

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 18 September 2012 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: Brig P Jones CBE and GA Powell

46. ELECTION OF CHAIRMAN

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

47. APOLOGIES FOR ABSENCE

No apologies for absence were received.

48. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

49. DECLARATIONS OF INTEREST

There were no declarations of interest made.

50. APPLICATION FOR A PUBLIC PATH DIVERSION ORDER 'FOOTPATH SB1A IN THE PARISH OF STANFORD BISHOP.'

The Public Rights of Way Manager presented a report about an application under Section 119 of the Highways act 1980 to divert part of footpath SB1A in the Parish of Stanford Bishop. He felt that the proposed route was acceptable for the public; and advised that the Local Ward Member, parish council and neighbouring resident were in agreement with it although the Byways and Bridleways trust and the Open Spaces Society had objected.

The applicant had agreed to meet 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 Public Rights of Way 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 SB1A in the parish of Stanford Bishop.

51. APPLICATION FOR A PUBLIC PATH EXTINGUISHMENT ORDER 'FOOTPATH CW24(A) IN THE PARISH OF COLWALL.'

The Public Rights of Way Manager presented a report about an application under Section 118 of the Highways Act 1980 to extinguish part of footpath CW24(A) in the Parish of Colwall. He felt that the proposed route was acceptable for the public; and advised that the Local Ward Member, parish council and neighbouring resident were in agreement with it although the Open Spaces Society had objected.

The Public Rights of Way Manager explained that the extinguishment order was being used to reduce the width of the footpath from 10 metres wide to 2 metres wide. He added that the footpath was not actually being extinguished but merely narrowed.

The applicant had agreed to meet 50% of the costs associated with the extinguishment. 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 Public Rights of Way Manager that the application should be approved.

RESOLVED

THAT a Public Path Extinguishment Order be made under section 118 of the Highways Act 1980 in respect of part of footpath CW24(A) in the parish of Colwall.

52. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE 'GWALIA STORES, 27-29 BROAD STREET, ROSS-ON-WYE, HR9 7ED.' (Pages 11 - 12)

The Regulatory Sub-Committee was re-convened in order to determine an application for a review of a premises licence for Gwalia Stores, 27-29 Broad Street, Ross-on-Wye. The Review had been applied for by Herefordshire Council's Licensing team. The review related to the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

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

- David Hough (Herefordshire Council Trading Standards)
- Fred Spriggs (Applicant for Review)
- James Mooney (West Mercia Police)
- Ramanathan Ratheyan (Premises Licence Holder)

The Chairman advised the attendees of the hearing procedures and asked if they required an extension to the 10 minute time limit for public speaking, no extensions to the time limit were requested.

The Licensing Manager presented her report. She advised Members that the determination of the application was previously adjourned on 4 September 2012 as the correct notice period had not been served on the premises licence holder.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, James Mooney, representing West Mercia Police, addressed the sub-committee. He advised Members that West Mercia Police supported the review requested by Herefordshire

Council. He added that there had been a total of 4 test purchase failures under the management and supervision of the current Designated Premises Supervisor. He added that there had been little communication between the DPS and the police regarding the previous test purchase failures and added, that due to the continuing concerns regarding under age sales at the premises, he had no option but to recommend that the Licence be revoked.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, David Hough, representing Trading Standards, addressed the sub-committee. He advised the Sub-Committee that he supported the Police's recommendation to revoke the licence. However if the Sub-Committee decided against this course of action he had suggested four conditions which had been agreed with the premises licence holder. He had also recommended an additional condition requiring the current DPS to be removed although this had not been agreed.

At this stage the Acting Principal Lawyer explained the procedure of the meeting to Mr Ratheyan and advised him to seek clarification from the officers if he did not understand key elements of the meeting.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Fred Spriggs, representing the Licensing Authority, addressed the sub-committee. He gave a detailed presentation on the circumstances that had led to the review as well as his concerns in respect of the lack of correspondence with Mr Ratheyan in respect of this review or the previous reviews on the premises. He agreed with the four conditions that had been agreed with the premises licence holder but also felt that the DPS needed to be changed.

The Democratic Services Officer read out a written statement from the premises licence holder's legal advisor. He explained why he could not be present at the meeting and gave details of the circumstances which had resulted in the sale taking place.

