessed by any other person. A policy in relation to the seizure and disposal of drugs shall be written down and kept at the premises. Such policy shall have meet with the agreement of the local police licensing officer for the area and be signed off by them. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police.
- PC 16 No open containers will be removed from the premises.

## **PUBLIC SAFETY**

- PS1 All staff shall wear clothing which identifies them as members of staff of the premises.
- PS2 A system shall be in place which is capable of showing the number of persons on the premises at any one time. This number shall be given immediately on demand to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police.
- PS3 Cylinders or containers of gas under pressure, other than Cellar Gases<sup>1</sup>, shall not be used on the premises unless written notification has been given to the Licensing Authority.
- PS4 First aid  
A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. 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

---

<sup>1</sup> Cellar Gases are those gases that are used in connection with beers, lagers and the like.

- PS5 A HSE Compliant Industrial High Response First Aid Kit for 21-50 people must be located on each floor of the premises and be readily available to all staff at all times. The kits will be inspected daily and replenished daily, 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
- PS6 An accredited First aid trained person must be on duty at all times when the premises operate for licensable activities. [An accredited First Aid trained Person is defined as a person who holds a current certificate in first aid at work (FAW) issued by a training organisation approved by the Health & Safety Executive (HSE) or a current certificate in emergency first aid at work (EFAW) issued by a training organisation approved by the HSE or by a recognised awarding body of Ofqual or the Scottish Qualifications Authority or any other equivalent qualifications accepted by the Licensing Authority]

#### Electrical & Gas Installations

- PS7 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.
- PS8 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.
- PS9 The residual circuit device shall be tested at least once a week and a record of this check shall be kept at the premises.
- PS10 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.

#### Hypnotism

- PS11 The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.

#### Maintenance, Repair and Cleanliness

- PS12 All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

### Special Effects

- PS13 The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with 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 laser equipment is to be used.
- PS14 Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without notify the Licensing Authority in writing.
- PS15 The use of foam shall not be permitted without prior notification, in writing, to the Licensing Authority.

### Disabled people

- PS16 When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.
- PS17 Disabled people on the premises must be made aware of the evacuation procedure.
- PS18 All exits doors must be capable of being opened without the use of a key, card, code or similar means.
- PS19 Doors must be checked at least every 24 hours to ensure that they are capable of being opened. A record of this check shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.
- PS20 Any security fastenings fitted to any escape doors/routes must removed prior to the premises being opened to the public.
- PS21 Lighting  
In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be sufficient (107 lux or more) to enable people to move about safely.
- PS22 Automatic emergency lighting, powered by an independent source, shall be provided. Any emergency lighting batteries shall be fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.
- PS23 Curtains, hangings, decorations and upholstery  
No curtain, temporary decoration or item of a similar description shall obstruct any exit.

- PS24 Capacity limits  
The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.
- PS25 The capacity limit for the premises shall be: 100 ???
- PS26 Access for emergency vehicles  
Access for emergency vehicles is kept clear and free from obstruction.
- PS27 Indoor sports entertainments  
An appropriately qualified medical practitioner who is registered with the General Medical Council (GMC) shall be present throughout any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- PS28 A medicinal supply of oxygen shall be immediately available on site and located close to ring.
- PS29 Any ring shall be supplied by a company whose business involves the construction of the same. Such business shall be registered at Companies House. A sign off certificate shall be used prior to its first use to state that the ring has been constructed in accordance with the manufactures instructions. The certificate shall be made available on demand to the police or an authorised person (as defined by Section 13 of the Licensing Act 2003).
- PS31 At any wrestling/boxing or other entertainments of a similar nature, members of the public shall not be seated within 2.5 metres of the ring.

### **Prevention of Public Nuisance**

- PN1 All windows will be kept shut after ???? hours.
- PN2 Noise or vibration shall not emanate from the premises so as to cause a nuisance.
- PN3 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.
- PN4 All doors and windows at the premises shall be kept closed after XXXXX until the termination of licensable activities, except during immediate access and egress.
- PN5 Live or Recorded music shall be restricted to the area marked on the premises plan
- PN6 Any speaker within the premises shall be directed away from any residential property

- PN7 Acoustic curtains shall be installed over all windows/doors and kept closed during times that the premises provide regulated entertainment
- PN8 All external doors shall be fitted with rubber seals to prevent noise breakout
- PN9 'Noise' from the premises must not be 'audible or discernable' 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 discernable' -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'.
- PN10 Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least xxxxx hour/minutes to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.
- PN11 Any musical amplification system/equipment located at the premises, prior to use, shall be wired through a sound limiting device located in a separate and remote lockable cabinet. The level shall be pre-set by a responsible person in charge of the premises to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured. The keys securing the noise limiter cabinet shall be held by the premises licence holder or authorised (in writing) manager only, and shall not be accessed by any other person.
- PN12 Loudspeakers shall not be located in the entrance lobby or external to any part of the premises.
- PN13 Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
- PN14 Outside tables and chairs shall be rendered unusable by 23.00 each day.
- PN15 Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- PN16 Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.
- PN17 The use of explosives, pyrotechnics and fireworks of a similar nature shall not be used at the premises without written notification to the Licensing Authority.
- PN18 No waste such as bottles or refuse shall be placed outside the premises between xxxx hours and the end of licensable activities.

- Noxious smells
- PN19 No noxious smell emanating from the premises shall cause a nuisance to nearby properties.
- Light pollution
- PN20 Lighting outside premises including flashing lights shall not cause a nuisance to nearby properties, unless written consent has been obtained from the police to the effect that such lighting is necessary to promote the crime prevention objective.
- PN21 Recorded music volume shall not exceed LAeq 90 (5 min) 40 dba during the wind down period.
- PN22 The courtyard/garden shall not be used after 23:00 hours.
- PN23 No external area at the premises shall be used after 23:00 hours.
- PN24 The premises licence holder, or DPS, or nominated responsible person (in writing) shall ensure that noise and vibration does not emanate from the premises so as to cause a nuisance to any person residing in premises situated at .....

**Protection of Children**

- PCH1 No person under the age of 18 shall be permitted on the premises unless dining and accompanied by an adult aged 21 or over.
- PCH2 The premises shall operate a Challenge 21/25/30 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) 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.
- PCH3 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).
- PCH4 No person under the age of 18 years shall be permitted to be on the premises other than a member of staff employed at the premises or a child of the premises licence holder or DPS.
- PCH5 No person under the age of 18 years shall be permitted to be on the premises after xxxxx hour other than a member of staff employed at the premises or a child of the premises licence holder or DPS
- PCH6 No person under the age of 18 years shall be permitted on the premises when adult entertainment is provided.

PCH7 No person under the age of 18 shall be permitted on the premises during the time that any drinks promotion is in place.

## **LARGE SCALE OUTSIDE EVENTS**

### **GENERAL**

1. The Premises Licence only permits one event per year ('the Festival') to take place on the premises.
2. The dates of the Festival will be notified to the Safety Advisory Group at least six months prior to the Festival or such lesser period as is agreed by the Safety Advisory Group.
3. The Festival will take place over the first or second weekend in August each year subject to unforeseen circumstances (force majeure). In the case of force majeure, dates between XXXXXXXXXXXXXXXXXXXX must be agreed with the Safety Advisory Group.
4. 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.
5. 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.
6. The name and contact details of the Premises Licence Holder's deputy(s) will be provided to the Safety Advisory Group in writing no later than 7 days prior to the festival each year.
7. 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.
8. 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.
9. The names and contact details of the personal licence holders will be provided to the Safety Advisory Group no later than 7 days prior to the festival each year.
10. The draft of the Event Management Plan (EMP) will be produced 3 months prior to the first day of the Festival each year and will be submitted to the Licensing Authority and all the members of the Safety Advisory Group (SAG). Following consultation with the SAG, the Licensing Authority shall notify the premises licence holder in writing that the draft EMP is acceptable or unacceptable within one calendar month of receipt. Where notification is not received the draft EMP shall be deemed by the Premise Licence Holder to be agreed. The festival shall not take place until the draft Event Management Plan has been agreed by the Licensing Authority in consultation

with the SAG. Once agreed no change shall be made to the draft EMP without the agreement of the Licensing Authority.

