

AGENDA

Regulatory Sub Committee

Date: **Monday 7 March 2011**

Time: **1.30 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:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership **Councillor SPA Daniels**
 Councillor JHR Goodwin
 Councillor JW Hope MBE

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

Pages

1. ELECTION OF CHAIRMAN

To elect a Chairman for the hearing.

2. APOLOGIES FOR ABSENCE

To receive apologies for absence.

3. NAMED SUBSTITUTES (IF ANY)

To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.

4. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

5. EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1 Information relating to any individual.

7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

6. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE 'THE EAGLE INN, 23 BROAD STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EA

1 - 26

To consider an application for a review of the premises licence relating to the Eagle Inn, 23 Broad Street, Ross-on-Wye, HR9 7EA.

Background Papers - The Eagle Inn - Application Form

Background Papers - The Eagle Inn - Public Representations

Background Papers - The Eagle Inn - Environmental Health Representation

7. APPLICATION FOR A MOTOR SALVAGE OPERATORS LICENCE

To consider an application for a motor salvage operators licence.

To follow

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 A which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

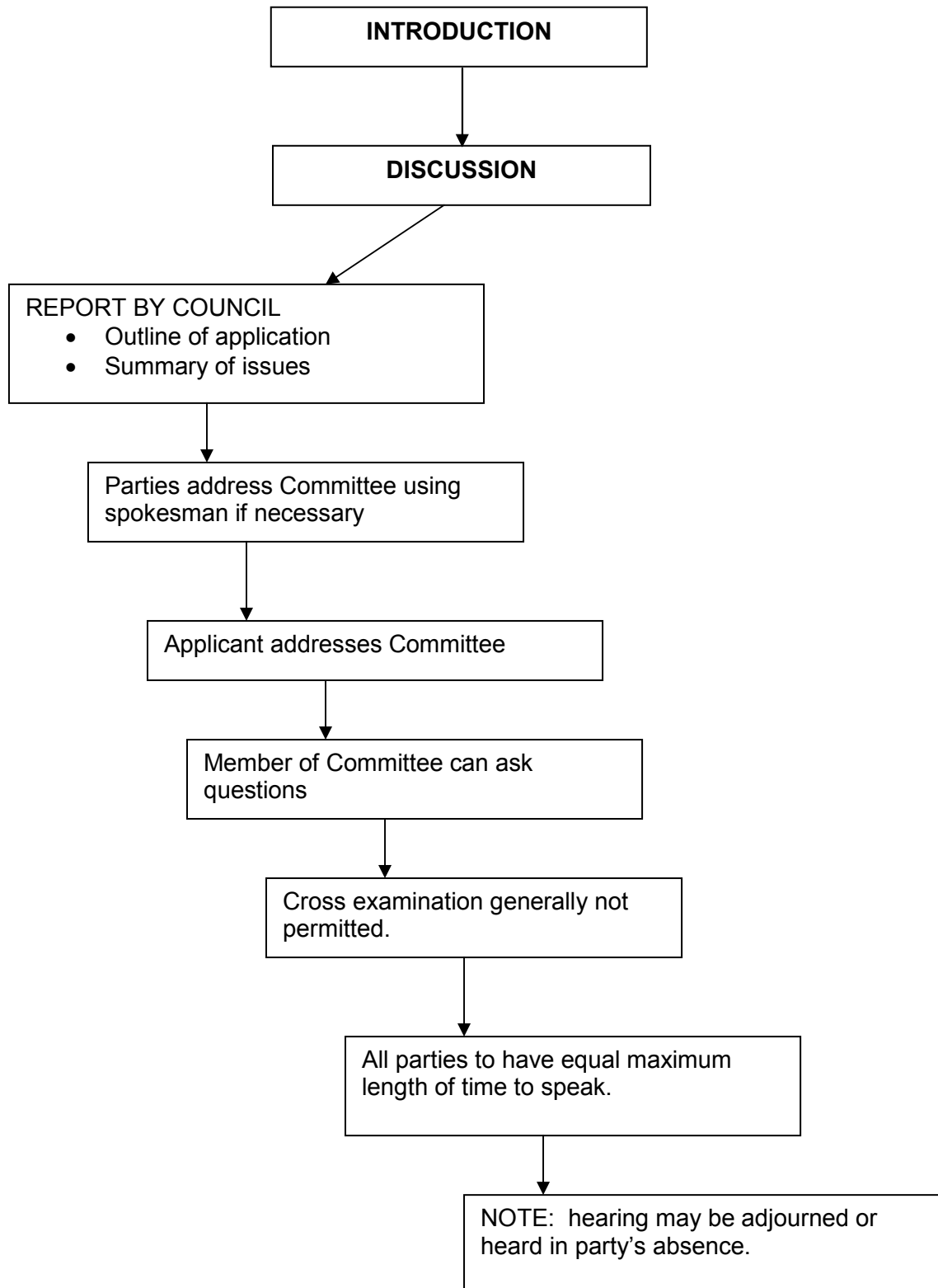
Please do not allow any items of clothing, etc. to obstruct any of the exits.

