HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Sub Committee held at The Assembly Room, Town Hall, Hereford on Monday 16 April 2012 at 10.00 am

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

Councillors: CM Bartrum and FM Norman

128. ELECTION OF CHAIRMAN

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

129. APOLOGIES FOR ABSENCE

No apologies for absence were received.

130. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

131. DECLARATIONS OF INTEREST

There were no declarations of interest made.

132. APPLICATION FOR A VARIATION OF A PREMISES LICENCE 'CROWN & ANCHOR, LUGWARDINE, HEREFORD, HR1 4AB.'

The applicant advised the Sub-Committee that he had withdrawn his application.

133. APPLICATION FOR A NEW PREMISES LICENCE 'YAMZ TAPAS BAR, TURNER COURT, THE HOMEND, LEDBURY, HR8 1BP.' (Pages 7 - 10)

The Regulatory Sub Committee was convened in order to determine an application for a new premises licence in respect of Yamz Tapas Bar, Turner Court, The Homend, Ledbury, HR8 1BP'. The application was submitted in accordance with Section 17 of the Licensing Act 2003.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following attendees were noted:

- Mr Teper (Applicant)
- Mr Mooney (Representing West Mercia Police)

The Licensing Officer presented his report and advised the Sub-Committee that the advertisement had been received and was accepted.

Mr Mooney, representing West Mercia Police, addressed the sub-committee and advised that he had no objection to the application subject to the applicant agreeing to the proposed conditions addressing CCTV, staff training, challenge 25, incident log, and the restriction of adult entertainment. The applicant agreed to the proposed conditions.

Mr Teper, the applicant, addressed the Sub-Committee in support of his application. He gave members a brief background of the management of the premises and requested that his application be approved.

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

RESOLVED

THAT the application in respect of Yamz Tapas Bar, Turner Court, The Homend, Ledbury, HR8 1BP be approved subject to the following 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.

   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. **All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). With retraining every 6 months. Training records shall be kept on the premises 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 bar advertising the scheme operated.

4. 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 refusal of the sale of alcohol
(g) any visit by a relevant authority or emergency service

5. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employed. 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, 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) on demand.

134. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE 'SOMERFIELD, DISHLEY STREET, LEOMINSTER, HR6 8PX.' (Pages 11 - 14)

The Licensing Officer presented the report and advised that the review of the Premises Licence had been requested because the premises had recently failed a test purchase operation. This was the third failure and the premises licence had previously been reviewed in November 2008 and March 2009.

Prior to making their decision, the Members heard from Mr J Mooney, representing West Mercia Police, and Mr D Hough, the Principal Trading Standards Officer, together with Mr C Evans, the premises licence holder's legal advisor.

The Sub-Committee discussed the application and were of the opinion that the promotion of the licensing objectives could be achieved through the addition of a number of conditions to the premises licence. Full details of the conditions can be found in the resolution below.

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 Guidance issued pursuant to Section 182 of the Act, with particular attention being given to paragraph 11.22, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them.

The Members made their decision in order to promote two of the four licensing objectives, namely the prevention of crime and disorder and the protection of children from harm.

RESOLVED

THAT the licence be modified through the addition of the following conditions:

1. **A personal licence holder must be on the premises at all times it operates for the sale of alcohol.**

2. **All existing employees will attain the BIIAB Level 1 in Responsible Alcohol Retailing or the BIIAB Level 2 Award for Personal Licence Holders within three months of the condition appearing on licence. Any new starters must attain the BIIAB Level 1 in Responsible Alcohol Retailing or the BIIAB Level 2 Award for Personal Licence Holders within 28 days of commencing their employment. Failure to attain the requisite qualification within this timescale will require that member of staff to need authorisation from another store colleague for all Age Restricted product sales until they attain the requisite qualification. A copy of the certificate shall be kept on the premises 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. **All new employees, for at least 28 days after commencing serving customers, will be prevented from directly selling Age Restricted products until authorisation is sought from another colleague. This will be incorporated irrespective of whether they have already passed the BIIAB Level 1 in Responsible Alcohol Retailing or the BIIAB Level 2 Award for Personal Licence Holders as required in Condition 2. This timescale to be increased if store management believe the new starter would benefit from additional exposure to Age Restricted product transactions.**

4. **All staff engaged in the sale of alcohol to be trained on age restricted products to the company policy and procedures as agreed with Herefordshire Trading Standards. Training is to be carried out within one month of this condition appearing on the licence. Retraining shall take place every three months for the following twelve months then twice yearly thereafter. Records of Training shall be kept centrally with details of when trained available at the premises 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.**

5. **A member of the Store Management will review the Age Restricted Sales process on a weekly basis, checking the age verification and challenges data of each member of staff. Where the store management identifies any evidence that an employee is not applying the stores' Age Restricted Product policy then they shall, for at least 28 days, be prevented from directly selling Age Restricted products until authorisation is sought from another colleague. This timescale to be increased if store management believe the store colleague would benefit from additional exposure to Age Restricted product transactions. These colleagues are to be retrained in the stores' Age Restricted Product policy before being allowed to authorise the sale of Age Restricted products themselves. Hard copy records of the store process monitoring, any interviews with store colleagues as well as their subsequent re-training must be kept on the premise for a minimum of 26 weeks 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.**

6. **The premises shall operate a Challenge 25 Policy. Such policy shall be clearly displayed to all staff and customers via prominent, clear and legible signage (in not less than 32 font bold). Such signage shall be displayed at all entrances to the premises as well as at, at least one location behind any till area advertising the scheme operated. 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.**

7. **Either a written register of refusals detailing a description of the people who have been unable to provide required identification to prove their age, or an electronic register detailing the perceived age, challenges made, and identification accepted or not accepted. Such records shall be kept for a period of 12 months 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.**

8. **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 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. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. On a daily basis the system must be checked and is compliant. In the event of any faults in the CCTV system appropriate 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.**

9. **All sales of alcohol must be agreed by another member of staff who is trained to the minimum level of BIIAB Level 1 in Responsible Alcohol retailing. Records of this must be kept in written records or in electronic form.**

135. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE 'ETNAM NEWS, 35 ETNAM STREET, LEOMISNTER, HR6 8AE.'

