

**MINUTES of the meeting of Regulatory Sub Committee held at Meeting Room 22a, Brockington, 35 Hafod Road, Hereford on Tuesday 27 March 2012 at 10.00 am**

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

**Councillors:** BA Durkin and RC Hunt

**110. ELECTION OF CHAIRMAN**

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

**111. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

There were no substitutes present at the hearing.

**113. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**114. APPLICATION FOR A PUBLIC PATH DIVERSION ORDER - FOOTPATH LR12**

The Parks, Countryside and Leisure Development Manager presented a report about an application under Section 119 of the Highways act 1980 to divert part of Footpath LR12 in the Parish of Ledbury.

The applicant had requested that the route of the path be diverted slightly due to the change of a drainage system which had affected the current route. There had been one objector to the proposer who had suggested an alternative route however this had failed to meet the key test as it was less convenient to the public.

The Parks, Countryside and Leisure Development Manager felt that the proposed route would provide a more sensible line for users; and the Local Ward Member, parish council and consultees were in agreement with it. The applicant had agreed to meet all the costs associated with the diversion. The proposal also met the criteria set out in the legislation and in particular that:

- it benefited the owner of the land;
- it was not substantially less convenient to the public; and
- it would be expedient to proceed with the proposal given the benefits it will provide for public enjoyment of the footpath.

Having considered all aspects of the application, the Sub-Committee concurred with the view of the Parks, Countryside and Leisure Development Manager that the application should be approved.

**RESOLVED**

**THAT a Public Path Diversion Order be made under section 119 of the Highways Act 1980 in respect of part of Footpath LR12 in the parish of Ledbury, as shown on drawing number: D413/221-12.**

**115. APPLICATION FOR A PUBLIC PATH DIVERSION ORDER - BRIDLEWAY GW33**

The Parks, Countryside and Leisure Development Manager presented a report about an application under Section 119 of the Highways act 1980 to divert part of bridleway GW33 in the Parish of Garway.

It was noted that the bridleway had been closed due to earthworks. It was further noted that the Open Spaces Society had requested that the bridleway be 3m wide, this had also been agreed.

The Parks, Countryside and Leisure Development Manager felt that the proposed route would provide a more sensible line for users; and the Local Ward Member, parish council and consultees were in agreement with it. The applicant had agreed to meet all the costs associated with the diversion. The proposal also met the criteria set out in the legislation and in particular that:

- it benefited the owner of the land;
- it was not substantially less convenient to the public; and
- it would be expedient to proceed with the proposal given the benefits it will provide for public enjoyment of the footpath.

Having considered all aspects of the application, the Sub-Committee concurred with the view of the Parks, Countryside and Leisure Development Manager that the application should be approved.

**RESOLVED**

**THAT a Public Path Diversion Order be made under section 119 of the Highways Act 1980 in respect of part of Bridleway GW33 in the parish of Garway.**

**116. REPRESENTATION AGAINST INTERIM STEPS 'THE NAGS HEAD, CANON PYON, HEREFORD, HR4 8NY.'** (Pages 1 - 4)

Prior to the full review of the premises licence, the sub-committee were required to consider an application against the interim steps which had been received by the licensing authority on 23 March 2012.

The sub-committee heard from Amanda Pillinger, who had made the representation on behalf of the premises licence holder, as well as James Mooney, representing West Mercia Police, who had requested the expedited review.

Ms Pillinger requested that the two conditions attached to the licence as an interim step at the hearing on 1 March 2012 be removed from the licence. She advised the sub-committee that the first condition related to the removal of the previous designated premises supervisor, and since this transfer had now taken place, the condition was no longer necessary.

The second condition related to the Premises Licence Holder not entering the premises during the hours it was open to the public. She felt that sufficient time had passed in order to address the immediate concerns raised by the police and a further exclusion from the premises could have a negative impact on the operation of the premises. She

also advised that a condition relating to CCTV at the premises had been proposed as part of the forthcoming full review and that this would address any further concerns from the police.

The Sub-Committee retired to make their decision. The Acting Principal Lawyer and the Democratic Services Officer retired with them to offer legal and procedural advice.

When the meeting was reconvened the Acting Principal Lawyer read out the decision of the sub-committee which resolved to remove both of the conditions attached to the licence at the initial expedited review.