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



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LICENCING HEARING (LICENSING ACT 2003) FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	7 MARCH 2011
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE: EAGLE INN, 23 BROAD STREET, ROSS ON WYE. HR9 7EA
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH & TRADING STANDARDS PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ross on Wye

Purpose

To consider a review of a premises licence in respect of the Eagle Inn, 23 Broad Street, Ross on Wye, HR9 7EA.

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The police application for a review as well as the trading standards representation,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from Paul West, Chief Constable, West Mercia Police on 11th January 2011.
- Two representations received from responsible authorities
- Two representation from a member of the public.
- One from a Town Council
- One from the solicitor for the Premises Licence Holder

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

Options

- 1 There are a number of options open to the committee:
- the modification of the conditions of the premises licence;
 - to exclude a licensable activity from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	Paul West – Chief Constable of the West Mercia Constabulary, c/o Police Station, Bath Street, Hereford.	
Premise Licence Holder	Enterprise Inns PLC 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ.	
Solicitor	Richard Taylor - Gosschalks	
Type of application:	Date received:	28 Days consultation
Review	11 January 2011	7 February 2011

- 3 The grounds for the review are:

This premises is located in a busy area of a medium size market town. It is a well established business that has been operating for a number of years. In previous years there has been direct police involvement due to the level of crime, disorder and public nuisance that has occurred in or in the vicinity of the premises. As a result of these issues specific conditions were applied to the licence. One of these conditions was that at any time licensable activities are undertaken a personal licence holder must be on the premises.

Since early 2010, there has been a steady increase in crime and disorder issues that are attributed to the premises and the way it has been managed. In addition there has been an increase in similar behaviour in the nearby area that again has been connected to other licensed premises. West Mercia Police commenced steps to address these issues in September 2010.

A number of incidents occurred in September and October 2010, which caused the police to make an unannounced visit to the premises on 16 October 2010. At this time there was no

personal licence holder present as required by the licence issued and from speaking to members of staff, details of who was in charge, were different to that as stated on the premises licence.

Further enquiries were made with both the brewery and the Licensing Authority. A meeting was arranged for all interested parties on 21 October 2010, present was brewery representative and three members of the Warren family - Rebecca Hallam, Ross Warren and Trevor Warren their father who had 'taken over' the premises. It was established that both Rebecca Hallam and Ross Warren held personal licences and the intention was for them both to run the premises. It was pointed out by the police that neither were named on the licence and that technically there was no DPS. The police listed their concerns and itemised particular issues regarding non compliance of licence conditions. In addition a copy of the licence for the premises was left with all parties so there was no misunderstanding of what the conditions were. It was further stated by the brewery and the Warrens, that the issue of the DPS would be sorted immediately. The Warrens volunteered the use of SIA registered staff for Fridays and Saturday evenings - this was supported by West Mercia Police with an expectation that in the passage of time it would become part of the licence conditions.

The issue regarding the DPS did not happen, and on 22 October 2010, the brewery were informed to do this without delay or a S19 Closure notice would be issued. An application to appoint Rebecca Hallam as the DPS was received later that day. On the same day a letter was hand delivered to the premises laying out the expectations of West Mercia Police with regards to compliance of the licence conditions.

During the evening of Friday/Saturday 22/23 October 2010, disorder occurred in and in the vicinity of the premises, this disorder was recorded on the council CCTV and is subject of a police investigation. It can be said that a number of breaches occurred with regards to the premises licence conditions specifically in place to address the licensing objectives.

As a result of this further contact was made with the brewery to discuss these issues and a further warning letter was hand delivered to the premises on 25 October 2010.

There was clear evidence that the persons responsible for running the premises at this time were disregarding significant conditions of the premises licence and therefore not adhering to the licensing objectives. These are -

- 1. Having a personal licence holder on the premises when licensable activities are taking place.*
- 2. Allowing bottles, glasses and open containers to be taken from the premises*
- 3. Allowing entry and re entry after 2330*
- 4. Use of the rear beer garden after 2300*
- 5. Music being played loudly after 2330*

As a consequence to these issues on 04/11/10, a closure notice under S19 of the Criminal Justice and Police Act was served on the premises. At the time of serving no one with a personal licence was on the premises.

