

MINUTES of the meeting of Regulatory Sub Committee held at Meeting Room 18a, Brockington, 35 Hafod Road, Hereford on Friday 14 January 2011 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: PGH Cutter and Brig P Jones CBE

48. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

49. APOLOGIES FOR ABSENCE

Apologies were received from Councillor SPA Daniels.

50. NAMED SUBSTITUTES (IF ANY)

Councillor P Jones CBE attended the meeting as a substitute member for Councillor SPA Daniels.

51. DECLARATIONS OF INTEREST

There were no declarations of interest made.

52. APPLICATION FOR A VARIATION TO A PREMISES LICENCE 'THE CROWN & SCEPTRE, 7 SHERFORD STREET, BROMYARD, HR7 4DL.' (Pages 1 - 2)

The Regulatory Sub-Committee was convened in order to determine an application for a variation to the premises licence in respect of The Crown & Sceptre, 7 Sherford Street, Bromyard, HR7 4DL. The application was submitted in accordance with Section 51 of the Licensing Act 2003.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and asked if any party required an extension to the 10 minute time limit for public speaking, no extensions were requested.

The Licensing Officer presented the report and advised Members that a copy of the applicant's advertisement had been submitted to the Licensing Authority. He advised the Sub-Committee that the advert contained no reference of outdoor activities or non-standard timings. He also advised that the applicants had agreed to all of the conditions recommended by West Mercia Police.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Mooney, representing West Mercia Police, addressed the Sub-Committee. He advised Members that there had previously been incidents of low level noise disturbance from the premises but that the agreed conditions would address any such issues.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr and Mrs Griffiths, the applicants, addressed the sub-committee. They commented on a number of issues, including:

- They had purchased the Crown & Sceptre 12 months ago with sitting tenants.
- The previous tenants had wanted to open the function room as a late night bar / nightclub.
- New management team now in the premise as well as a new chef.
- Want the Crown & Sceptre to be a family friendly, food based public house.
- Would like to open the function room for weddings, birthday parties and christenings.
- Do not want to open the function room for late night drinking.

The Licensing Officer noted that the public house and the function room would have different hours for licensable activity. He noted that this could be an area of concern.

In response to a question the applicant stated that the Crown & Sceptre did not have a car park but that a local shopkeeper had offered the use of his nearby car park for weekend events. They also stated that they were aiming to host a number of local events where cars would not be required.

The Sub-Committee retired to make their decision, the Senior Litigator and the Democratic Services Officer also retired to assist them with procedural matters.

RESOLVED

That the application for a variation to the premises licence in respect of The Crown & Sceptre be approved subject to the amended hours and the conditions detailed in the attached decision notice.

53. APPLICATION FOR A REVIEW OF A PREMISES LICENCE 'THE COMMERCIAL HOTEL, 44 COMMERCIAL ROAD, HEREFORD, HR1 2BG.' (Pages 3 - 4)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premises licence in accordance with Section 51 of the Licensing Act 2003. The Review had been applied for by West Mercia Police based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and then asked the Licensing Officer to present his report.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr James Mooney, representing West Mercia Police who had applied for the review, addressed the sub-committee. He made a number of points, including:

- The premise fell within the cumulative impact zone as outlined in the Council's Licensing Policy.
- On 12 November 2010 an assault took place a short distance away from the premise. The 3 youths who had been arrested for the offence were all 16 years old and had been drinking alcohol in the Commercial Hotel prior to the assault.
- The 16 year old youths had not been challenged by the door staff on entering the premise.
- All 3 of the youths had made a statement to confirm that they had been drinking in the premises prior to the incident.

- The applicant had offered two voluntary conditions in 2009 and had stated that a minor variation would follow, the variation was never submitted to the Licensing Authority.
- In December 2010, West Mercia Police were notified that the premise had failed in a test purchase operation when a 16 year old female was served alcohol.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Harrison, the premise licence holder, addressed the sub-committee. He raised a number of points, including:

- That he had 20 years experience in the Licensing Trade and managed 7 properties throughout the county, employing 105 members of staff.
- All staff were subject to a strict training regime with particular attention paid to under age sales.
- Staff challenge all patrons who appear to be under 21 years of age.
- The Commercial had been acquired in 2009 and was a local public house with a focus on weekend trade.
- SIA registered staff were employed.
- The events of the 13 November were disputed. The 3 youths had not been served alcohol in the premise although they had entered the premise before being refused alcohol.
- They had been in the bar for 15 minutes before leaving.
- One of the three youths involved in the incident returned to the premise where he was held by the door staff and handed to the police.
- In respect of the test purchase, the purchaser appeared to be over the age of 21 and was therefore not challenged.
- The girl used in the test purchase operation was served by 10 other premises.