## **RESOLVED**

**THAT the following conditions which were attached to the licence as an interim step be removed:**

- 1 That the present Designated Premises Supervisor, Joanna West, be replaced by Melody Barton.**
- 2. That the Committee accepts the offer of the Solicitor for the Premises Licence Holder that Mr. Stephen Bengree will be excluded from the curtilage of the said licensed premises through all hours when they are open to the public. The curtilage shall be as described in the plan previously submitted and approved and Designated 08.096 Drawing 250 namely, the Nags Head Public House (as outlined in blue on the attached plan).**

### **117. REVIEW OF PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW 'THE NAGS HEAD, CANON PYON, HEREFORD, HR4 8NY.'** (Pages 5 - 6)

The Licensing Officer advised the Sub-Committee that the application to review the premises licence within 28 days of the initial expedited review was a requirement of the Licensing Act. He introduced the report.

Mr Jim Mooney, representing West Mercia Police, the applicants for the review, addressed the sub-committee and gave details of the background of the review which had been launched after an assault had taken place in the car park of the premises. He added that the matter was still subject of a police investigation and that all of the males arrested had denied the allegations. He requested that two new conditions be added to the licence to address the concerns of the police, these were the requirement to have CCTV on the premises as well as the introduction of an incident book.

Ms Amanda Pillinger, the premises licence holder's legal advisor, addressed the sub-committee. She advised that the allegations against her client were denied and that there was not a history of disorder at the premises. She added that after discussions with the police and the licensing officer suitable conditions had been agreed which would address the concerns raised by the police. The following conditions were proposed:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

2. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment, scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service

The Police and the premises licence holder had a brief discussion in respect of the positions of the proposed CCTV equipment and ensured that all key areas of the premises were covered adequately.

In summing up the premises licence holder's legal adviser noted that there had been no issues at the premises either before or after the incident that had led to the expedited review.

The Sub-Committee reminded the applicant of his requirement to offer evidential quality CCTV in all lighting conditions as set out in the agreed condition.

## **RESOLVED**

**That the following two additional conditions be added to the premises licence for the Nags Head, Canon Pyon, Hereford, HR4 8NY.**

1. **CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.**

**Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.**

**Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered**

**sequentially and kept for a period of 31 days and handed to Police on demand.**

**The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.**

**The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.**

**In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.**

- 2. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:**
  - (a) all crimes reported to the venue**
  - (b) all ejections of patrons**
  - (c) any complaints received**
  - (d) any incidents of disorder**
  - (e) seizures of drugs or offensive weapons**
  - (f) any faults in the CCTV system, searching equipment, scanning equipment**
  - (g) any refusal of the sale of alcohol**
  - (h) any visit by a relevant authority or emergency service**

The meeting ended at 11.29 am

**CHAIRMAN**



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

<b>PREMISES</b>	The Nags Head
<b>PREMISES LICENCE HOLDER</b>	Mr Stephen Bengree
<b>APPLICANT'S NAME</b>	Mr Stephen Bengree
<b>APPLICATION TYPE</b>	Representation Against Interim Steps
<b>PANEL MEMBERS</b>	Councillor JW Hope MBE (Chairman) Councillor BA Durkin Councillor RC Hunt
<b>DATE OF MEETING</b>	27 March 2012

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 James Mooney, representing West Mercia Police, and Amanda Pillinger, the Premises Licence Holder's Legal Advisor.

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 (as amended by the Violent Crime Reduction Act 2006) 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.

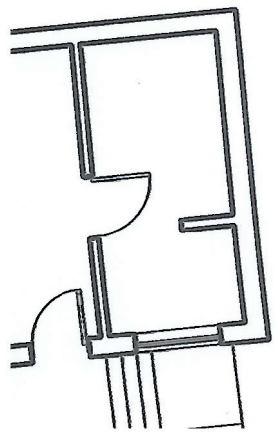
**DECISION**

- 1 Upon hearing the representatives of West Mercia Police and the Solicitor for the Premises Licence Holder the Regulatory Sub Committee has decided to remove the following conditions attached to the licence on 1 March 2012.
  - 1 That the present Designated Premises Supervisor, Joanna West, be replaced by Melody Barton.
  2. That the Committee accepts the offer of the Solicitor for the Premises Licence Holder that Mr. Stephen Bengree will be excluded from the curtilage of the said licensed premises through all hours when they are open to the public. The curtilage shall be as described in the plan previously submitted and approved and Designated 08.096 Drawing 250 namely, the Nags Head Public House (as outlined in blue on the attached plan).