Further an application to review the premises licence was submitted by West Mercia Police on 10/11/10

In order to address the issues and the concerns, a further meeting was held between West

Mercia Police, a representative of the brewery (who hold the premises licence) and a Stuart HARRIS, who was being put forward as the new designated premises supervisor on behalf of the brewery and the Warrens who still were involved in the premises. This meeting established that Mr Harris would be the appointed DPS and that he was experienced in the licensing trade. It was agreed that a variation to amend the premises licence would be submitted, with the following new conditions -

- 1. Reduction in terminal hours for Sunday through to Thursday to midnight.*
- 2. Provision of SIA registered door staff on Friday and Saturdays and any other time on a risk assessed basis.*

An application was subsequently submitted for these variations and as a result the application to review the premises licence was withdrawn on 03/12/10.

It is fully understood that the premises is such that it will attract the younger customer. It was also understood that with a new DPS being appointed, he would need to put his authority on the premises and therefore time would be needed to address the issues that had been occurring. It was expected however that all conditions of the premises licence would be complied with.

However since the review notice was withdrawn in the region of 11 incidents have occurred, in or near the premises that gives rise for concern regarding the management of the premises and the operating hours and its impact on the licensing objectives and the local community.

At least 2 of these incidents involve the SIA door staff employed at the premises. There are allegations of unprofessional behaviour and use of excessive and unnecessary force. One of the incidents has been recorded on CCTV. This incident is subject to a separate police criminal investigation and has additionally been reported to the Security Industry Authority who licence and regulate security door staff.

Additional a number of further visits have been made to the premises - on these occasions, no one with a personal licence has been found on the premises. Additionally requests have been made to examine the incident log/book of the premises and also to obtain details of those door staff working at the premises on particular dates. None of these records were available. These issues are further non compliance with the premises licence.

It is the view of West Mercia Police that this premises is not adhering to the conditions of its premises licence, those currently connected to the premises who are personal licence holders are failing to comply with their responsibilities as required. Overall this has direct impact on the licensing objectives - in particular the objectives of the prevention of crime and disorder and the prevention of public nuisance.

- 4 The information submitted to support the grounds stated:
Information obtained from West Mercia Police systems -

0034hrs 01/01/11 - male attempted to gain entry to premises - refused entry and then he smashed a window. Male detained by staff and arrested by police.

0139hrs 25/12/10 - males detained causing damage to the town Christmas tree - established males had been drinking in premises just prior to incident. Males detained and issued with fixed penalty notices.

2230hrs 24/12/10 - report of scuffle/fight inside premises - at least 20 ejected by staff. One male arrested another person issued with a dispersal notice.

0117hrs 19/12/10 - disorder outside premises. Matter recorded on CCTV. Male seen to punch window causing it to break, male detained by door staff. Certain members of door staff seen to use excessive and unnecessary force on customers, seen to punch, push, headbutt and seen to detain one person in particular by the neck. Matter subject to police investigation and SIA made aware.

2347hrs 17/12/10 - member of public approached police complaining that he had been threatened by member of door staff. Conduct denied by door staff

0022hrs 11/12/10 - disorder outside premises - one female arrested

0130hrs 05/12/10 - officer on patrol came across disorder at the front of the premises. Parties dispersed by police.

0002hrs 05/12/10 - disorder at premises - male removed by door staff and police.

0216hrs 27/11/10 - disorder at premises - domestic dispute - both parties known to have been in premises throughout the evening, both intoxicated, both dispersed

0022hrs 27/11/10 - report of disorder at premises - male detained at location/

2340hrs to 0020hrs 30/10/10 - CCTV reviewed by Police Licensing Officer shows that on various (3) occasions persons were seen standing at the front of the premises drinking. In addition numerous incidents of customers entering and re entering after 2330hrs

0145hrs 30/10/10 - officers attended premises, loud music still playing. Advice given to the person in charge.

2330hrs to 0125hrs 29/10/10 - CCTV reviewed by Police Licensing Officer - numerous incidents of customers entering and reentering and incidents of customers drinking at the front of the premises

2135hrs 29/10/10 - disorder in the street near to the premises - 4 persons arrested. Awaiting court appearance

0010hrs 24/10/10 - police attended premises - approx 15 customers in rear garden drinking. Manager warned.

