

AGENDA

Regulatory Sub Committee

Date: **Tuesday 4 October 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:

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 JW Hope MBE
Councillor Brig P Jones CBE
Councillor GA Powell

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

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. NOTIFICATION OF A TEMPORARY EVENT NOTICE 'THE HOP POLE, BROMYARD, HEREFORDSHIRE'	1 - 4
To consider the notification of a Temporary Event Notice in respect of 'The Hop Pole, 9 The Square, Bromyard, HR7 4BP and the issue of an objection notice given by the Chief Officer of Police for West Mercia.	
Background Papers - Hop Pole TEN - Application Form	5 - 12
Background Papers - Hop Pole TEN - Police Letter	13 - 16
EXCLUSION OF THE PUBLIC AND PRESS	
In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.	
RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following two items of business on the grounds that they involve 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.	
2 Information which is likely to reveal the identity of an individual.	
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6. SUSPENSION NOTICE SERVED ON A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER	19 - 22
To review a suspension notice served on a driver.	
Background Papers - Appendix 1 & 2	23 - 24
7. SUSPENSION NOTICE SERVED ON A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER	25 - 28
To review a suspension notice served on a driver.	
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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.

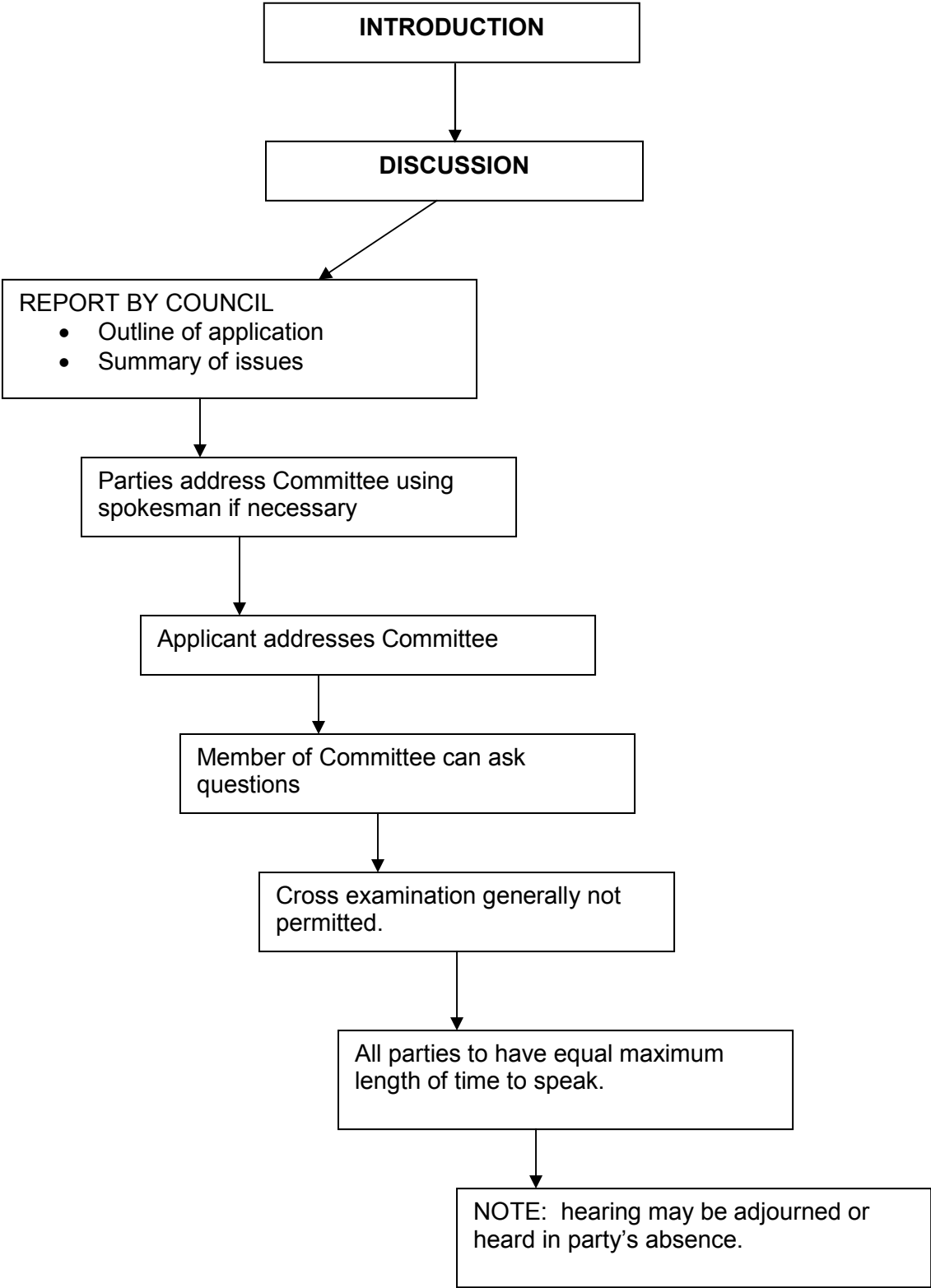
Please do not allow any items of clothing, etc. to obstruct any of the exits.