In response to the issue regarding the test purchase operation, Mr Mooney confirmed that the test purchase operation had taken place in 10 premises but that only 2 premises had served the girl with alcohol, with 8 refusing to serve.

He also added that the fixed penalty for a test purchase could have been challenged if there were concerns but in this case the penalty had not been challenged.

All parties were given the opportunity to sum up before the Sub-Committee retired to make their decision, the Council's Legal Advisor and the Democratic Services Officer also retired to assist them with legal and procedural matters.

RESOLVED

That the premise licence in respect of The Commercial, 44 Commercial Road, Hereford, HR1 2BG, be amended as detailed in the attached decision notice.

The meeting ended at 12.27 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Crown & Sceptre
APPLICANT'S NAME	Cramar Leisure Ltd
APPLICATION TYPE	Variation to Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor PGH Cutter Councillor Brig P Jones CBE
DATE OF MEETING	14 January 2011

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from Mr and Mrs Griffiths, the applicants.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003, the written representations, and the Council's Licensing Policy. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY

	Live/Recorded Music, Prov. of Facilities for Making Music and Dancing, Performance of Dance	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	1100 - 2300	N/A	1100 - 2300	1100 - 2330
Tuesday	1100 - 2300	N/A	1100 - 2300	1100 - 2330
Wednesday	1100 - 2300	N/A	1100 - 2300	1100 - 2330
Thursday	1100 - 0000	2300 - 0000	1100 - 0000	1100 - 0030
Friday	1100 - 0000	2300 - 0000	1100 - 0000	1100 - 0030
Saturday	1100 - 0000	2300 - 0000	1100 - 0000	1100 - 0030
Sunday	1200 - 2300	N/A	1200 - 2300	1200 - 2330

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)****CONDITIONS**

- All conditions offered under section P of the application form.
- The operating schedule for the premise has sufficient SIA registered door staff and control measures relevant to the risk presented to the four licensing objectives. In addition where there is a pre-planned function and in particular on Friday and Saturday evenings SIA door staff will be provided on a risk assessed basis.
- The operator of the premise, designated premises supervisor or duty manager shall maintain a register indicating the name of a person in charge of the management of the premise, numbers of staff, performers and SIA staff, including names of door supervisors, who are present when the public are present. Further the register will contain detail regarding any incident relevant to the four licensing objectives. This register shall be produced immediately on the request of an authorised officer.
- The operating schedule for the premise, based on the risk assessment to ensure compliance to the four licensing objectives, provides CCTV equipment which conforms to the provision of the Data Protection Act 1998 and meets the agreed requirements and expectations of the Licensing Authority and West Mercia Police.
- To prevent incidents of crime and disorder an expectation prevails that the operators of the premise and their staff will at all reasonable times co-operate fully with the Police and other enforcement agencies and take steps to ensure that all members of their staff understand the importance and the responsibility they hold.
- At peak and critical times, that is when the licensing objective of the prevention of crime and disorder is or are likely to be compromised, a last entry time of 2330 will be strictly adhered to.
- The operator shall ensure that in order to secure the integrity of the licensing objective of the prevention of crime and disorder measures are taken to prevent bottles and glasses being taken from any licensed part of the premise.
- The operator ensures that no exterior licensed areas are used after 2330 hours.

APPEAL INFORMATION

Under Schedule 5 Section 2, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.



HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	The Commercial
DESIGNATED PREMISES SUPERVISOR	Steven Harrison
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Review
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor PGH Cutter Councillor P Jones CBE
DATE OF MEETING	14 January 2011

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from Mr Mooney, representing West Mercia Police as well as Mr Harrison, the premises licence holder.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Council's Licensing Policy, the representation made by the premises licence holder and the representation made by the West Mercia Police. The Members made the following decisions in order to promote the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee requested that the following conditions be added to the licence and to be enforced from 14 February 2011*.

CONDITIONS

- Provision of SIA qualified door staff on Fridays, Saturday, and any evening before a public holiday. (eg: door staff to be in operation on Sunday evenings prior to a bank holiday Monday)
- The applicant must install a CCTV system, of a specification to be agreed with the Licensing Authority, in the premise.

The agreed specification is:

(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 and all areas where the sale/ supply of alcohol occurs.

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

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 0300 333 3000 immediately .

- Ensure that a Personal Licence Holder is within the licensed premises at all times of licensable activity.
- All staff to be qualified to level 1 in the BIIAB Licensing course within 1 month of their appointment.

** Subject to Section 52(11) which states that a determination under this section does not have effect:
(a) until the end of the period given for appealing against the decision, or
(b) if the decision is appealed against, until the appeal is disposed of.*

There is a right of appeal under Schedule 5 Paragraph 8a, which must be made to a magistrates court within 21 days of this decision. It is recommended that you obtain your own legal advise or contact the Magistrates Court at Bath Street, Hereford, if you do wish to appeal this decision.