2302hrs 22/10/10 - domestic incident outside the premises - one female arrested for being drunk and disorderly - had been seen leaving the premises a few minutes earlier

CCTV reviewed of premises - shows group of young males/females congregating outside the premises for a number of hours, as the evening progresses, people leave the premises with glasses/bottles and then seen to re enter. Disorder occurs with a number fighting, patrons leave premises and 'join in' and then go back into the pub. Incidents of people entering after 2330hrs. This evidence is part of a pro active police investigation, a number of persons have been arrested and either charged or issued with disorder fixed penalty notices

0110hrs 17/10/10 - officers entered premises and made one arrest for breach of bail conditions.

2338hrs 16/10/10 - report from staff at premises that disorder was about to happen. Officer attended and established a fight had happened inside the premises and a number of males had been ejected by staff

Letter of complaint dated 26/10/10 from the Ross Traders association reading disorder in Ross town, specifically voicing concerns over the running of The Eagle Inn

It should be noted that a large number of these incidents have occurred at weekends -Friday through to the early hours of Sunday mornings.

Visits to premises where no one holding a personal licence were present -

1420hrs 26/10/10

2035hrs 26/10/10

1435hrs 27/10/10

2320hrs 27/10/10

1400hrs 28/10/10

2315hrs 28/10/10

0130hrs 30/10/10

1910hrs 30/10/10

2200hrs 02/11/10

0001hrs 04/10/10

1215hrs 23/12/10

1245hrs 30/12/10

2330hrs 31/12/10

This is a total of 13 visits by officers.

On a number of the earlier visits officers encountered a member of staff who indicated he had a personal licence - this male was unable to produce it and enquiries with Herefordshire Licensing Authority established he was not licensed with them. West Mercia Police has a view that this male and those who have been running the premises have been 'misleading' them during their visits.

Further supporting information will be provided in due course.

5 **Current Licence**

The current licence authorises the following licensable activities during the hours shown: -

A performance of live music; Any playing of recorded music; Sale by retail of alcohol

Sunday- Thursday: 10:00 - 23:30

Friday, Saturday: 10:00 - 01:00

Provision of Late Night refreshment:

Friday, Saturday: 23:00 - 01:30

6 Representation

Copies of the application have been sent to the responsible authorities.

Representation were received from the following responsible authorities

- West Mercia Police
- Environmental Health

A representation was received from Ross on Wye Town Council.

2 Representations were received from members of the public.

One representation from the premises licence holders' solicitor.

Copies of these can be found within the background papers.

Agreed Conditions

7 The following conditions have been agreed between the Police and the Premises Licence Holders' solicitor:

- A. Reduction in hours of Sundays to Thursdays such that the sale of alcohol is permitted between 10 am and 11 pm and the premises close at 11.30 pm.
- B. Reduction of hours on Fridays and Saturdays such that the premises may sell alcohol from 10 am until 11.30 pm and close at midnight.
- C. Live music - the hours for the provision of live music are to match those for the supply of alcohol save for on Sundays where the provision of live music will finish at 2230 hours.
- D. Recorded music - the hours for recorded music are to match the opening hours of the premises i.e. be permitted on Sundays to Thursdays from 10 until 11.30 pm and on Fridays and Saturdays from 10 am until midnight.
- E. Late night refreshment - this is to be permitted from 11 pm until 11.30 pm on Sundays to Thursdays and from 11 pm until midnight on Fridays and Saturdays.

In addition, a number of conditions are to be imposed upon the premises licence. Those conditions are as follows:-

- (a) A personal licence holder will be on site at all times that the pub is trading.
- (b) 2 SIA registered door staff will be provided on Fridays and Saturdays until closing time.
- (c) Full records be kept and all incidents be recorded.

Key Considerations

8 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

9 This will depend on the resolution of the sub committee, as the premises is in close proximity to other businesses and some housing.

Legal Implications

- 10 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 11 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

- 12 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 13 The notice of review was displayed on the premises which invited representation. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 14
 - a. Application Form
 - b. Representation from the Police
 - c. Representation from Trading Standards
 - d. Representation from Ross on Wye Town Council
 - e. Representation from 2 members of the public
 - f. Premises Licence Holders Solicitor

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.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Paul West Chief Constable West Mercia Police.....

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Eagle Inn Broad Street	
Post town Ross on Wye	Post code (if known) HR9 7EA

Name of premises licence holder or club holding club premises certificate (if known) Enterprises Inns Ltd

Number of premises licence or club premises certificate (if known) PRO00447

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address James MOONEY Police Licensing Officer Territorial Policing Unit - Herefordshire Hereford Police Station Bath Street Hereford. HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

This premises is located in a busy area of a medium size market town. It is a well established business that has been operating for a number of years. In previous years there has been direct police involvement due to the level of crime, disorder and public nuisance that has occurred in or in the vicinity of the premises. As a result of these issues specific conditions were applied to the licence. One of these conditions was that at any time licensable activities are undertaken a personal licence holder must be on the premises.