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 FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	4 OCTOBER 2011
TITLE OF REPORT:	NOTIFICATION OF TEMPORARY EVENT NOTICE IN RESPECT OF THE HOP POLE, 9 THE SQUARE, BROMYARD, HR7 4BP AND THE ISSUE OF AN OBJECTION NOTICE GIVEN BY THE CHIEF OFFICER OF POLICE FOR WEST MERCIA.' - LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH & WELLBEING SERVICE

CLASSIFICATION: Open

Wards Affected

Bromyard

Purpose

To consider the notification of a Temporary Event Notice in respect of 'The Hop Pole, 9 The Square, Bromyard, HR7 4BP and the issue of an objection notice given by the Chief Officer of Police for West Mercia.

Key Decision

This is not a Key Decision.

Recommendation

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

- The steps that are necessary to promote that licensing objective,
- The objection notice issued by the West Mercia Police,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Objection Notice issued by West Mercia Police

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

Options

There are two options available to the committee:

- a) Issue a 'counter notice' if it considers necessary for the promotion of the crime prevention objective, or
- b) Refuse to issue a counter notice, thereby authorising the Licensable Activity and hours as notified in the Temporary Events Notice

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003.

Introduction and Background

Background Information

Applicant	Russell Stevens Meriden House, 6 Great Cornbow, Halesowen, West Midlands, B63 3AB.	
Solicitor	N/A	
Type of application: TENS Notification	Date received: 22/09/11	48 hour period concluded 26/09/11

TEN Notification

The notification of a Temporary Event Notice has received an objection from the relevant Chief Officer of Police. It therefore is now brought before committee to determine the notification.

Summary of Notification

The licensable activity notified is: -
Sale by retail of alcohol

Thursday 27 October 2011 & Sunday 30 October 2011
between 10:30 – 02:00

Details of Event

The application states 'Private function for hotel residents and invited non resident guests'. No other details are provided.

Summary of Representations

The relevant Chief Officer of Police has already made a written objection on 7 July 2011 on the grounds that the temporary event would undermine the Crime Prevention Objective. Full

details can be found within the background papers. In brief they state 'The premises have been subject to a wide range of complaints of nuisance and disorder in or near its location'.

Key Considerations

To consider what action should be taken, if any, to promote the licensing objectives of the prevention of crime and disorder.

Community Impact

The granting or refusing of the Notification may have a serious impact on the Community.

Legal Implications

The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

By virtue of Schedule 5 Section 16(6) there is no right of appeal to the Magistrates Court as any appeal has to be bought no later than 5 working days before the day on which the event period specified in the temporary event notice begins.

Consultees

The Police are the only responsible authority able to issue an objection notice under the act.

Appendices

Copy of TEN notification
Police Objection Notice

Background Papers

Background papers were available for inspection in the Council Chamber 30 minutes before the start of the hearing.



Herefordshire Council
Application for a Temporary Event Notice
Licensing Act 2003

EH & TS / LICENSING SECTION
RECEIVED
 22 SEP 2011
 TO:

For help contact
 info@herefordshire.gov.uk
 Telephone: 01432 261761

* required information

Section 1 of 8

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

56549

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Russell

* Family name

Stevens

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

Yes No

* Is your business registered outside the UK?

Yes No

* Business name

The Hop Pole Public House

If your business is registered, use its registered name.

* VAT number

- NONE

Put "none" if you are not registered for VAT.

* Legal status

Sole Trader

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

The information given here will be saved and will be pre-filled in future forms.

Section 2 of 8

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes

No

* Your date of birth

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Continued from previous page...

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="Halesowen"/>
County or administrative area	<input type="text" value="West Midlands"/>
Postcode	<input type="text" value="B63 3AB"/>
Country	<input type="text" value="United Kingdom"/>

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 3 of 8

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

Yes No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

* Building number or name	9
* Street	Market Square
District	
* City or town	Bromyard
County or administrative area	Herefordshire
* Postcode	HR7 4BP
* Country	United Kingdom

Location Details

Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Hotel and licensed premises with existing alcohol licence

Describe the nature of the event below (see also guidance on completing the form, note 5)

Private function for hotel residents and invited non resident guests

Section 4 of 8

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

The sale by retail of alcohol

Continued from previous page...