Mr Ratheyan, the premises licence holder and DPS, addressed the Sub-Committee and advised that a new till system had now been installed in the shop. All staff training had also been renewed and log books were being produced to record any refusals. Mr Ratheyan was asked a number of questions and raised the following points:

- He accepted that there had been three previous test purchase failures at the premises.
- He confirmed that three people were employed at the shop.
- He confirmed that he was a member of Shopwatch and attended the regular meetings.

The Licensing Manager confirmed that there were no letters in the relevant file relating to any previous test purchase failures at the store.

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

The Acting Principal Lawyer read out the Sub-Committee's decision which was to suspend the licence for a period of three months; to remove the DPS from the premises and also to attach 4 additional conditions to the licence. 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. The Sub-Committee expressed some surprise that there was no clear trail of written warnings following previous test purchase operation failures.

It was noted that the Premises Licence Holder's licensing advisor had made an offer for other people connected with the shop to obtain a personal licence. He had asked for 2 months to achieve this. The Sub-Committee was mindful of this in making its decision.

The Sub-Committee also felt that in making its decision it was giving fair chance for the premises to continue as a family business in Ross-on-Wye after staff had received training and obtained qualifications.

Finally the Sub-Committee noted that the same Designated Premises Supervisor had been in charge for each of the previous test purchase failures. They considered that the removal of the current DPS reflected this.

RESOLVED

That the premises licence in respect Gwalia Stores, 27-29 Broad Street, Ross-on-Wye, be suspended for a period of 3 months.

That the current Designated Premises Supervisor be removed from the premises.

That the following conditions be attached to the licence:

- 1. A personal licence holder shall be on the premises at all times alcohol is offered for sale.**
- 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 1 month of the date of this condition first appears on the licence). Retraining to take place every 6 months thereafter. 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. 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 reviewed on a weekly 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.**
- 4. 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 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. 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.**

53. APPLICATION FOR A NEW PREMISES LICENCE 'THE ROYAL HALL, LEDBURY, HR8 2EY.' (Pages 13 - 18)

The Regulatory Sub Committee was convened in order to determine an application for a new premises licence in respect of The Royal Hall, Ledbury. 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:

- Miss Heaney (Applicant)
- Mr Heaney (Supporting the Applicant)
- Mr Hough (Representing Herefordshire Council Trading Standards)
- Mr Spriggs (Representing Herefordshire Council Licensing Authority)
- Mr Mooney (Representing West Mercia Police)
- Mr Barnes (A Local Resident Speaking in Objection)
- Mrs Hooley (A Local Resident Speaking in Objection)
- Mrs Weller (A Local Resident Speaking in Objection)

The Chairman read out the introductory notes and requested that any extensions to the 10 minute time limit permitted for representations to be made. No requests were made.

The Licensing Manager presented her report and advised the Sub-Committee that the advertisement had been received and was accepted. She also advised that conditions had been agreed with the applicant and that the application was bought before the Sub-Committee solely as there were representations from neighbouring residents which had not been withdrawn.

Mr Mooney, representing West Mercia Police, addressed the Sub-Committee and advised that there had been no complaints to the police regarding crime, disorder or nuisance in respect of the Royal Hall. He added that it may be beneficial to add a further condition to limit use of the hall to pre-booked events only, he added that this had been discussed with the applicant who had indicated that she would be willing to accept such a condition.

Mr Hough, representing Herefordshire Council Trading Standards, addressed the Sub-Committee and advised that all conditions had been agreed with the applicant.

Mr Spriggs, representing Herefordshire Council Licensing Authority, made reference to his representation contained within the agenda pack. He advised that he had recommended a number of conditions had been agreed,

Mr Barnes, one of the neighbouring residents who had submitted a representation in respect of the application, noted that the police had not been called to the Royal Hall but requested confirmation as to whether they had been called to the adjoining hotel. Mr Mooney advised that the application related to the Hall and not the Hotel. Mr Mooney added that a number of Temporary Event Notices had been granted at the Royal Hall and that there had been no complaints received regarding these.

In response to a question, Mr Hough confirmed that the Risk Assessment regarding door staff would be undertaken and recorded by the applicant on an event by event basis.