Since early 2010, there has been a steady increase in crime and disorder issues that are attributed to the premises and the way it has been managed. In addition there has been an increase in similar behaviour in the nearby area that again has been connected to other licensed premises. West Mercia Police commenced steps to address these issues in September 2010.

A number of incidents occurred in September and October 2010, which caused the police to make an unannounced visit to the premises on 16 October 2010. At this time there was no personal licence holder present as required by the licence issued and from speaking to members of staff, details of who was in charge, were different to that as stated on the premises licence.

Further enquiries were made with both the brewery and the Licensing Authority. A meeting was arranged for all interested parties on 21 October 2010, present was brewery representative and three members of the Warren family - Rebecca Hallam, Ross Warren and Trevor Warren their father who had 'taken over' the premises. It was established that both Rebecca Hallam and Ross Warren held personal licences and the intention was for them both to run the premises. It was pointed out by the

police that neither were named on the licence and that technically there was no DPS. The police listed their concerns and itemised particular issues regarding non compliance of licence conditions. In addition a copy of the licence for the premises was left with all parties so there was no misunderstanding of what the conditions were. It was further stated by the brewery and the Warrens, that the issue of the DPS would be sorted immediately. The Warrens volunteered the use of SIA registered staff for Fridays and Saturday evenings - this was supported by West Mercia Police with an expectation that in the passage of time it would become part of the licence conditions.

The issue regarding the DPS did not happen, and on 22 October 2010, the brewery were informed to do this without delay or a S19 Closure notice would be issued. An application to appoint Rebecca Hallam as the DPS was received later that day. On the same day a letter was hand delivered to the premises laying out the expectations of West Mercia Police with regards to compliance of the licence conditions.

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1. Having a personal licence holder on the premises when licensable activities are taking place.
2. Allowing bottles, glasses and open containers to be taken from the premises
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4. Use of the rear beer garden after 2300
5. Music being played loudly after 2330

As a consequence to these issues on 04/11/10, a closure notice under S19 of the Criminal Justice and Police Act was served on the premises. At the time of serving no one with a personal licence was on the premises.

Further an application to review the premises licence was submitted by West Mercia Police on 10/11/10

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1. Reduction in terminal hours for Sunday through to Thursday to midnight.
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However since the review notice was withdrawn in the region of 11 incidents have occurred, in or near the premises that gives rise for concern regarding the management of the premises and the operating hours and its impact on the licensing objectives and the local community.

At least 2 of these incidents involve the SIA door staff employed at the premises. There are allegations of unprofessional behaviour and use of excessive and unnecessary force. One of the incidents has been recorded on CCTV. This incident is subject to a separate police criminal investigation and has additionally been reported to the Security Industry Authority who licence and regulate security door staff.

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Please provide as much information as possible to support the application
(please read guidance note 2)

Information obtained from West Mercia Police systems -

0034hrs 01/01/11 - male attempted to gain entry to premises - refused entry and then he smashed a window. Male detained by staff and arrested by police.

0139hrs 25/12/10 - males detained causing damage to the town Christmas tree - established males had been drinking in premises just prior to incident. Males detained and issued with fixed penalty notices.

2230hrs 24/12/10 - report of scuffle/fight inside premises - at least 20 ejected by staff. One male arrested another person issued with a dispersal notice.

0117hrs 19/12/10 - disorder outside premises. Matter recorded on CCTV. Male seen to punch window causing it to break, male detained by door staff. Certain members of door staff seen to use excessive and unnecessary force on customers, seen to punch, push, headbutt and seen to detain one person in particular by the neck. Matter subject to police investigation and SIA made aware.

2347hrs 17/12/10 - member of public approached police complaining that he had been threatened by member of door staff. Conduct denied by door staff

0022hrs 11/12/10 - disorder outside premises - one female arrested

0130hrs 05/12/10 - officer on patrol came across disorder at the front of the premises. Parties dispersed by police.

0002hrs 05/12/10 - disorder at premises - male removed by door staff and police.

0216hrs 27/11/10 - disorder at premises - domestic dispute - both parties known to have been in premises throughout the evening, both intoxicated, both dispersed

0022hrs 27/11/10 - report of disorder at premises - male detained at location/

2340hrs to 0020hrs 30/10/10 - CCTV reviewed by Police Licensing Officer shows that on various (3) occasions persons were seen standing at the front of the premises drinking. In addition numerous incidents of customers entering and re entering after 2330hrs

0145hrs 30/10/10 - officers attended premises, loud music still playing. Advice given to the person in charge.