11. The final EMP will be submitted to the Licensing Authority and all the Safety Advisory Group at least 14 days prior to the first day of the Festival each year. No further changes shall take place to this document without the agreement of the SAG.
12. Each year, an EMP and updates must be provided to the Safety Advisory Group at the same time as they are provided to the responsible authorities and Licensing Authority. The EMP will be a working document providing details of how the Festival 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)
  - Transport
  - 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
13. Each year the Festival must take place in accordance with the Final agreed EMP produced for the Festival following approval by the Licensing Authority.
14. Prior to each Festival a Table Top Exercise shall take place involving the Premises Licence Holder or nominated deputy together with staff nominated by him and the Safety Advisory Group. Such exercise shall take place within the two weeks prior to the first day of the Festival or a greater period if agreed by the Safety Advisor Group.

#### **THE PREVENTION OF CRIME AND DISORDER**

15. The Premises Licence Holder or nominated representative (in writing) will meet with the on duty operational commander at least once a day during the Festival each year.



16. XXXXXX and the Premises Licence Holder will agree 28 days prior to the first day of the Festival all issues they required to be reported immediately to them during the duration of the event. This agreement will be provided to the Licensing Authority at least 14 days prior to the first day of the Festival
17. A special policing services request will be made by the Premises Licence Holder to XXXXXX Police, this will be submitted at least 3 months prior to the first day of the Festival. From 2012 and subsequent years, this request will be submitted at least 5 months prior to the first day of the Festival.

#### Security and Stewards

18. A Security Control will be provided on site which will house the CCTV cameras and operator.

#### Numbers of Personnel

19. A written schedule shall be provided, 3 months prior to the start of the event, of the number and position of SIA Security personnel to be employed on site by hour of day, during the period the premises is licensed for licensable activities. Such schedule must be agreed by the event operational commander of West Mercia Police at least 14 days prior to the first day of the festival
20. A written schedule shall be provided, 3 months prior to the start of the event. of the number and position of personnel to be employed as Stewards on site by hour of day during the period the premises is licensed for licensable activities Such schedule must be agreed by the event operational commander of West Mercia Police at least 14 days prior to the first day of the festival.
21. 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. The register shall be made available on demand for inspection by Police, Licensing Authority or an authorised officer of the Security Industries Authority.

#### CCTV

22. 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, external perimeter fire exits (if not staffed by stewards or SIA staff) and public camping areas.

Additionally the Premises Licence Holder will have in place at least one SIA door staff member who will wear and operate 'body worn video' camera or a hand held digital recording camera. They will be located as a default at each licensed bar area during licensable hours where static cameras do not provide cover. They will have the capacity to deploy to any incidents at other locations where required, but must return to their default position afterwards. Camera operators will be trained in use of the equipment and record incidents where they feel appropriate. The only exception for use of these cameras will be in the area of the 'guest/artists' bars which have restricted and controlled access.

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 in a recordable format disc to the Police on the direction from the operational commander during the duration of the event or from any other member of West Mercia Police post event or the Local Authority on demand.

The Recording equipment and 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.

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 0300 333 3000 immediately.

23. Representatives of all security and steward firms will meet with the Security Co-ordinator on site at least once daily throughout the Festival.
24. No person under the age of 18 years will be employed as stewarding personnel.
25. No person under the age of 21 years will be employed as SIA badged staff.
26. No security staff or stewards are to consume or be under the influence of alcohol or drugs whilst working. They shall be fit to carry out the duties required of them.

#### Security Uniforms and Security Logs

27. All security and stewarding personnel will be readily identifiable by means of a tabard bearing a job title and a conspicuous unique personal identification number. This identification number will be displayed prominently on the front and rear and will be at least 30mm high and the width of the written number shall be at least 10 mm.
28. The details of the uniform(s) to be worn by the security and stewarding personnel will be provided 3 months prior to the first day of the Festival and approval of XXXXXX Police be given within 14 days of receiving the information.
29. No person shall perform the role of stewarding personnel without wearing a tabard.
30. 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.
31. XXXXX Police will be informed of onsite security and steward briefings and may attend if they wish.

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) or Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons

- (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (h) any visit by a relevant authority or emergency service
32. Secure and safe systems are to be in place for the storage of items seized. These systems are to include secure methods of storing any drugs or weapons seized or found and procedures for handing the items over to the responsible authority where required. In addition records of seizure are to be kept in the incident book and made available to the Licensing Authority on demand or to the police on authority of the operational commander during the duration of the event or to any authorised person of West Mercia Police post event
  33. A Traffic Management Plan (TMP) will be drawn up for the Festival each year and will be provided to relevant agencies no later than 28 days prior to the festival. Such plan shall be agreed by the Safety Advisory Group. The TMP will cover all aspects of vehicle and pedestrian access to and egress from the site during the 'load in and load out as well as for the Festival itself. The TMP will include arrangements for vehicle routes, emergency service routes, public transport, shuttle buses, taxis, pedestrian issues, a dispersal policy, car parking and a traffic signage plan. In addition it will ensure that sufficient trained marshals are available for the management of public transport (for hire or reward) on site and in particular private hire or licensed taxis.

## THE PREVENTION OF PUBLIC NUISANCE

### Noise

34. A Noise Management strategy as approved by XXXXXX Council must be provided at least 60 days before the commencement of each Festival. The Premise Licence Holder must comply with the Noise Management Strategy.
35. The Noise Levels (NL) from the event must not exceed the following noise levels when measured in a free field position (defined as 3.5 metres from any reflecting surface other than the ground at a height of 1.2 to 1.5 metres).

#### Thursday to Sunday

Between 09:00 -00:00 (midnight)	LAeq, 5 minutes 55dB
Between 00:00 (midnight) -02:00	LAeq, 5 minutes 45dB
Between 02:00 -05:00	LAeq, 5 minutes 40dB

#### Monday

00:00 midnight -02:00	LAeq, 5 minutes 45dB
02:00 -03:00	LAeq, 5 minutes 40dB

36. In addition between 02:00 and 09:00 Thursday to Sunday and 02:00 and 03:00 on Monday 'noise' from the festival should not be 'audible or discernable' 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 discernable' -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'.
37. NLs are to be checked at the intervals as agreed within the Noise Management Strategy at the following locations:
  - XXXXXX
  - XXXXXX

- XXXXXX
- XXXXXX
- XXXXXX
- Or at any other location notified by XXXXX Council to the premise licence holder or his deputy.

38. Any testing of sound equipment will not take place before 09.00hrs and will last for no more than 2 hours on anyone day.
39. The main stage shall cease all licensable activities at midnight on Sunday night / Monday morning.
40. The Noise Consultant shall be available for daily meetings with EHO Officers from XXXXXX Council.
41. 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 XXXXX Council.
42. A noise hotline will be installed and publicised so that local residents can report any noise issues directly to the Festival. All calls will be logged by time, location and contact number and address will be requested. The log will be kept in the Licensing Compliance Office.
43. All calls to the hotline regarding noise will be reported immediately to the on duty representative from the local authority. The log will be available at all times for inspection in the Licence Compliance Office. The noise hotline number will be operational throughout the hours of regulated entertainment.

**Liaison with Local Residents and Local Businesses**

44. The premise licence holder or his deputy will communicate with the local Parish Councils of XXXXXX, XXXXXX and XXXXXX (and any other parish council added by the Licensing Authority and notified to the premise licence holder in writing) at least 2 months prior to the start of the festival and within 2 months of the last day of the festival.
45. Within 3 months of the last day of the festival the premises licence holder shall hold a public meeting to allow members of the public to discuss that year's event. Such meetings shall be notified to the Licensing Officer for XXXXXX Council and the following Parish / Town Council XXXXX, XXXXXX, XXXXX and XXXXX and will be forwarded to any person who has made a complaint to the premises licence holder's noise hotline, police or local authority in relation to noise.

**PUBLIC SAFETY**

**Event Safety Coordinator**

46. The Premises Licence Holder will appoint an Event Safety Co-ordinator who will be able to authorise and supervise safety measures.
47. The Event Safety Co-ordinator 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.