In response to a further question regarding noise and antisocial behaviour, Mr Mooney confirmed that he had spoken to the local policing unit who had advised that there had been no issues at any of the previous events at the Royal Hall. The Licensing Manager advised that if there were incidents the local residents could request a review of the premises licence.

The three local residents who had attended the meeting were given the opportunity to address the Sub-Committee. They raised a number of issues, including:

- They were concerned that the Royal Oak Hotel was not being taken into consideration in determining the application as the Royal Hall could only be accessed through the Hotel.

- There had been issues with patrons drinking and smoking outside the Royal Oak Hotel previously.
- Residents had reported patrons urinating against their properties.
- Five neighbouring residents' properties were within the hotel car park, they suffered greatly from disturbances from the premises.
- Noise from music would be a concern.
- A number of residents had their drives blocked due to the limited car parking provision at the premises.
- Emergency services would have difficulty gaining access to the Royal Hall due to the issues with parking.
- Three residents of Ledbury Park had made representations regarding noise issues from the Royal Oak Hotel.
- One resident had limited access to his garden during events due to the noise.
- Police presence in the area was extremely limited.

Mr and Miss Heaney, the applicant and her father, spoke in support of the application and raised a number of issues, including:

- They apologised for the issues raised by residents of Ledbury Park and added that they were not aware of issues in that area.
- Music in the bottom bar of the Royal Oak Hotel had now ceased following noise testing as a result of an earlier complaint.
- The business was a family business and the support of the local residents was needed.
- The Royal Hall would only be used for pre-booked events.
- The intention was not to open a nightclub and the premises was not aimed at 18-20 year olds.
- The intention was to host weddings and christenings and other family based events.
- Would be willing to look at further measures to reduce the possibility of sound emanating from the premises.
- The hall was initially purchased to add further bedrooms to the Hotel but after comments from the public it was deemed more appropriate to host events.
- Would like to work closely with the local residents to address their concerns.

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

RESOLVED

THAT the application for a new premises licence for the Royal Hall, Ledbury, HR8 2EY, be granted subject to the following conditions:

PREVENTION OF CRIME

- **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, an authorised Herefordshire Trading Standards Officer or the 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.

- 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 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
- 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.
- SIA door staff shall be used on a risk assessed basis. The risk assessment for each event shall be written down and shall be produced to the police or an 'authorised person' as defined by Section 13 of the Licensing Act 2003 on demand.
- 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 or the Police.

- The premises shall be an active member of the HAND Scheme (Pub Watch) while such a scheme or similar exists.
- A 'Pub Radio' shall be held at the premises. The DPS will ensure that a responsible person: logs on at the control centre at the commencement of licensable activities and monitors the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.

PUBLIC SAFETY

- All staff shall wear clothing which identifies them as members of staff of the premises.
- A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
 - 1 x Guidance Leaflet
 - 60 x Washproof Plasters
 - 6 x Eye Pads with Bandage
 - 8 x Triangular Bandages
 - 12 x Safety Pins
 - 16 x Assorted Sterile Dressings
 - 20 Moist Wipes
 - 3 Pairs Disposable Gloves
- All electrical wiring and distribution systems shall have a current electrical safety certificate signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
- Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
- The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.
- All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.
- The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with a detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

- The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

PREVENTION OF PUBLIC NUISANCE

- All windows and external doors will be closed after 2200 hours except for immediate access and egress.
- Noise or vibration shall not emanate from the premises so as to cause a nuisance.
- The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
- Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least every 60 minutes to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.
- Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- No external area at the premises shall be used after 23:00 hours.
- The use of the Royal Hall is exclusively for pre-planned events.

PROTECTION OF CHILDREN

- No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 21 or over.
- 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 an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) 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).

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

PREMISES	Gwalia Stores
PREMISES LICENCE HOLDER	Ramanathan Ratheyan
APPLICANT'S NAME	Herefordshire Council
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor GA Powell Councillor Brig P Jones CBE
DATE OF MEETING	18 September 2012 (adjourned from 4 September 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 Jim Mooney, representing West Mercia Police; David Hough, the Principal Trading Standards Officer; Fred Spriggs, the Licensing Officer; together with Ramanathan Ratheyan, the premises licence holder and Designated Premises Supervisor. They also heard a written representation from Robert Jordan, the premises licence holder's licensing advisor.