2330hrs to 0125hrs 29/10/10 - CCTV reviewed by Police Licensing Officer - numerous incidents of customers entering and reentering and incidents of customers drinking at the front of the premises

2135hrs 29/10/10 - disorder in the street near to the premises - 4 persons arrested. Awaiting court appearance

0010hrs 24/10/10 - police attended premises - approx 15 customers in rear garden drinking. Manager warned.

2302hrs 22/10/10 - domestic incident outside the premises - one female arrested for being drunk and disorderly - had been seen leaving the premises a few minutes earlier

CCTV reviewed of premises - shows group of young males/females congregating outside the premises for a number of hours, as the evening progresses, people leave the premises with glasses/bottles and then seen to re enter. Disorder occurs with a number fighting, patrons leave premises and 'join in' and then go back into the pub. Incidents of people entering after 2330hrs. This evidence is part of a pro active police investigation, a number of persons have been arrested and either charged or issued with disorder fixed penalty notices

0110hrs 17/10/10 - officers entered premises and made one arrest for breach of bail conditions.

2338hrs 16/10/10 - report from staff at premises that disorder was about to happen. Officer attended and established a fight had happened inside the premises and a number of males had been ejected by staff

Letter of complaint dated 26/10/10 from the Ross Traders association regarding disorder in Ross town, specifically voicing concerns over the running of The Eagle Inn

It should be noted that a large number of these incidents have occurred at weekends -Friday through to the early hours of Sunday mornings.

Visits to premises where no one holding a personal licence were present -

1420hrs 26/10/10
2035hrs 26/10/10
1435hrs 27/10/10
2320hrs 27/10/10
1400hrs 28/10/10
2315hrs 28/10/10
0130hrs 30/10/10
1910hrs 30/10/10
2200hrs 02/11/10
0001hrs 04/10/10
1215hrs 23/12/10
1245hrs 30/12/10
2330hrs 31/12/10

This is a total of 13 visits by officers.

On a number of the earlier visits officers encountered a member of staff who indicated he had a personal licence - this male was unable to produce it and enquiries with Herefordshire Licensing Authority established he was not licensed with them. West Mercia Police has a view that this male and those who have been running the premises have been 'misleading' them during their visits.

Further supporting information will be provided in due course.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 06 January 2011

.....

Capacity Police Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

.....
.....
.....
.....
.....

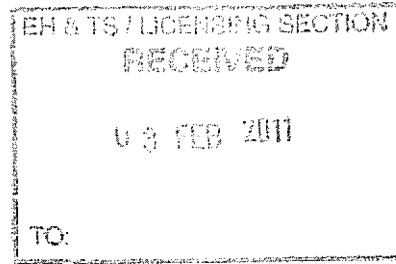
Post town	Post Code
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Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Licensing Section
Herefordshire Council
County Offices
PO Box 233 Bath Street
Hereford
HR1 2ZF

Our ref: RJT/JB//98454-12813-0
Your ref: Fred Spriggs
Date: 2 February 2011
E-Mail: rjt@gosschalks.co.uk
Direct Fax: 0870 600 5958

Dear Sir

re: **Eagle Inn, 23 Broad Street, Ross on Wye**
Application for review

We write further to your recent telephone conversation with Richard Taylor at this office. We confirm that we act for Enterprise Inns PLC. Our client is the premises licence holder at these premises.

Enterprise Inns PLC owns around 7000 public houses in England and Wales. It does not, however, operate any of them. All of the pubs that are open and trading are subject to tenancy agreements of varying lengths. Those tenancy agreements/leases are such that the tenant operates his/her/its business out of our client's premises.

Immediately upon the issue of these review proceedings, Enterprise Inns Plc terminated the tenancy agreement of the operator and the premises closed.

Thereafter, our client's regional manager met with the Police and agreed terms upon which the Police were content to allow the premises to re-open. The premises have subsequently re-opened and we understand that subject to the terms agreed with the Police being imposed as conditions/amendments to the premises licence, the Police are satisfied that the premises may continue to operate.

The agreed terms are as follows:-

1. Reduction in hours of Sundays to Thursdays such that the sale of alcohol is permitted between 10 am and 11 pm and the premises close at 11.30 pm.
2. Reduction of hours on Fridays and Saturdays such that the premises may sell alcohol from 10 am until 11.30 pm and close at midnight.