48. The name and contact details of the Event Safety Co-ordinator will be supplied via the Safety Advisory Group no later than 14 days prior to the start of each Festival.

Responsible Authorities Office

49. The premises Licence Holder will provide a portacabin where one person from each of the Responsible Authorities will be offered a place to maintain a presence on the Licensed Premises.

50. Electrical wiring and distribution systems

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.

51. 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

52. 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.

53. A copy of each safety sign off certificate shall be kept at the Licence Compliance Office and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police.

54. The maximum permitted numbers in each enclosed structure where regulated entertainment activities are to be provided will be submitted and agreed by the Responsible Authorities prior to the commencement of each Festival.

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

56. 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.

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.

57. Special Effects

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

58. 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

59. Sanitation Management Strategy will be provided to the satisfaction of XXXXX Council's Environmental and Trading Standards Service at least 60 days prior to commencement of each Festival. Once agreed, the strategy will be implemented throughout the Festival.

Water

60. A Water Management Strategy for the provision of drinking water will be provided to the satisfaction of XXXXX Council's Environmental and Trading Standards Service at least 60 days prior to commencement of each Festival. Once agreed, the strategy will be followed throughout the Festival. No significant changes will be made without consultation with XXXXXXXX Council.

**THE PROTECTION OF CHILDREN FROM HARM**

Under 16s

61. 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.

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

Criminal Records Bureau (CRB) Check

63. Any personnel whose role involves the looking after of children or vulnerable adults shall have a current enhanced CRB (dated within the 9 month period proceeding the first day of the Festival).

64. No person shall be involved in this role unless the enhanced CRB shows 'None Recorded' against the following categories:

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

65. The name, date of birth and address together with a copy of the enhanced CRB shall supplied to the Licensing Authority 2 weeks prior to the first day of the festival.

#### Lost Children Policy

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

#### Age Verification

67. 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 or 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.
68. In conjunction with point (67) 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.
69. Bar staff must ask for proof of age ID whenever the customer appears to be under 18. If there is any doubt as to the age of the customer they will be refused service.
70. 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.
71. A register of refusals will be kept by each bar with the names of people who have been unable to provide required Identification to prove their age. These records will be collected in a daily basis by the Designated Premises Supervisor and made available to the Licensing Authority on request.
72. The Designated Premises Supervisor will brief bar security staff in the arena and the campsites 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.
73. No bar servers will be under 18.
74. 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.
75. Any underage persons who are found arriving at or on the Licensed Premises with alcohol will have the alcohol confiscated by security.
76. A selection of soft drinks will be available to buy, along with an ample supply of free drinking water at clearly signed locations throughout the Licensed Premises.
77. Each bar will be run by a bar manager and this person under the direction of the Designated Premises Supervisor will be fully in control of the sale of alcohol from that bar.
78. 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.

**THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)**

**PREMISES USED FOR CLOSELY SEATED AUDIENCES**

**Attendants**

- a. The number of attendants on each floor in a closely seated auditorium shall be as set out on the table below:

<b>Members of Public</b>	<b>Minimum number of attendants required to present on each floor</b>
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 – 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- b. Attendants shall not be engaged in any duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.
- c. Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which shall be available at the premises and shall be shown to any 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on request.

- d. No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- e. A copy of any certificate relating to the design construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person (as defined by Section 13 of Licensing Act 2003).

**Seating**

- f. Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

**Standing and sitting in gangways etc**

- h. Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.



i Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

- j In no circumstances shall anyone be permitted to-
- sit in any gangway;
  - stand or sit in front of any exit; or
  - stand or sit on any staircase including any landings.

**Drinks**

k No drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

**Balcony Fronts**

l Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

**Special effects**

m Any special effects or mechanical installation shall be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;
- explosives and highly flammable substances.

n The premises licence holder or DPS shall notify the Licensing Authority in writing prior to the use of any 'Special Effects'

**Ceilings**

O All ceilings in those parts of the premises to which the audience are admitted shall be inspected by a suitably qualified person who will certify that such are safe and decide when a further inspection is necessary. The certificate shall be forwarded to the licensing authority with 2 weeks of issue.

**PREMISES USED FOR FILM EXHIBITIONS**

**l. Attendants – premises without a staff alerting system**

Number of members of the audience	Minimum number of attendants required to present on a floor be present on that floor
1 – 150	One
150 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	

**Attendants – premises with a staff alerting system**

Number of members of the audience	Minimum number of attendants	Minimum number of other staff on the
-----------------------------------	------------------------------	--------------------------------------

	<b>required to be on duty</b>	<b>premises who are available to assist in the event of an emergency</b>
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 premises	Five plus one for every 500 (or part thereof) persons over 2000 premises

- II. An attendant shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
  - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or
  - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.
- III. Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- IV. The staff alerting system shall be maintained in working order.

**Minimum lighting**

- V. The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

- If adult entertainment or services of any description (whether licensable or not) are to be provided at the premises, full details must be given
- The steps the applicant proposes to promote the Licensing Objectives.
- The applicant will be expected to undertake a thorough risk assessment with regard to each of the licensing objectives when preparing their applications and specify the steps that they will take to promote the licensing objectives.

**8.4** Applicants are recommended to acquaint themselves with:

- The contents of this Policy dealing with the four licensing objectives
- The Guidance issued by the Guidance issued by the Home Office under section 182 of the Act and the other guidance available on Government websites
- **Herefordshire Council 'Pool of model conditions'**

**8.5** The Licensing Authority will expect Operating Schedules to satisfactorily address the issues of the licensing objectives, from the design of the premises through to the daily operation of the business.

**8.6** Particular consideration will be given to the following:

- Safety arrangements e.g. premises must be constructed or adapted in such a way that they are safe and appropriate, have a safe capacity assessment etc.
- The steps that will be taken to prevent the under age sale of alcohol
- The steps the applicant has taken or proposes to take to prevent public nuisance. Such steps may include the management of customers' behaviour, installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- What measures will be taken to prevent disorder and nuisance and to also secure public safety e.g. the use of CCTV, the employment

of registered door supervisors, means of access/exit, types of drinking utensils used such as glass, plastic, no bottles etc.

- The measures proposed to prevent the consumption or supply of illegal drugs, possession of offensive weapons including any search procedures and entry policies.
- The likelihood of any public disorder, violence or other alcohol related crime arising if a licence were to be granted.

### **8.7 Variations to existing Premises Licences**

The holder of an existing Premises licence may apply for a variation of the licence (e.g. to change the licensed hours or activities) under either section 34 of the Act ('full variations') or in the case of 'minor' variations under section 41A of the Act. For a 'full' variation the applicant is expected to complete the application form with the steps they intend to take to promote the licensing objectives.

**8.8** The Licensing Authority expects an applicant for a variation to look at the current conditions attached to their premises licence to establish whether the licence is still fit for purpose. Any conditions on the existing licence should meet the following and are:

- necessary for the promotion of the licensing objectives
- enforceable
- unequivocal/unambiguous
- proportionate and
- do not duplicate other statutory provisions

**8.9** Where they do not meet these criteria the applicant is expected to offer conditions which do. A model pool of conditions can be found on our website at <http://www.herefordshire.gov.uk/docs/Conditions.doc>

### **8.10 Designated Premises Supervisor**

Where a premises sells alcohol, a Personal Licence holder will be identified in the Premises Licence as the Designated Premises Supervisor for the premises. This is to ensure that there is always one

*Section 11: Summary*

*This section explains about the mandatory conditions and the power to attach further conditions.*

## **11 CONDITIONS ON PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

**11.1** The Act sets out mandatory conditions that are applicable to Premises Licences and Club Premises Certificates according to the activities that they are authorised for.

**11.2** The Licensing Authority may impose additional conditions as a result of representations against a licence. Each case will be on its own merits, and any additional conditions will be appropriate to the nature of the activities and hours applied for and shall reflect the four licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. When no representations have been received against an application, the Licensing Authority reserves the right to convert the steps that an applicant has put into their application into licence conditions whenever such conditions are appropriate to the licensing objectives. **The Licensing Authority will normally take these from their model pool of conditions which can be found on our website (<http://www.herefordshire.gov.uk/docs/Conditions.doc>).**

**11.3** The additional conditions that may be attached to licences and certificates upon consideration of relevant representations will be tailored to the individual circumstances and characteristics of the premises and events concerned to meet the licensing objectives. For example, conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels.

