

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 9 July 2012 at 11.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: CM Bartrum and FM Norman

14. ELECTION OF CHAIRMAN

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

15. APOLOGIES FOR ABSENCE

No apologies for absence were received.

16. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

17. DECLARATIONS OF INTEREST

There were no declarations of interest made.

18. APPLICATION FOR A NEW PREMISES LICENCE 'FRANKIE & BENNY'S', UNIT 29, OLD LIVESTOCK MARKET, HEREFORD (Pages 1 - 4)

The Regulatory Sub Committee was convened in order to determine an application for a new premises licence in respect of the Frankie & Benny's, Unit 29, Old Livestock Market, Hereford. The application was submitted in accordance with Section 51 of the Licensing Act 2003 and had initially been before the Sub-Committee on 18 June 2012 when it was adjourned to enable to police to attend to make a representation.

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

- Mrs Thomas (Applicant's Legal Advisor)
- Mr McCready (Restaurant Group Area Manager)
- Mr Mooney (West Mercia Police)

The Licensing Officer presented the report and advised Members that both applications on the agenda had been submitted by the same company; that both application forms were identical; and that they had received the same representations from the responsible authorities. The Acting Principal lawyer advised that it would be appropriate for both applications to be considered together but that two separate decision notices should be issued.

The Licensing Officer continued his presentation and advised that all conditions had now been agreed with the Trading Standards Officer and that Challenge 21 had been agreed instead of Challenge 25. He clarified the hours in respect of New Year's Eve and advised that

the only outstanding issue related to the CCTV condition which had not been agreed between the applicant and the police.

Mr Mooney addressed the Sub-Committee on behalf of West Mercia Police who had submitted a representation in respect of the application. He advised that all conditions had now been agreed except for the CCTV condition. He went into further detail in respect of the CCTV condition and advised that the issue related to the police gaining access to the CCTV recordings if there was an issue at the premises. The applicants CCTV system was controlled from Milton-Keynes and the police could have to wait up to 48 hours to receive a copy of the CCTV footage, Mr Mooney felt that this was not acceptable and had requested that in serious cases the CCTV footage should be supplied within 2 hours. In all other cases 48 hours would be acceptable.

Mr Thomas, the applicant's legal advisor, addressed the Sub-Committee and advised that his client operated 190 Frankie & Benny's and 63 Chiquitos across England and Wales. It was noted that all of these premises operated the same CCTV system that had been proposed in the Hereford branches and that West Mercia Police had not objected to the same system operated in Kidderminster or Shrewsbury. He went into detail about the proposed CCTV system and advised the Sub-Committee that the police would be able to view footage on the site and would also be able to print a still picture, the only thing they would have to wait for would be a copy of the footage. The issue of a 2 hour delivery time was addressed, Mr Thomas advised that his client would aim to get the footage delivered to the police by an engineer at the earliest possible time but that a condition on the licence could prove problematic if the engineer was delayed for reasons outside of his control.

A debate ensued in respect of the requirement for CCTV at the premises with Mr Thomas being of the opinion that CCTV may not even be required as the premises was a food led establishment with no history of antisocial behaviour at any of its branches. However he added that his client was happy to offer CCTV at all of its premises.

The Licensing Officer requested that the proposed condition in respect of CCTV be amended to ensure that there was always a responsible person on site who could play back the CCTV and also print off a still image. This was agreed with all parties.

Mr Mooney noted the comments from Mr Thomas but still had concerns in respect of the 'reasonably practicable' phrase used within the suggested condition. He gave details of the reasons why the police could need the footage within 2 hours and felt that a longer delay could have a significant detrimental impact on a police investigation.

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.

At the conclusion of the meeting the Acting Principal Lawyer read out the sub committee's decision. He advised that the condition in respect of CCTV would read:

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 playing back and printing a still of CCTV footage at the demand of the Police, an authorised Herefordshire Trading Standards Officer or the Local Authority. In the event of a request for CCTV to be provided as a download, the following process will be followed:

- In the case of a serious incident (as defined by the Police) a senior Police Officer of the rank of Inspector or above will make the request and a download of the CCTV recording will be provided within 24 hours of the request being made.*
- For all other requests for CCTV download, this will be provided within 48 hours of the request being made. All requests for CCTV footage will be provided in a recordable format of either disc or VHS.*

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

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.

RESOLVED

THAT a new premises licence in respect of Frankie & Benny's be granted subject to the conditions as set out in the attached decision notice.

19. APPLICATION FOR A NEW PREMISES LICENCE 'CHIQUITOS' RESTAURANT & BAR, UNIT 28, LIVESTOCK MARKET, HEREFORD (Pages 5 - 8)

The application for Chiquitos raised the same concerns by the police as the previous agenda item for Frankie & Benny's. All other issues had been resolved.

The Sub-Committee considered both applications together as it was noted that the applications were identical and that they had received the same representations from responsible authorities.

RESOLVED:

THAT a new premises licence in respect of Chiquitos be granted subject to the conditions as set out in the attached decision notice.

The meeting ended at 12.35 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Frankie & Benny's
APPLICANT'S NAME	The Restaurant Group (UK) Ltd
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor CM Bartrum Councillor FM Norman
DATE OF MEETING	9 July 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 Mr Thomas, the applicant's legal advisor.

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 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 (INDOORS ONLY)

	Recorded Music,	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	0800 - 0000	2300 - 0000	1000 - 0000	0800 - 0030
Tuesday	0800 - 0000	2300 - 0000	1000 - 0000	0800 - 0030
Wednesday	0800 - 0000	2300 - 0000	1000 - 0000	0800 - 0030
Thursday	0800 - 0000	2300 - 0000	1000 - 0000	0800 - 0030
Friday	0800 - 0000	2300 - 0000	1000 - 0000	0800 - 0030
Saturday	0800 - 0000	2300 - 0000	1000 - 0000	0800 - 0030
Sunday	0800 - 0000	2300 - 0000	1000 - 0000	0800 - 0030

HEREFORDSHIRE COUNCIL

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

NON STANDARD TIMINGS

	Recorded Music,	Late Night Refreshment	Supply of Alcohol	Open to the Public
New Year's Eve through to New Year's Day	0800 – 0000 (40hrs)	2300 - 0500	1000 – 0000 (38hrs)	0800 – 0030 (40.5hrs)

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

- 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 playing back and printing a still of CCTV footage at the demand of the Police, an authorised Herefordshire Trading Standards Officer or the Local Authority. In the event of a request for CCTV to be provided as a download, the following process will be followed:

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- For all other requests for CCTV download, this will be provided within 48 hours of the request being made. All requests for CCTV footage will be provided in a recordable format of either disc or VHS.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

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.

- The Premises Licence Holder or Designated Premises Supervisor (DPS) will employ SIA doorstaff at times when risk assessment dictates door supervision to be necessary.

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

- The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
- 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), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) seizures of drugs or offensive weapons
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (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 employment. 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, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
- The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. 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.
- No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).
- The premises licence holder will ensure that all guests and patrons leave the premises in a quiet manner. In order to achieve this, prominent and clear signs (no less than point 32 font) will be displayed at all exits.

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

- The outside area at the front or sides of the premises and accessible to the public, and to be used for licensable activities, shall be clearly defined and separated from public car park by way of a substantial but demountable barrier.
- Any furniture used in the outside area shall be secured when the area is not in use.
- The premises licence holder will ensure that empty glasses, plates, etc are removed from the area on a regular basis in order to ensure safety and hygiene in the area.
- There shall be adequate coverage of the area by the premises CCTV system before the commencement of use of the area.

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

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

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