Queens Gardens, Hull, HU1 3DZ ☎ 01482 324252 ☎ 0870 600 5984 ✉ info@gosschalks.co.uk 🌐 www.gosschalks.co.uk 📄 11902 - Hull

Partners - Simon Lunt, Bruce Raper, Ian Lanch, Richard Llewellyn, Neil Johnson, Clare Johnson, Richard Gooch, Roy Taylor, Robert Thomson, Jonathan Beharrell, Nigel Beckwith, Zeb Carmichael, Ndoyia Dean, Mark Teal, Stephen Walker, Andrew Mallory, Robert Hastie, Richard Taylor, Andrew Johnson, Jonathan Peat, James Phelan, Justin Graves, Matthew Fletcher, Andrew Turnbull, Ted Pentaplan, Kate Groves, Craig Beetham, Stephen Dillon, Ashita Puarott, Chris Groves, Paul Plaxton, Nicola Barross, James Houston

Associates - Victoria Cunniff, Andrew Bell, Charlotte Critchell, Caroline Rule

Senior Law Secretary - Maura Haldenby

This firm is regulated by the Solicitors Regulation Authority under number 61217

3. Live music - the hours for the provision of live music are to match those for the supply of alcohol save for on Sundays where the provision of live music will finish at 2230 hours.
4. Recorded music - the hours for recorded music are to match the opening hours of the premises i.e. be permitted on Sundays to Thursdays from 10 until 11.30 pm and on Fridays and Saturdays from 10 am until midnight.
5. Late night refreshment - this is to be permitted from 11 pm until 11.30 pm on Sundays to Thursdays and from 11 pm until midnight on Fridays and Saturdays.

In addition, a number of conditions are to be imposed upon the premises licence. Those conditions are as follows:-

- (a) A personal licence holder will be on site at all times that the pub is trading.
- (b) 2 SIA registered door staff will be provided on Fridays and Saturdays until closing time.
- (c) Full records be kept and all incidents be recorded.

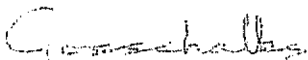
We understand that subject to the above being imposed upon the premises licence, the Police require nothing further.

We are sending a copy of this letter to Mr Mooney at West Mercia Police in order that he may confirm this to you.

We look forward to receiving details of any hearing that is to be fixed.

In the meantime, we thank you for all your assistance and should you have any problems or queries then please do not hesitate to contact Richard Taylor at this office.

Yours faithfully



GOSSCHALKS



Williams Rebecca

From: [redacted]@l.com]
Sent: 21 January 2011 22:35
To: Licensing
Subject: Eagle Pub license review

Copy sent to Rebecca Williams ref: Eagle pub licence review.

21/01/11

Ref: Review of License application the 'Eagle Pub' Broad St. Ross on Wye

Dear Sir/Madam,

Please note my comments for the review.

Recently, I have had to complain many times about the noise and disorder caused by people using the Eagle pub. This has been a problem both IN and OUTSIDE the pub and in the side streets nearby.

The level of noise from the amplified music and screaming/shouting customers could be heard in my house on Kyrle St, night after night, into the early hours of the morning. The noise has been so bad that it has been difficult to sleep or enjoy the peace of my own home.

I have also had to go out in Kyrle street on several occasions to remonstrate with drunk and disorderly people, who were causing a disturbance as they left the pub; not just in the early hours of the morning when they closed but even at 9 and 10 pm at night.

The Eagle Pub was given many an opportunity to deal with the issues of noise and disorder, but sadly nothing really seemed to work; Resulting in it's closure for the second time in a matter of months. Allegedly, there were some issues i.e. illegal

24/01/2011

substances and under age drinking on the premises, which could have exacerbated the problems.

In my opinion, the pub, with it's prominent position on Broad Street and the problems caused recently, should not be licensed till midnight. They have a large function room across the courtyard from the main building and I am concerned that this will generate even more noise should it be used regularly as a large 'party/club' venue under a 'late closing' license.

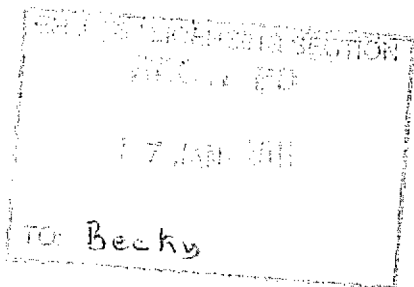
There are already 2 *late night music* establishments close by that cater for drinkers till 2 am: one of which is immediately opposite the Eagle Pub on the corner of Kyrle St.

Therefore, all things considered, I would object to the Eagle:

- a) closing any later than 11.30 pm and
- b) playing amplified music, like disco's and bands etc, more than 2 nights a week.... (perhaps restricted to a Friday and a Saturday?)

No doubt this could be reviewed in the future if the situation on (and around) the premises improves.