**11.4** Apart from being able to impose additional conditions, the Licensing Authority has the power to refuse applications in their entirety.





<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>5 JULY 2011</b>
<b>TITLE OF REPORT:</b>	<b>UPDATE ON ACTIVITY OF COMMUNITY PROTECTION TEAM</b>
<b>PORTFOLIO:</b>	<b>ASSISTANT DIRECTOR (HIGHWAYS, TRANSPORT &amp; COMMUNITY SERVICES)</b>

**CLASSIFICATION:** Open

## **Wards Affected**

Countywide

## **Purpose**

To provide an update on the main activities of the Community Protection Team for the period April to May 2011.

## **Summary of Key Activities**

### **1. Fly-tipping**

The team investigated 123 fly-tips in this period. A number of these have resulted in suspects being identified and are subject to ongoing enquiries. The number of reported fly-tips represents a general downward trend which is encouraging.

22 Duty of Care inspections were carried out during this period, designed to ensure that producers of waste have appropriate arrangements in place for its correct disposal.

Three evidential files involving a total of five defendants have been submitted. It is anticipated that one defendant will be prosecuted in respect of a fly-tip at Wellington, Hereford, and four defendants will be cautioned. The outcome of the prosecution will be reported to the next meeting.

Three Fixed Penalty Notices were issued for failing to produce waste transfer notes.

### **2. Litter**

The team dealt with 69 litter related incidents.

Two defendants appeared at court during this period. Both had been issued Fixed Penalty Notices for littering and had failed to pay them. On 8<sup>th</sup> April Danny PRICE was convicted in his absence and fined £100 with £50 costs. On 20<sup>th</sup> May Hannah GOULD

For further information please contact  
Shane Hancock, Regulatory Services Manager on 01432 261752

was convicted and given Conditional Discharge.

8 Fixed Penalty Notices were issued for dropping and leaving litter. One person received written advice for littering from a vehicle, and one file recommending a prosecution for an aggravated littering offence over a number of years was submitted. The outcome of the prosecution will be reported to the next meeting.

The 'No Butts – It's Litter' campaign was run in partnership with Amey and Safer Herefordshire between 30<sup>th</sup> March and 6<sup>th</sup> May. This was aimed at educating people as to the appropriate disposal of cigarette butts, one of the most difficult and costly forms of litter to clear. Events were held in Hereford and each of the market towns with over 700 people engaged with and given a 'stubbie' (portable ashtray). The event gained very positive media coverage and Safer Herefordshire is sharing our good practice with at least with at least one other authority who contacted them after hearing of the campaign.

### **3. Fly-posting**

11 incidents of fly-posting were dealt with resulting in advice being given and the removal of the 'offending' poster(s) where appropriate.

### **4. Abandoned vehicles**

A total of 20 reports were received about abandoned vehicles. 19 of these were resolved without the need for formal action. One vehicle was seized and subsequently returned to the owner after appropriate costs were paid.

### **5. Dog Control**

91 stray dogs were seized during this period with almost three-quarters being returned to their owner upon payment of costs.

2 Fixed Penalty Notices were issued in respect of dog fouling offences.

A 'responsible dog owner' course run by the Dog Wardens concluded in Leominster on 10<sup>th</sup> June, with courses starting in Ross on 15<sup>th</sup> June and in Hereford and 16<sup>th</sup> June. These courses, initiated last year and very popular, aim to impact in a positive way on the number of stray dogs and dog control in general.

### **6. Intelligence-led patrols**

The team carried out 215 intelligence-led patrols around littering and dog-fouling issues specifically.





<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>5 JULY 2011</b>
<b>TITLE OF REPORT:</b>	<b>REPORT ON REGULATORY ACTIVITY OF ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS</b>
<b>PORTFOLIO:</b>	<b>ASSISTANT DIRECTOR (ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS )</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To note the main regulatory activities of Environmental Health & Trading Standards service for the period April – May 2011 for the following service areas:

- i. Environmental Protection Team,
- ii. Licensing Team,
- iii. Air, Land & Water Team,
- iv. Gypsy Traveller Team

### **LICENSING TEAM**

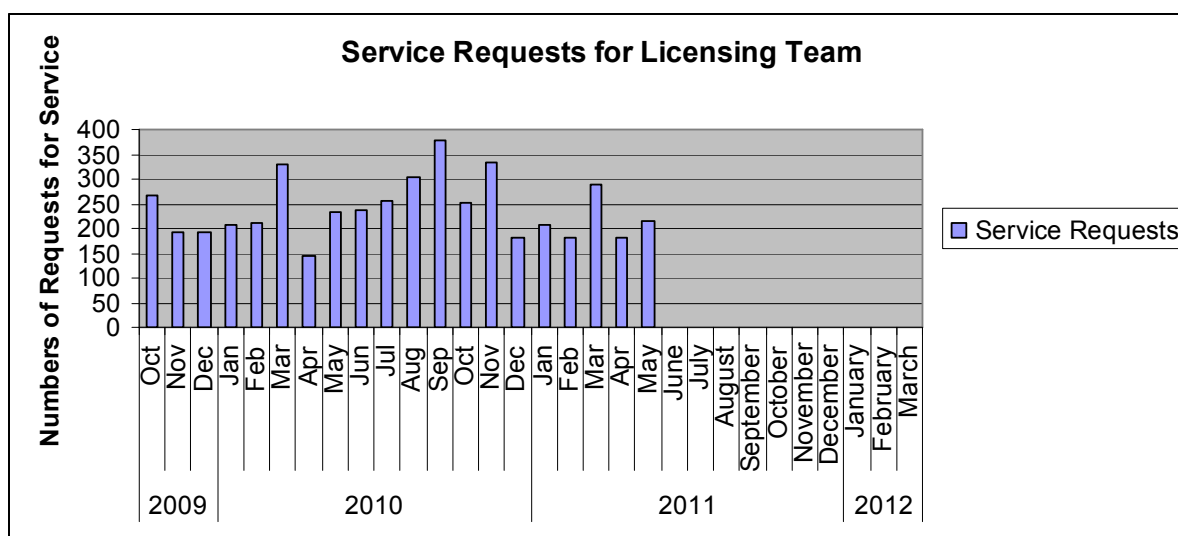
The Licensing Team encompasses key areas such as:-

- Taxi Licensing
  - Licensing Act (pubs and clubs and events)
  - General Licensing (animal boarding, street collections etc)
  - Gambling Act Licensing
1. During the period April - May 2011 the Officers' Taxi Panel has met once on 12<sup>th</sup> April.
  2. During the period April - May 2011 the following matters were referred to committee by the Licensing Team:

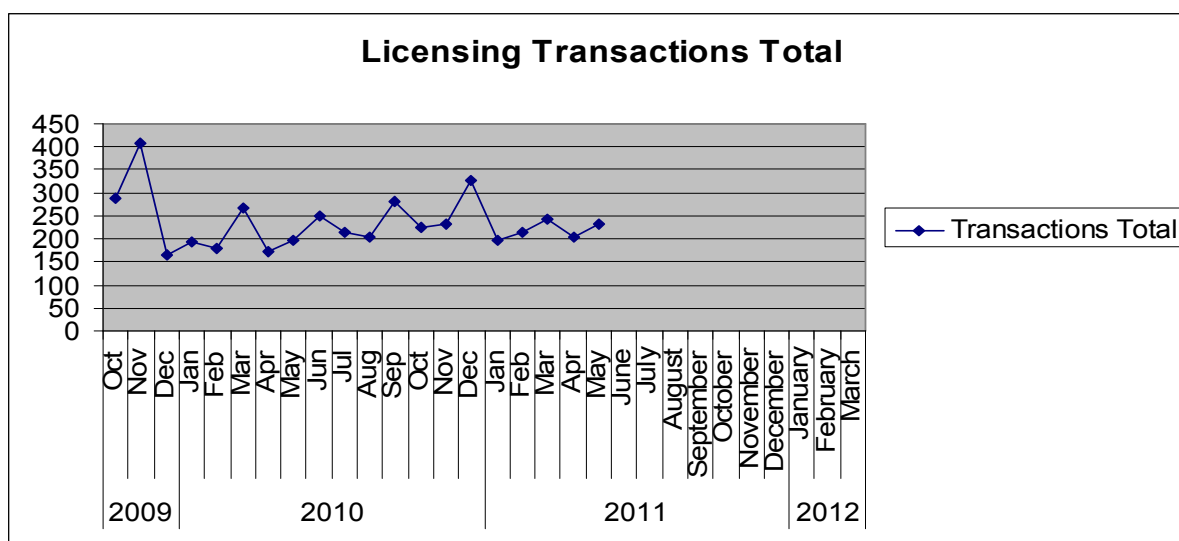
For further information please contact  
Marc Willimont, Regulatory Services Manager on 01432 261986

