

**MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 25 November 2011 at 2.00 pm**

**Present:** Councillor JW Hope MBE (Chairman)

**Councillors:** RC Hunt and GA Powell

**72. ELECTION OF CHAIRMAN**

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

**73. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

There were no substitutes present at the hearing.

**75. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**76. APPLICATION FOR A REVIEW OF A PREMISES LICENCE 'BARGAIN BOOZE, 3 YAZOR ROAD, HEREFORD, HR4 0LZ' (Pages 1 - 2)**

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 Herefordshire Council's Trading Standards Department 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 the report.

The Licensing Officer advised the Sub-Committee that the premises had been the subject of a test purchase operation in July 2011. He also advised them that conditions had now been agreed with the Premises Licence Holder.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr David Hough, representing Herefordshire Council's Trading Standards Department, who had applied for the review, addressed the sub-committee. He advised the Sub-Committee that the review had been applied for after the premises had failed a test purchase operation and had sold alcohol to a 16 year old girl. He advised that there were two Members of staff behind the counter when the sale was made and that neither requested proof of age. He added that he was concerned with the level of training that had taken place and felt that this could be addressed through the agreed conditions.

Mr James Mooney, representing West Mercia Police, also addressed the Sub-Committee and advised that he agreed with the conditions suggested by the Council.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Paul Sherrot, the premises licence holder's licensing advisor, addressed the sub-committee. He made a number of points, including:

- The negotiations in respect of the now agreed conditions commenced on 19 October 2011.
- The premises had passed 4 test purchase operations prior to the recent failure.
- The suggestion that two members of staff were behind the till at the time of sale was refuted.
- The Sub-Committee should now formalise the agreed conditions.

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

The Acting Principal Lawyer read out the decision of the Sub-Committee at the conclusion of the meeting. He also advised the Premises Licence Holder that the Committee would consider a suspension or revocation of the premises licence if he were to fail another test purchase operation in the future.

## **RESOLVED**

**That the following conditions be attached to the licence in respect of Bargain Booze, 3 Yazor Road, Hereford, HR4 0LZ.**

- 1. All staff prior to being engaged in the sale of alcohol shall be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training package agreed with Herefordshire Trading Standards. The method of delivery of the training is documented and also agreed by Herefordshire Council Trading Standards. All existing staff shall be trained within one month of the date that this condition appears on this licence. All staff shall be re-trained six monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, or training package used, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.**
- 2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.**
- 3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.**

4. **That the Designated Premise Supervisor and all Personal Licence holders must hold the BIIAAB Level 2 qualification. A record of the qualification shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council.**

**77. NOTIFICATION OF FOUR TEMPORARY EVENT NOTICES 'THE GOLDEN GALLEON, COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE.'**

The Licensing Officer advised the Sub-Committee that following discussions between the applicant and the Police, the applicant had agreed to withdraw the Temporary Event Notices.

**78. APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 1.8**

The licensing officer introduced the report and advised the sub-committee that the matter related to an application for a vehicle which fell outside of the standard conditions. He added that the vehicle had previously been licenced by the Council.

Mr Mistry addressed the sub-committee and advised that the vehicle was fit for purpose and had passed all of the Council and VoSA tests. He confirmed that his current Council vehicle test was dated September 2011.

The sub-committee retired to make their decision.

The Acting Principal Lawyer read out the following statement from the Sub-Committee:

- 1. The Sub-Committee agrees to grant a licence to the applicant for Vehicle registration number R586MDD outside its standard vehicle licence conditions and in particular condition 1.8*
- 2. The Sub-Committee emphasises that this decision in no way implies a relaxation of the council's age conditions for licenced vehicles and has granted a licence today due to the particular circumstances concerning the vehicle, its plate and the applicant.*

**RESOLVED**

**THAT the application be approved subject to the vehicle passing a new Council vehicle test prior to the licence being granted.**

The meeting ended at 2.50 pm

**CHAIRMAN**





**HEREFORDSHIRE COUNCIL**

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

<b>PREMISES</b>	Bargain Booze
<b>PREMISES LICENCE HOLDER</b>	Mr Alan Hudson
<b>APPLICANT'S NAME</b>	Herefordshire Council
<b>APPLICATION TYPE</b>	Review of Premises Licence
<b>PANEL MEMBERS</b>	Councillor JW Hope MBE (Chairman) Councillor RC Hunt Councillor GA Powell
<b>DATE OF MEETING</b>	25 November 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 Hough, representing Herefordshire Council's Trading Standards Team who had applied for the review and Mr Mooney, representing West Mercia Police. They also heard from Mr Sherratt, the premises licence holder's advisor, and Mr Hudson, the premises licence holder.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy. The Members made the following decisions in order to promote the licensing objective of the prevention of crime and disorder and the protection of children from harm.

**DECISION**

It is the decision of the Committee that the conditions detailed below be added to the premises licence\*.

**CONDITIONS**

1. All staff prior to being engaged in the sale of alcohol shall be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training package agreed with Herefordshire Trading Standards. The method of delivery of the training is documented and also agreed by Herefordshire Council Trading Standards. All existing staff shall be trained within one month of the date that this condition appears on this licence. All staff shall be re-trained six monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, or training package used, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a

**HEREFORDSHIRE COUNCIL****REGULATORY COMMITTEE DECISION NOTICE  
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period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.
4. That the Designated Premise Supervisor and all Personal Licence holders must hold the BIIAAB Level 2 qualification. A record of the qualification shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council.

**REASON**

1. The Committee came to this decision in order to promote the licensing objective of the prevention of crime and disorder and the protection of children from harm.

*\* 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.*