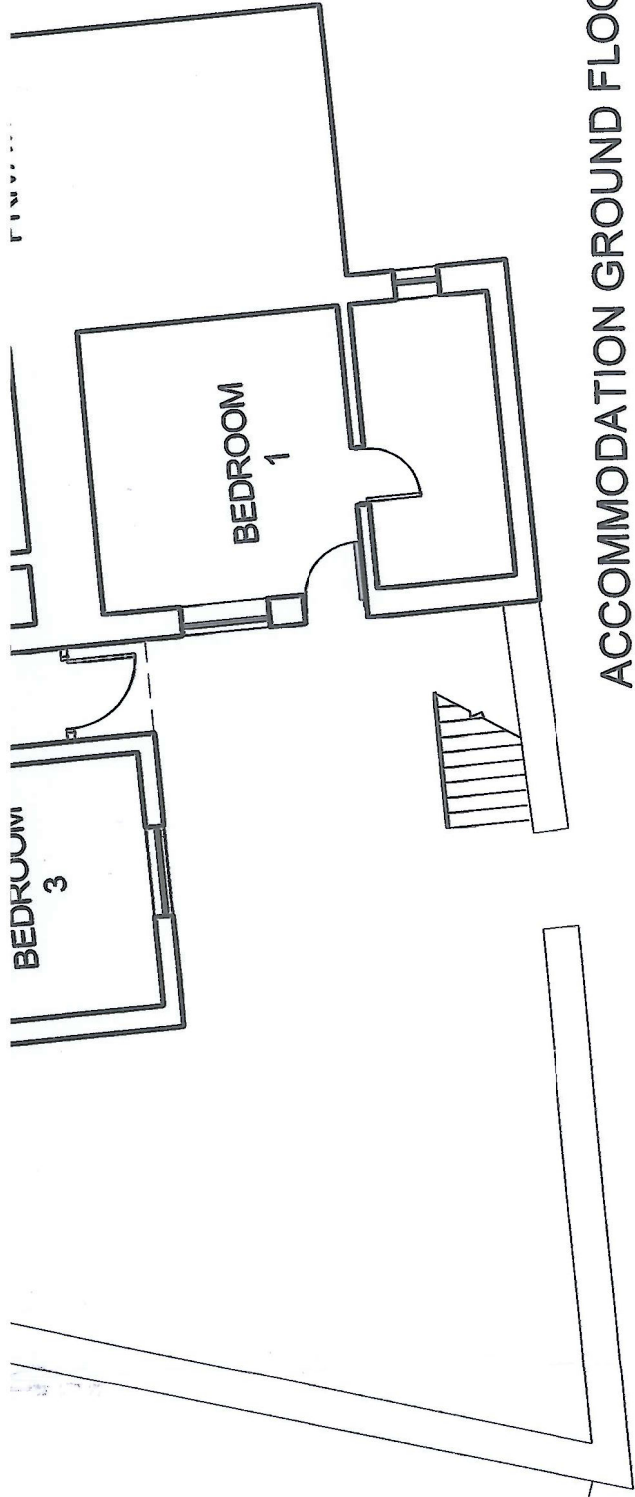
**HEREFORDSHIRE COUNCIL****REGULATORY COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)****REASONS**

- 1 The Sub Committee noted that the premises licence holder had volunteered two conditions in respect of the provision of CCTV and an incident book at the premises. The Committee were satisfied that these conditions, which could be attached to the licence at the subsequent full review hearing, would address any concerns raised by the Police.
- 2 The Committee noted that the Designated Premises Supervisor had been replaced on 1 March 2012 and were satisfied that the condition relating to this matter was no longer required or necessary.