2010/11	Reviews held by Sub Committees
April	20 <sup>th</sup> April – Big Chill Hearing 26 <sup>th</sup> April – Malhurst Northside Service Station, Hope under Dinmore 26 <sup>th</sup> April – Dukes head, Leominster – gaming machines 26 <sup>th</sup> April – Suspension of a taxi driver
May	13 <sup>th</sup> May – Prince of Wales, Ledbury 13 <sup>th</sup> May – The Bell Inn, Leominster 13 <sup>th</sup> May – The Man of Ross Public house, Ross-on-Wye 25 <sup>th</sup> and 31 <sup>st</sup> May – Randuni Restaurant, Ledbury – expedited review

3. In addition to the above review work, the Licensing Team deals with many enquiries and complaints from the public. In 2010/11 there were 2997 service requests and by the end of May in 2011 there have so far been 397 service requests, comparing to 378 for this same period last year, therefore work rates remain high. The workloads and trends are shown in the graph below.



4. In 2010/11 there were 2732 licensing transactions (granting of licences and variations etc). By the end of May 2011, we have had 437 transactions comparing to 364 for this same period last year, therefore transaction totals seem to be increasing. The workloads and trends are shown in the graph below.



#### Night Time Enforcement Work

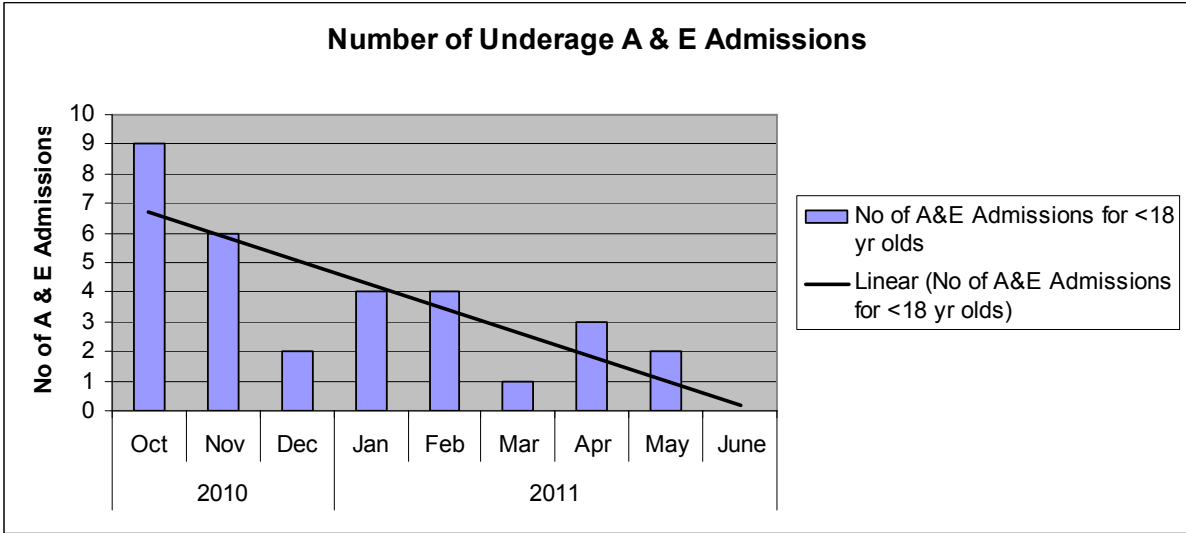
- The Licensing Team are currently undertaking night time joint enforcement inspections with the police. The first operation is code named 'Verify' and relates to the procedures used by the city's pubs and clubs to challenge underage entry and sales of alcohol. The second operation is called operation "Hansom" whereby the Council's licensing officers and police are checking taxis and challenging taxi drivers who are not using the city's taxi ranks legally.

#### Festivals and Regulatory Work

- A number of festivals during the summer months will require extra regulatory effort in order to ensure compliance. The Big Chill is currently being planned with regular Safety Advisory Group meetings (SAGs). On 20<sup>th</sup> April 2011, the licensing team prepared and presented two reports for a committee hearing where the residents challenged the Big Chill licence in relation to its noise conditions.

#### Underage Test purchases

- The Licensing Team worked closely with the police and the Trading Standards Team in the continuation of covert underage test purchase of alcohol in licensed premises.
- The results of this operation imply that there has been a marked improvement, as initially in 2010 the fail rate was as high as 40%, whereas the most recent levels are now as low as 5% or less.
- Although this may be in part due to the licensed trade better detecting covert operations, it is probable that the door staff at the pubs and clubs have markedly improved their challenge of the under-aged, particularly for those pubs that have had their licences reviewed as a consequence. This could be the reason why A & E admissions of the under-aged have significantly fallen since the operations started in December 2010. This is demonstrated in the graph below which uses A & E alcohol related admission data to monitor the number of people under 18 who have sought medical attention from the hospital, typically on Friday and Saturday nights.

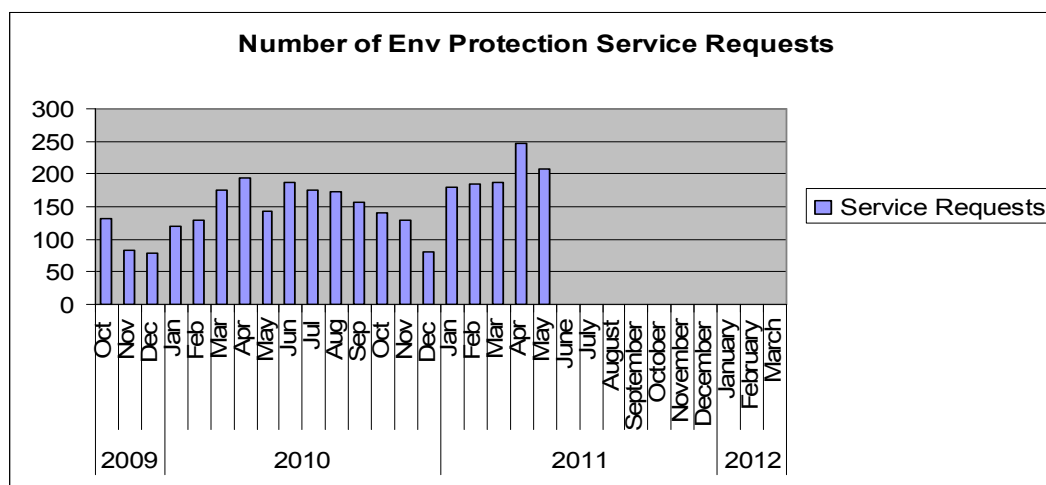


## ENVIRONMENTAL PROTECTION TEAM

The Environmental Protection Team encompasses key areas such as:-

- **Noise nuisance** – investigation and service of abatement notices
- **Other nuisances** – e.g. odour, dust, smoke etc
- **High Hedge complaints**
- **Burial of deceased without means**
- **Smoke offences** – e.g. Clean Air Act and dark smoke offences
- **Drainage** – clearance of drains and sewers and broken septic tanks
- **Public Health** – clearance of land or housing with rats, mice or rubbish
- **Planning Consultations**
- **Licensing Consultations**

10. In the calendar year of 2010/11 there were 1932 service requests in total.
11. During the period April - May 2011 there have so far been 455 service requests compared to 338 for the same period last year, therefore workloads have increased.
12. The graph below helps show the seasonality and long term trend compared to the previous year.