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

State the dates on which you intend to use these premises for licensable activities (see also guidance on completing the form, note 7)

27th October 2011 to 30th October 2011

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 8)

10.30 to 02.00

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 9)

120

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 10):

- On the premises only
- Off the premises only
- Both

Section 5 of 8

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 11)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

South Hams District Council

Licence number

TQ90496

Date of issue

21 / 07 / 2005
dd / mm / yyyy

Continued from previous page...

Date of expiry / /
dd mm yyyy

Any further relevant details

Section 6 of 8

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 12)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 7 of 8

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 13)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

Section 8 of 8

CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.
(See also guidance on completing the form, note 14)

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	Po Box 233
Street	County Offices
District	Hereford
City or town	Bath Street
County or administrative area	
Postcode	HR1 2ZF
Country	UK

DECLARATION

* The information contained in this form is correct to the best of my knowledge and belief

Continued from previous page...

*** I understand that it is an offence:**

- * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and**
- * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both**

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

*** Full name**

*** Capacity**

Date (dd/mm/yyyy)

Add another signatory

NOT PROTECTIVELY MARKED

Territorial Policing Unit – Herefordshire
Hereford Police Licensing Department
Hereford Police Station
Bath Street
Hereford. HR1 2HT



0300 333 3000 ext 4702

Direct Dial: 01432 347102

e-mail herefordandworcesterlicensing@westmercia.pnn.police.uk

23 September 2011

Our Ref:
Your Ref:

**Herefordshire District Council
Licensing Department
PO Box 233
Council Offices
Bath Street
HEREFORD HR1 2ZF**

Copy sent to applicant Russell Stevens by e-mail and recorded delivery

Dear Sir/Madam

REF: Temporary event application – Hop Pole Hotel, Market Square, Bromyard

I refer to the above application made pursuant of the Licensing Act 2003.

Date of event – 27-30 October 2011

Application received – 23 September 2011 (electronically)

West Mercia Police **object to this application** on the grounds to allow the event to take place would impact on the licensing objectives and in particular that of the prevention of crime and disorder. It is the belief of West Mercia Police that to allow this event to take place would impact on public safety with the potential of disorder occurring.

This premises is located at a small market town, its location is such that it is in a prominent position in an area known as the Market Square. There are no external licensed areas at the premises and its location is surrounded by roads, and a mixture of residential and commercial premises.

The premises have been subject to a wide range of complaints of nuisance and disorder in or near its location. These complaints also include issues of non compliance of the premises licence through the provision of alcohol and the undertaking of regulated entertainment after licensed hours.

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www.westmercia.police.uk Non-emergency: 0300 333 3000
Policing Herefordshire, Shropshire, Telford & Wrekin and Worcestershire



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Previously the premises have been subject to a review application (2009) due to the level of issues that were being reported. This application was granted and additional conditions were applied to the premises licence. At the time of this application the premises was under the management and control of a brewery and the current owner and designated premises supervisor was not involved in the premises.

The premises was closed for a period of time in 2009 and 2010 and re opened in 2010 when the premises licence and management transferred to a limited company believed to be run by designated premises supervisor Russell Stevens.

It is the view of West Mercia Police that Mr Stevens has limited management and control on a day to day basis of the premises.

Since September 2010 a total of 17 reports have been made to West Mercia Police with regards to non compliance of licence conditions (that is a crime matter) and crime and disorder. It is believed that between late 2009 and late 2010 the premises were closed.

The majority of these incidents and complaints have occurred late at night and at weekends. To assist I can itemise the incidents in date order as reported to West Mercia Police.

DATE	TIME	INFORMATION	RESULT
28/08/11	2309	Local resident reporting disorder and nuisance from customers leaving the premises	Officers attended – no disorder at the time, numbers in the street who appeared drunk and were 'playing up' to police presence Crime issue
12/08/11	0200	Local resident reporting excessive music from premises – further call received at 0300 to say noise was horrendous	Officers attended – music coming from premises – breach of licence condition Crime issue
25/06/11	0029	Local resident reporting disorder and fighting outside the premises with the 'landlord' intervening attempting to stop issues	Officers attended – premises closed on police arrival, staff spoken to appears a dispute with a customer regarding taking a glass outside
30/05/11	0206	Local resident reporting disorder outside the premises	Officers attended – all quiet on arrival – premises closed Crime issue
29/05/11	0109	Local residents reporting disorder outside of premises with bottles being thrown	Officers attended – BH extension in use – door supervisors at premises – number of rowdy males at location moved on and warned by police Crime issue
24/05/11		Local resident complaining via Bromyard Town Council – that the level of disorder and nuisance at the premises at weekends has caused her family to move out in order to get some rest	Matter referred to Local Policing Team Crime issue Nuisance