The Licensing Officer advised the Sub-Committee that the item had been withdrawn from the agenda as the premises licence holder had decided to surrender his premises licence.

The meeting ended at 1.10 pm **CHAIRMAN**

Herefordshire Council

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Yamz Tapas Bar
APPLICANT'S NAME	Mr Teper
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor CM Bartrum Councillor FM Norman
DATE OF MEETING	16 April 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 Mr Mooney, representing West Mercia Police and Mr Teper, the applicant.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted with immediate effect subject** to the conditions appearing below. 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 imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY

	Recorded Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330
Tuesday	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330
Wednesday	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330
Thursday	1000 - 0100	2300 - 2330	1000 - 2300	1000 - 2330
Friday	1000 - 0100	2300 - 0100	1000 - 0030	1000 - 0100
Saturday	1000 - 0100	2300 - 0100	1000 - 0030	1000 - 0100
Sunday	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330

Herefordshire Council

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.

- 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.

- All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). With retraining every 6 months. Training records shall be kept on the premises 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

- 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 bar advertising the scheme operated.

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REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

- 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 refusal of the sale of alcohol
  (g) any visit by a relevant authority or emergency service

- All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employed. 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, 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) on demand.

REASONS

- The sub committee considered the 4 licensing objectives in making their decision.

APPEAL INFORMATION

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

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

Herefordshire Council

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Somerfield (Co-op)
LICENCE HOLDER	Somerfield Stores Ltd
APPLICANT'S NAME	Herefordshire Council Trading Standards
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor CM Bartrum Councillor FM Norman
DATE OF MEETING	16 April 2012

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

The review of the Premises Licence had been requested because the premises had recently failed a test purchase regarding the sale of alcohol to an underage person at the premises. This was the third failure and the premises licence had previously been reviewed in November 2008 and March 2009.

Prior to making their decision, the Members heard from Mr J Mooney, representing West Mercia Police, and Mr D Hough, the Principal Trading Standards Officer, together with Mr C Evans, the premises licence holder's legal advisor.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives, the application should be, and was determined as follows:-

That the following additional conditions be imposed forthwith* upon the licence:-

1. a personal licence holder must be on the premises at all times it operates for the sale of alcohol;

2. all existing employees will attain the BIIAB Level 1 in Responsible Alcohol Retailing or the BIIAB Level 2 Award for Personal Licence Holders within three months of the condition appearing on licence. Any new starters must attain the BIIAB Level 1 in Responsible Alcohol Retailing or the BIIAB Level 2 Award for Personal Licence Holders within 28 days of commencing their employment. Failure to attain the requisite qualification within this timescale will require that member of staff to need authorisation from another store colleague for all Age Restricted product sales until they attain the requisite qualification. A copy of the certificate shall be kept on the premises 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. all new employees, for at least 28 days after commencing serving customers, will be prevented from directly selling Age Restricted products until authorisation is sought from another colleague. This will be incorporated irrespective of whether they have already passed the BIIAB Level 1 in Responsible Alcohol Retailing or the BIIAB Level 2 Award for Personal Licence Holders as required in Condition 2. This timescale to be increased if store management believe the new starter would benefit from additional exposure to Age Restricted product transactions;

4. all staff engaged in the sale of alcohol to be trained on age restricted products to the company policy and procedures as agreed with Herefordshire Trading Standards. Training is to be carried out within one month of this condition appearing on the licence. Retraining shall take place every three months for the following twelve months then twice yearly thereafter. Records of Training shall be kept centrally with details of when trained available at the premises 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;

5. a member of the Store Management will review the Age Restricted Sales process on a weekly basis, checking the age verification and challenges data of each member of staff. Where the store management identifies any evidence that an employee is not applying the stores' Age Restricted Product policy then they shall, for at least 28 days, be prevented from directly selling Age Restricted products until authorisation is sought from another colleague. This timescale to be increased if store management believe the store colleague would benefit from additional exposure to Age Restricted product transactions. These colleagues are to be retrained in the stores' Age Restricted Product policy before being allowed to authorise the sale of Age Restricted products themselves. Hard copy records of the store process monitoring, any interviews with store colleagues as well as their subsequent re-training must be kept on the premise for a minimum of 26 weeks 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;

6. the premises shall operate a Challenge 25 Policy. Such policy shall be clearly displayed to all staff and customers via prominent, clear and legible signage (in not less than 32 font bold). Such signage shall be displayed at all entrances to the premises as well as at, at least one location behind any till area advertising the scheme operated. 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;

7. either a written register of refusals detailing a description of the people who have been unable to provide required identification to prove their age, or an electronic register detailing the perceived age, challenges made, and identification accepted or not accepted. Such records shall be kept for a period of 12 months 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.

8. 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 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. The Recording

equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. On a daily basis the system must be checked and is compliant. In the event of any faults in the CCTV system appropriate 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; and

9. All sales of alcohol must be agreed by another member of staff who is trained to the minimum level of BIIAB Level 1 in Responsible Alcohol retailing. Records of this must be kept in written records or in electronic form.

REASON

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 Guidance issued pursuant to Section 182 of the Act, with particular attention being given to paragraph 11.22, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them.

The Members made their decision in order to promote two of the four licensing objectives, namely the prevention of crime and disorder and the protection of children from harm.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

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

** 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.