13. 172 of the 455 service requests relate to noise which equates to about 38%. This compares to 51% last year, implying that noise is slightly less of a problem so far this year. The team ran a “Noise Action Week” initiative in May 2011, which might have affected this data.
14. During the period April - May 2011 the team has responded to 59 planning consultations and 23 licensing consultations.

## **AIR, LAND & WATER TEAM (SPECIALIST POLLUTION)**

The Air, Land & Water Team encompasses key areas such as:-

- **Closed landfill site management** – monitoring and project managing engineering works etc.
- **Contaminated land** – responses on planning applications and investigations
- **Private and mains water supply** monitoring and regulation
- **Industrial pollution control** – issuing of environmental permits for large factories
- **Air Quality** – monitoring and assessment of air quality across the county
- **Seagulls** – managing the contract for egg and nest removal

Although much of this team's remit is not enforcement based, during May 2011 the following regulatory work was undertaken by this team:

15. During May 2011 there were 17 planning Consultations undertaken for potential contamination.
16. There were 249 landfill monitoring events undertaken, meaning 38.4% of the monitoring programme was achieved. (This reduction was due to work involved with the drilling contract at Stretton Sugwas).
17. There were 95 PWS samples were taken and 4 notices were served.
18. There were 27 PWS risk assessments were programmed and 17 were completed.
19. The seagull control programme was started in April and will continue until the end of August 2011. The contractors report on the number of eggs taken and nests removed and this data implies that the actions taken are still having a marked effect on the colonies in Hereford. This year, industry and business are contributing to the cost of running this service. BBC Hereford & Worcester have featured this service.

## **GYPSY & TRAVELLER TEAM**

Although much of this team's remit is the management of the six council owned gypsy & traveller sites across the county, during the period April May 2011 there were 8 illegal encampments moved on from council owned land by this team.

**ENVIRONMENTAL HEALTH AND TRADING STANDARDS**  
**TRADING STANDARDS, ENVIRONMENTAL HEALTH COMMERCIAL ANIMAL HEALTH & WELFARE and PEST CONTROL TEAMS**  
**HIGHLIGHTS & ACTIONS - 1<sup>st</sup> QUARTER APR – JUNE 2011**

**ENFORCEMENT ACTIONS**

<b>TS</b>	<b>Name</b>	<b>Defendants Trade</b>	<b>Nature of Offence</b>	<b>Act</b>	<b>No of Charges</b>	<b>Plea</b>	<b>Result</b>	<b>Costs Awarded</b>	<b>Remarks</b>
	John Henry King & Nathan King Out of County	Itinerant traders – property repairs	'cold calling' - failing to give cancellation rights, aggressive practices, false representation	Consumer Protection from Unfair Trading Regulations 2008 (CPR's)	3	Guilty	Guilty (£500 fine x 2) £1000 total  Herefordshire Crown Court	£1000	Static park home in Bromyard. Victims were an 85 year old widow and a late 60's single occupant
	Neill Winney & Daniel Wyatt T/a TP Leisure. Peterstow Hfds	Caravan sales through E-Bay	Fraud and Misdescribed & unroadworthy caravans	Fraud Act 2006 & CPR's	4	Guilty	Awaiting sentence Herefordshire Crown Court		Caravan insurance write offs, badly repaired and resold with false descriptions for £000's over true market value. Impact across the country as far as Scotland. Business transactions exceeding 100,000's . Proceeds' of crime investigation underway.

## INTERVENTIONS

TS				
Static Park Home Lea Ross-on-Wye	William King Itinerant trader from out of county – property repairs	Cold Called a static park home at Lea near Ross on Wye. Engaged in aggressive practices by undertaking unnecessary work immediately, typically single elderly occupants. Charging extortionate amounts for the work. Rapid intervention by trading standards team which resulted in saving £14,000 for vulnerable consumers.	June	
82 year old single female Hereford	Cold called at home by Itinerant trader	Intervention by trading standards and police resulted in trader being arrested and interviewed – consumer saved £300. Subject to further investigation and probable prosecution report.	June	
EH Commercial				
Bottled water producer	Unsatisfactory sample results - excessive coliforms found	Voluntary recall of stock following sampling and unsatisfactory bacterial analysis results. EH team have been working with the producer to eliminate cause of contamination and to improve existing control and production methods. On going monitoring and sampling to ensure product is safe and to prevent likelihood of future reoccurrence.	June	
Two separate food producers – dairy products	Unsatisfactory levels of Listeria found in dairy products cheese/ice cream	EH team have been working closely with the producers (local businesses) to identify cause and to improve production methods to prevent reoccurrence.	Apr/May	
All Butchers within county	Mail Shot	Notification letter and guidance documents regarding improvements to HACCP procedures following recommendations of the enquiry report published into E-Coli outbreak in Wales.	May	
2 separate Food Handlers – High Risk occupations	E-Coli notifications	Following notification of positive E-coli results, two food handlers were excluded from their workplace from between one – two weeks, in order to prevent cross contamination and potential spread. Both incidents have been successfully contained.	Apr/May/June	



## ACTIVITIES

Team	Total Service Requests Apr- May	In target	Out of target	Notes
Pest Control	315 [Rats 84] [Wasps 120]	301	14	Starting to see an increase in wasp notifications
Animal Health & Welfare	106	93	13	
AH & W	Reconciliations - Movement Records & Visits	In target	Out of target	
	610	609	1	

End  
Mike Pigrem  
Regulatory Services Manager  
24/06/2011





<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>5 JULY 2011</b>
<b>TITLE OF REPORT:</b>	<b>REPORT ON REGULATORY ACTIVITY OF PRIVATE SECTOR HOUSING</b>
<b>PORTFOLIO:</b>	<b>ASSISTANT DIRECTOR (HOMES AND COMMUNITIES)</b>

**CLASSIFICATION:** Open

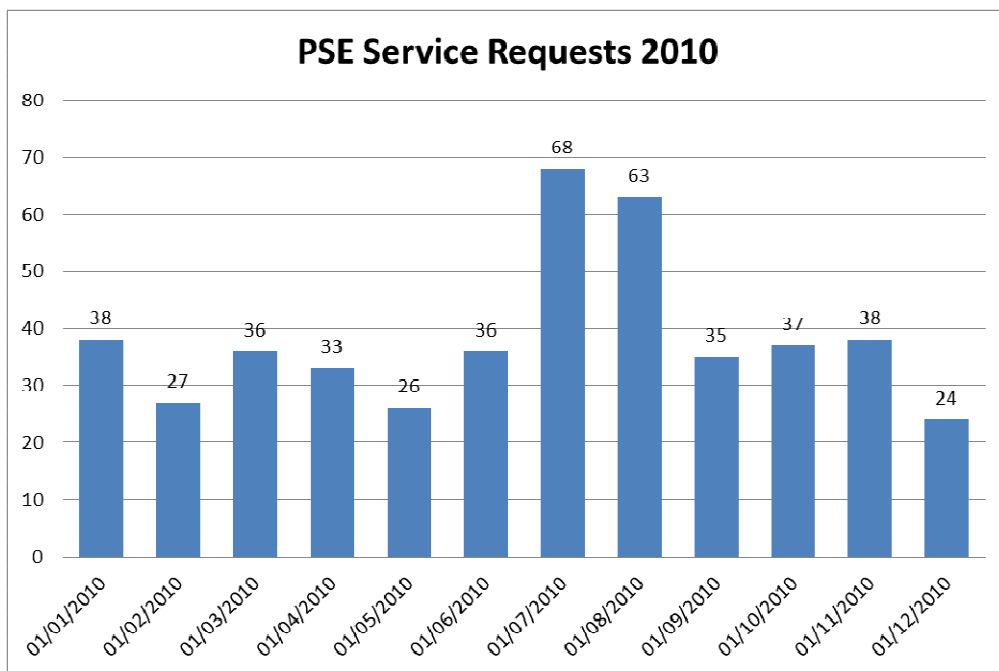
**Wards Affected**

Countywide

**Purpose**

To note the main regulatory activities of Private Sector Housing for the year 2010/11.