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NOT PROTECTIVELY MARKED

21/04/11		Local resident attended Bromyard Police Station to complain about disorder and anti social behaviour at premises – especially at weekends	Matter referred to Local Policing Team Crime issue Nuisance
17/04/11	0330	Local resident complaining that premises was still open and that the music was excessive	Officers attended – music and customers at premises still drinking - premises still open – non compliance of licence Crime issue
16/04/11	0445	Local resident complaining of excessive music from premises	Officers attended – music still playing – group of about 20 in upstairs function room – all guests – alcohol seen. Officers advised to turn the music off. Non compliance of premises licence Crime issue
16/04/11	0230	Local resident complaining of excessive music at premises	Officers attended – music playing – large group in upstairs room drinking and playing music. Non compliance of premises licence Crime issue
15/04/11	2315	Local resident reporting disorder outside premises	Officers attended – established two males had argued inside premises and then went outside where they scuffled with each other. Allegation of assault made by one. Crime issue
05/02/11		Local resident attend Bromyard Police Station to complain about levels of disorder and nuisance at the premises – especially at weekends	Matter referred to Local Policing Team Crime issue
05/02/11	0350	Staff reporting disorder outside the premises	Officers attended – one male arrested for drunkenness outside the premises. Premises was closed to customers, however about 8 people were inside drinking, some were staff, management and guests. At the time of police attendance two fell out with each other – one using homophobic insults and being overly aggressive. Male believed to have some part ownership of the premises. Parties given strong warnings to behave Crime issue
29/01/11	0012	Local resident complaining that customers were smoking and drinking at the front of the premises and therefore	No police attendance – matter referred to Environmental Health

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		causing excessive noise	
31/12/10	2209	Local resident reporting disorder at the premises	Police attendance – drunken male detained and issued with a disorder fixed penalty notice Crime issue
26/12/10	1940	Staff reporting 3 males had been disorderly and were refusing to leave. Males left after making threats	No police attendance Crime issue
12/09/10	0121	Local resident reporting disorder in the premises that had spilled into the street	Police attendance – premises is currently not open and operating – with a ‘caretaker’ staying on the premises. It appears a number of friends of the ‘caretaker’ had been invited to stay for the weekend and they and locals had been drinking in the premises – a number fell out with each other and disorder occurred Crime issue

As you will see a number of the issues that have been reported were retrospectively - the ‘morning after’ the issues occurred. These matters were referred to the Local Policing Team, who did follow up reassurance visits to the local residents and businesses.

The level of incidents that occurred in September 2010 resulted in a visit to the premises by myself as the Police Licensing Officer. Arrangements were attempted to meet Mr Stevens but this did not happen as he was out of the country. A male purporting to be an assistant manager was spoken to, it was established he did not hold a personal licence issued under the Licensing Act 2003. It was further established that Mr Stevens rarely attended the premises and basically left him and the other staff in charge to run the premises. The view given was that the premise was being promoted as a ‘hen and stag’ venue to stay at in the county. This visit was followed up with a warning letter to Mr Stevens.

The view of the local residents is that the premises is impacting on their quality of life due to the level of disorder and nuisance that is occurring, there is however a reluctance to put this in writing as they are fearful of reprisals as it is likely due to the numbers involved, they would be identified. Police reassurance patrol is still being provided in the vicinity of the premises at weekends. However the nature of policing in this area is that in the event of reports being received, attendance will be from other parts of the county if reported after midnight.

West Mercia Police are of a view that to allow this temporary event would undermine the licensing objectives due to the level of reported issues, the lack of management and control of the premises by both the premises licence holder and the designated premises supervisor, and lastly a potential that crime through disorder and public nuisance would occur.

Yours faithfully

J MOONEY
Police Licensing Officer

NOT PROTECTIVELY MARKED

REGULATORY SUB-COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Committee.
2. Licensing Officer outlines the case.
3. Applicant/Licence holder (or his solicitor) sets out his case.
4. Questions asked by the Committee or Licensing Officer or Applicant/Licence holder.
5. Applicant/Licence holder (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant/Licence holder (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Legal Advisor to the Committee, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant/Licence holder or the officer are needed to furnish additional information, they should all be invited back before the Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee can then reach a decision but in the absence of parties.
9. The applicant/Licence holder and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant/Licence holder will be informed of any right of appeal (if the decision is one of refusal).
10. When the first application has been dealt with, the applicant will leave the meeting and the Sub-Committee will then deal with the second and subsequent applications in the same way.

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