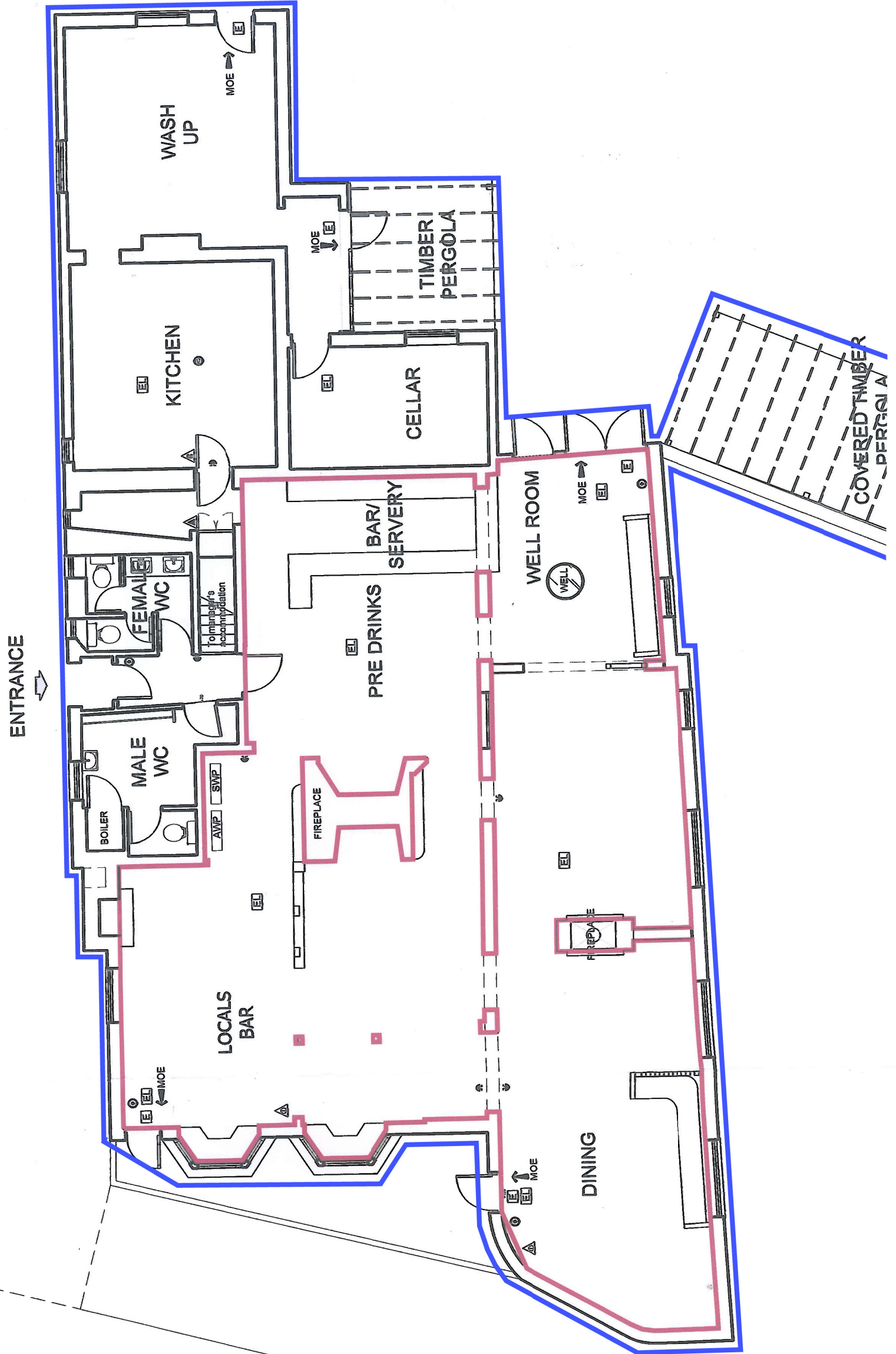




1ST FLOOR PLAN



ACCOMMODATION GROUND FLOOR PLAN







**HEREFORDSHIRE COUNCIL**

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

<b>PREMISES</b>	The Nags Head
<b>PREMISES LICENCE HOLDER</b>	Mr Stephen Bengree
<b>APPLICANT'S NAME</b>	West Mercia Police
<b>APPLICATION TYPE</b>	Full Review Following an Expedited Review
<b>PANEL MEMBERS</b>	Councillor JW Hope MBE (Chairman) Councillor BA Durkin Councillor RC Hunt
<b>DATE OF MEETING</b>	27 March 2012

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 James Mooney, representing West Mercia Police, and Amanda Pillinger, the Premises Licence Holder's Legal Advisor.

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 (as amended by the Violent Crime Reduction Act 2006) 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.

**DECISION**

1. Upon hearing the representatives of West Mercia Police and the Solicitor for the Premises Licence Holder the Regulatory Sub Committee has decided to modify the conditions relating to the Nags Head, Canon Pyon forthwith\*.

**CONDITIONS**

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

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

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

2. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:
  - (a) all crimes reported to the venue
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  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service

**REASON**

1. The Committee has found that there has been a serious crime committed at the premises and has made its decision having heard evidence from West Mercia Police and the Premises Licence Holder's Legal Advisor and in accordance with the guidance issued under Section 53A of the Licensing Act 2003 as amended. The Committee therefore decided that the addition of the proposed conditions was reasonable in order to promote the licensing objective of the prevention of crime and disorder.

*\* 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 magistrate's court within 21 days of this decision. It is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford, if you do wish to appeal this decision.*