**SERVICE REQUESTS**

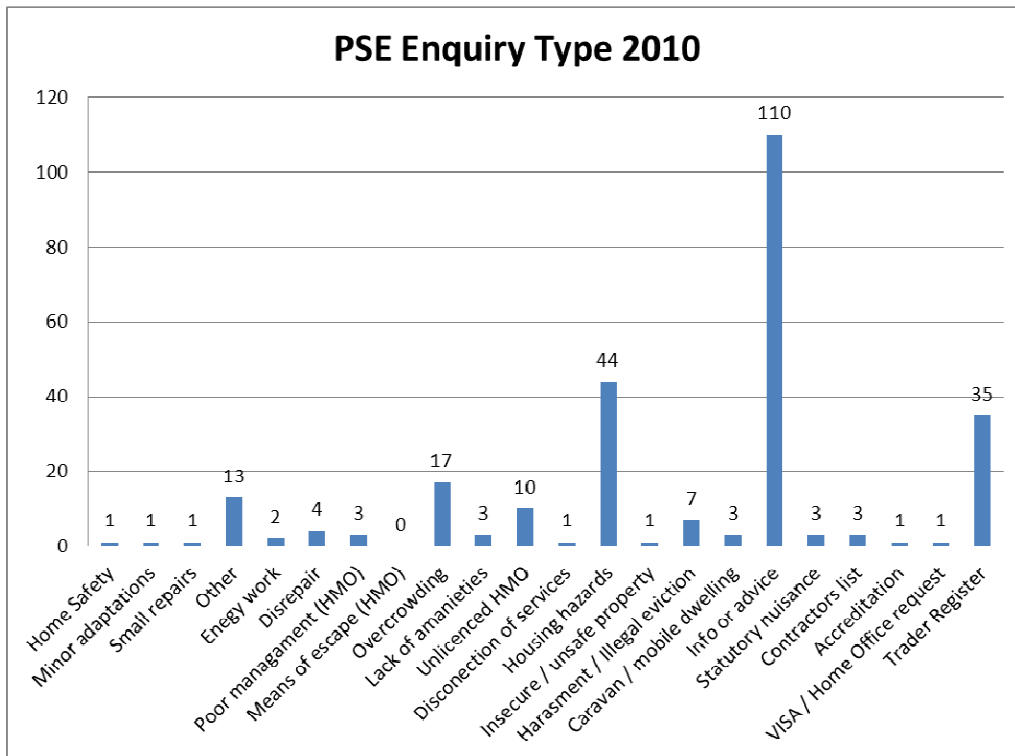


During 2010 there were 264 service requests made to Private Sector Housing Enforcement (PSE). Seasonal variation in July and August saw the majority of enquiries, with the remaining months averaging approximately 35 referrals.

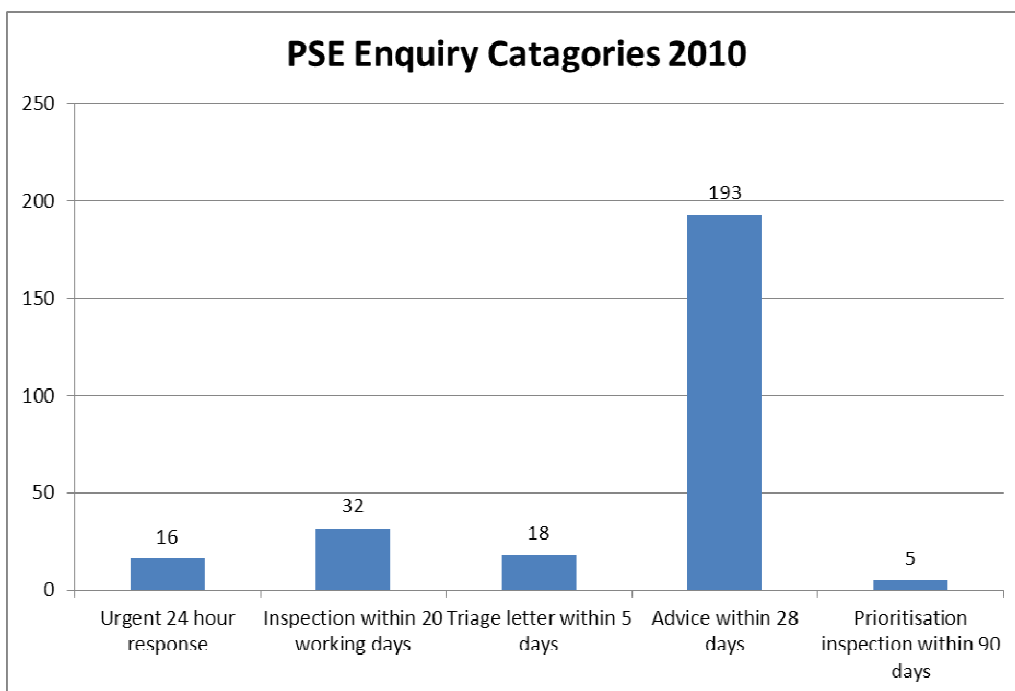
The majority of enquiries were for information and advice, followed by housing hazards and

For further information please contact  
Denise Bradley Lloyd, Private Sector Housing Manager on 01432 260276

Trader Register requests.

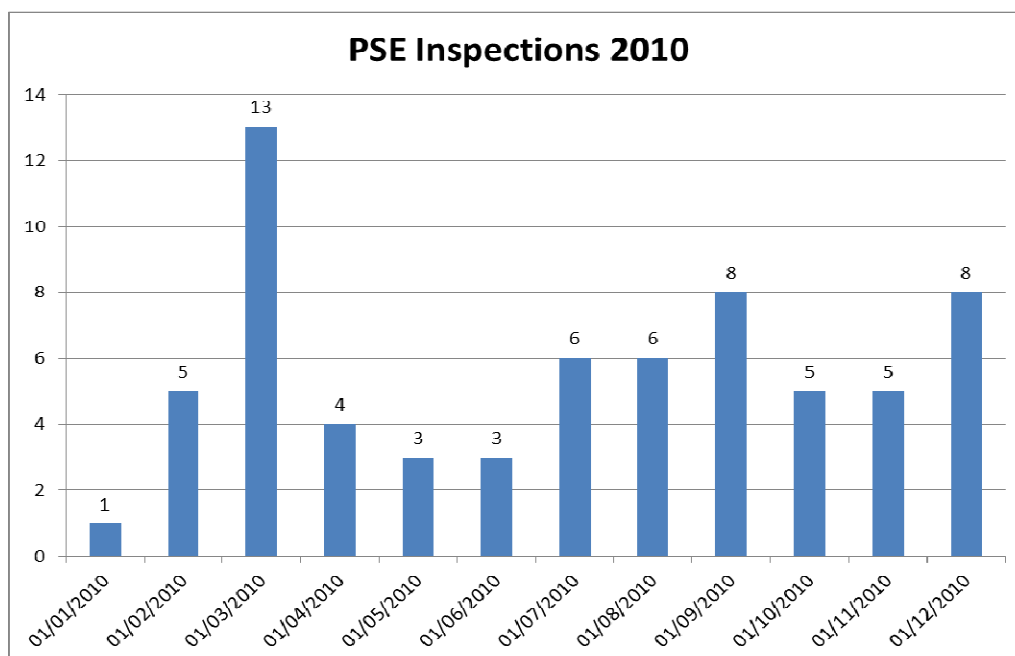


Response categories show that most enquires were handled as requests for advice within 28 days. The raw data from Civica APP does not however accurately reflect the number of other categories such as triage letters etc. as in many instances these were recorded as requests for advice. This issue was picked up during Civica APP refresher training for all Private Sector Housing staff at the end of 2010.