The new licensee (temporary?) and management now need to show that this *lovely local pub* can be run for the benefit of all, without causing crises and disturbances to the local residents, B&B's and restaurants etc nearby; Because living here OR coming to Ross on Wye for a visit, should be a pleasure rather than it being too rowdy, noisy and intimidating to endure!



Ema

Hereford County Council
Environmental Health Officer
Mr Richard Roberts
County Offices
Hereford
HR1 2ZF

14th January 2011

Dear Mr Roberts

PREMISES: EAGLE INN, BROAD STREET, ROSS-ON-WYE

Noting that the above establishment has been closed down, I am still obliged to note my concerns about the running of this Public House.

There does not appear to have been any element of order or managerial skill in running the place,

I live in a double glazed house about 150 Yards away from this Pub, but the noise emanating from it beggars believe, I cannot get to sleep for the "rowdiness", swearing, fighting and screaming particularly at weekends. It can go on until 0300 hrs. There is absolutely no control and general disorder. Matters are getting worse this situation has been appalling.

Also there has been a lot of drug taking on the premises, you can smell it, "skunk" in particular and you could also witness wheeling and dealing going on with hard drugs.

I have spoken to management about these problems but the young 20 year old "Manager" has stated that there is no problem in the place. Rest assured there has been I am NOT a very "Happy Bunny"

In considering their case I would request that the licensing hours terminate at 2300 hours latest and for everyone to be dispersed by 2330hrs latest.

I call upon the relevant authorities to implement my request. Monitoring of the situation will continue.....if and when the place opens up again.

If needs be I will willingly attend any meeting that may be convened for the hearing of this unfortunate case.

Copy of this letter has been sent to Miss R Williams, Licensing assistant, Environmental Health & Trading Standards.

I am, yours sincerely

A handwritten signature consisting of a vertical line that curves into a horizontal line at the bottom, resembling a stylized 'L' or a simple signature.

MEMORANDUM

To : LICENSING OFFICER

From : Ross-on-Wye Town Council

Tel : 01989 562373 My Ref :

Date : 4 Feb 2011 Your Ref : PR 00447

Premise Name	Premise address	Max Time	End of 28day Period	Current Licence
The Eagle Inn	23 Broad Street, Ross on Wye, HR9 7EA		7 th February 2011	PR00447

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE**

Having assessed the above application, Ross-on-Wye Town Council would like to make the following representation:

Representation	
PREVENTION OF CRIME & DISORDER There has been serious disorder in the early hours of the morning and allegation of drug abuse.	
PUBLIC SAFETY There have been alleged assaults on the public in the vicinity of the Eagle.	
PREVENTION OF PUBLIC NUISANCE There is excessive noise (shouting) outside the premises and loud music coming from within.	
PROTECTION OF CHILDREN FROM HARM The Eagle is in a residential area (Kyrle Street) where children could be woken by the disturbances and witness violent, drunken behaviour.	

The Council recommends a reduction in opening hours:
Sunday to Thursday: 10:00 – 11:00
Friday – Saturday: 10:00 – 12:00

ROSS - ON - WYE

- 4 FEB 2011

TOWN COUNCIL

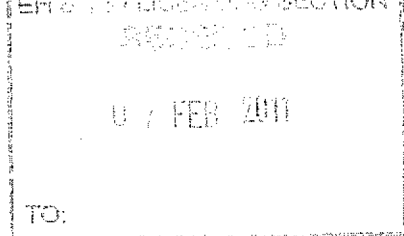
Signed



Deputy Town Clerk

The Corn Exchange, High Street, Ross-on-Wye, Herefordshire, HR9 5PL

Phone: 01989-562373 Email: admin@rosstc-herefordshire.gov.uk www.rosstc-herefordshire.gov.uk





MEMORANDUM

To : MISS R. WILLIAMS, LICENSING SECTION

From : MR R. ROBERTS, ENVIRONMENTAL HEALTH OFFICER (POLLUTION)
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 261668 My Ref :

Date : 07.02.2011 Your Ref : RWI/PR00447

LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
NOTIFICATION OF APPLICATION FOR REVIEW OF A PREMISES LICENCE

The Eagle Inn, 23 Broad Street, Ross on Wye, HR9 7EA

Comments:

The Environmental Protection Section have received a number of noise complaints pertaining to The Eagle Inn, Ross on Wye, over a three month period. In particular Karaoke Singing/Music emanating from the premises has caused distress and disturbance to residents living nearby. In view of this and to prevent further public nuisance I would like the following condition to be attached to the Premises Licence.

Prevention of Public Nuisance –

No Karaoke music/singing shall emanate from the premises.