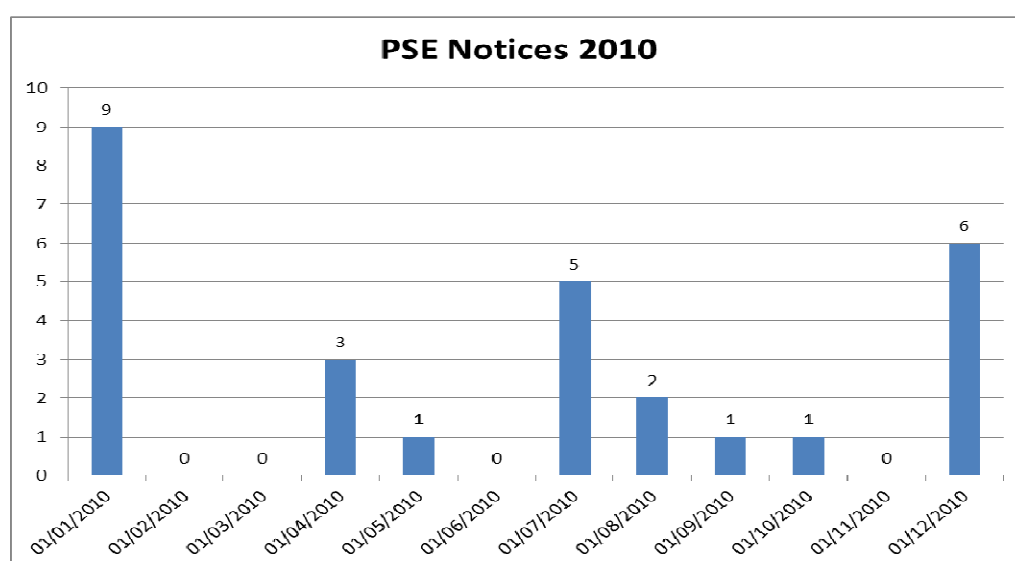
## INSPECTIONS

There were 1.5 officers within the PSE in 2010. Inspection numbers were low principally due to under recording but also due to diversion of resources to complete other projects such as prosecutions or configuration of Civica APP.



## NOTICES

A total of 28 notices were served in 2010, including improvement notices, and prohibition orders.



## **PROSECUTIONS**

### **5 Aylestone Hill, Hereford**

On Friday 20 March 2009, Mr Marc Mohan was fined £8,000 for not licensing his House in Multiple Occupation (HMO) at 5 Aylestone Hill, Hereford; this included £3,000 for failing to comply with an emergency prohibition order under the Housing Act 2004, and £2,000 for failing to do a fire risk assessment and a further £4,000 for four other fire safety offences under the Regulatory Reform (Fire Safety) Order 2005.

The court heard how housing and fire officers, after an anonymous complaint from a member of the public, found no fire safety measures installed when they inspected the four-storey house. Mr Mohan knowingly failed to licence his property with the council, and then permitted tenants (most of them students from the local colleges) to sleep there in defiance of an emergency prohibition order relating to fire safety issues.

District Judge Gwyn Jones in his summing up referred to the “flagrant disregard” of this landlord for the health and safety of his tenants, many of them vulnerable young students. The judge said he did not see “why the public purse should have to pay the costs of this investigation” and awarded full costs of £13,463 to both the housing and fire authorities.

### **34 Church Road, Hereford**

On 28 March 2011, Mr Nicholas Layton was fined £4,500 after admitting failing to licence 34 Church Road, Hereford as a House in Multiple Occupation (HMO) under the Housing Act 2004. Mr Layton was also ordered to pay £2,000 costs and a £15 victim surcharge.

An inspection carried out under warrant, found 14 occupants from Eastern Europe (including families with children living in single rooms), in the four-storey property, which only had one working kitchen. If the property had been licensed as a HMO, it could legally only have had four residents. A HMO licence application had been sent to Mr Layton in July 2009 but, at the time of the inspection in November 2009, he had still not applied for the licence.

### **Pending Cases**

There are currently two separate PSE cases awaiting trial. The first relates to failure to comply with an overcrowding notice and the second is in respect of failure to comply with an Emergency Prohibition Order.

## **HOME CERT ACCREDITATION**

Most landlords are committed to providing good quality, properly managed accommodation and most tenants comply with their tenancy agreements and respect the homes they live in. The Home Cert Landlord and Tenant Accreditation Scheme has been developed with the Herefordshire Landlord Focus Group to recognise this contribution.

The aim of the Scheme is to improve both the physical and management standards of the private rented sector in Herefordshire and has been recently adopted by Herefordshire College of Art as their benchmark of choice for student accommodation. There are currently more than 30 accredited landlords and properties in Herefordshire.



<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>5 JULY 2011</b>
<b>TITLE OF REPORT:</b>	<b>PROGRESS OF REGULATORY MATTERS</b>
<b>PORTFOLIO:</b>	<b>ASSISTANT DIRECTOR LAW, GOVERNANCE &amp; RESILIANCE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To note the main activities of those involved in regulatory matters since the introduction of changes to the Constitution on 1st February, 2011.

### **CHANGES TO THE CONSTITUTION**

1. Changes to the Constitution approved by Council on 19th October 2010 came into effect on 1st February, 2011.
2. The changes also included the introduction of an officer panel (Taxi & County Transport Badge Officers Panel) which is comprised of officers from licensing, the legal team and safeguarding. The Panel considers applications for, or revocations of, hackney carriage/private hire drivers' licences; the suspension of driver licences; and applications for county transport badges.
3. As part of the new approach, the Committee has also decided that the Regulatory Sub-Committee, in addition to its existing duties under the Licensing Act 2003 and Gambling Act, 2005, will deal with the following matters:
  - hear appeals arising from the Officer Panel refusing to grant applications for taxi driver licences; suspending driver licenses or recommending that driver licenses be revoked; and
  - certain footpath and bridleway diversion applications.

## **ACTIVITIES OF THE OFFICER PANEL**

4. The Officers Panel has met on two occasions and dealt with the following matters:
- applications for a County Transport Badge refused – 1
  - applications for a County Transport Badge granted – 2; and
  - applications for hackney carriage/private hire drivers granted – 2 (1 subject to suitable references).

## **REGULATORY SUB-COMMITTEE**

4. The Sub-Committee has met on eight occasions since the new arrangements came into effect and has dealt with the matters referred to it as follows:

(a) 20th April 2011

- preliminary points to consider regarding 'Big Chill Festival', Eastnor Castle, Deer Park, Ledbury
- application for a new premises licence 'Big Chill Festival', Eastnor Castle, Deer Park, Ledbury

(b) 26th April 2011

- Highways Act 1980, Section 119 – footpath diversion order ZC123 (part), Leominster
- Highways Act 1980, Section 119 – footpath diversion order GR26 (Part), Goodrich
- application for variation of a premises licence Malthurst Northside Service Station, Hereford Road, Hope Under Dinmore
- application for the grant of a licensed premises gaming machine permit for 4 machines, in respect of The Duke's Head, Corn Square, Leominster
- suspension notice served on a hackney carriage/private hire driver

(c) 13th May 2011

- application for a review of the premises licence The Prince Of Wales, Church Lane, Ledbury
- application for a review of the premises licence The Bell Inn, 39 Etnam Street, Leominster
- application for a review of the premises licence The Man Of Ross, Wye Street, Ross-On-Wye

(d) 25th May 2011

- application for an expedited review Raduni Indian Cuisine, 66 The Homend, Ledbury



(e) 31st May 2011

- representations against interim steps - expedited review Raduni Indian Cuisine, 66 The Homend, Ledbury

(f) 17th June 2011

- full review Raduni Indian Cuisine, 66 The Homend, Ledbury
- application for variation of premises licence Mcdonalds Restaurant, Belmont Road, Hereford

(g) 23rd June 2011

- application for a premises licence Beer On The Wye (2011), Hereford Rowing Club, Greyfriars Avenue, Hereford

(h) 28th June 2011

- Highways Act 1980, Section 119 – footpath diversion orders MB16 (part) and MB18 (part) Much Birch
- Highways Act 1980, Section 119 – footpath diversion order ET2 (part), Elton
- Highways Act 1980, Section 119 – footpath diversion order LG49 (part) Llangarron
- application to re-instate an expired hackney carriage vehicle licence
- application for variation of premises licence Shooter's Bar Grafton House, Leominster
- application for a motor salvage operators licence

**BACKGROUND PAPERS** Agenda papers from Council and the Regulatory Sub-Committee.