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

- That the License be suspended in respect of all licensable activity for a period of 3 months*.
- That the current Designated Premises Supervisor be removed from the premises.

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

- A personal licence holder shall be on the premises at all times alcohol is offered for sale.
- 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 1 month of the date of this condition first appears on the licence). Retraining to take place every 6 months thereafter. 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.
- 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 reviewed on a weekly basis by the Designated Premises Supervisor and produced to the police or an authorised person (as defined by Section 13 of

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

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 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. 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.

REASONS

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.

The Sub-Committee expressed some surprise that there was no clear trail of written warnings following previous test purchase operation failures.

The Premises Licence Holder's licensing advisor has made offers for other people connected with the shop to obtain a personal licence. He has asked for 2 months to achieve this. The Sub-Committee was mindful of this in making its decision.

The Sub-Committee also felt that in making its decision it was giving fair chance for the premises to continue as a family business in Ross-on-Wye after staff had received training and obtained qualifications.

Finally the Sub-Committee noted that the same Designated Premises Supervisor had been in charge for each of the previous test purchase failures. They considered that the removal of the current DPS reflected this.

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.*

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

PREMISES	The Royal Hall
APPLICANTS' NAMES	Donna and Sheila Heaney
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor GA Powell Councillor Brig P Jones CBE
DATE OF MEETING	18 September 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 Jim Mooney, representing West Mercia Police; David Hough, the Principal Trading Standards Officer; Fred Spriggs, the Licensing Officer; together with Miss Heaney and Mr Heaney, the applicant and her father; and Mr Barnes, Mrs Hooley and Mrs Weller, three of the neighbouring residents who had made representations in respect of the application.

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, the guidance issued under 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)

	Plays, Films, Indoor Sporting Events	Live / Recorded Music, Performance of Dance(or similar)	Making Music, Dancing (or similar)	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	1100 - 2400	1100 - 2400	1100 - 2400	2300 - 0100	1100 - 0130	1100 - 0200
Tuesday	1100 - 2400	1100 - 2400	1100 - 2400	2300 - 0100	1100 - 0130	1100 - 0200
Wednesday	1100 - 2400	1100 - 2400	1100 - 2400	2300 - 0100	1100 - 0130	1100 - 0200
Thursday	1100 - 2400	1100 - 2400	1100 - 2400	2300 - 0100	1100 - 0130	1100 - 0200
Friday	1100 - 2400	1100 - 2400	1100 - 2400	2300 - 0100	1100 - 0130	1100 - 0200
Saturday	1100 - 2400	1100 - 2400	1100 - 2400	2300 - 0100	1100 - 0130	1100 - 0200
Sunday	1100 - 2400	1100 - 2400	1100 - 2400	2300 - 0100	1100 - 0130	1100 - 0200

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

	Plays, Films, Indoor Sporting Events	Live / Recorded Music, Performance of Dance(or similar)	Making Music, Dancing (or similar)	Late Night Refreshment	Supply of Alcohol	Open to the Public
Christmas Eve	1100 - 0100	1100 - 0100	1100 - 0100	2300 - 0100	1100 - 0130	1100 - 0200
New Year's Eve	1100 - 0100	1100 - 0100	1100 - 0100	2300 - 0100	1100 - 0130	1100 - 0200
Bank Holiday Monday	1100 - 0100	1100 - 0100	1100 - 0100	2300 - 0200	1100 - 0130	1100 - 0200
Bank Holiday Sunday	1100 - 0100	1100 - 0100	1100 - 0100	2300 - 0200	1100 - 0130	1100 - 0200

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

PREVENTION OF CRIME

- 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, an authorised Herefordshire Trading Standards Officer or the 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.

- 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:

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

- (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 or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) 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.
 - SIA door staff shall be used on a risk assessed basis. The risk assessment for each event shall be written down and shall be produced to the police or an 'authorised person' as defined by Section 13 of the Licensing Act 2003 on demand.
 - 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 or the Police.
 - The premises shall be an active member of the HAND Scheme (Pub Watch) while such a scheme or similar exists.
 - A 'Pub Radio' shall be held at the premises. The DPS will ensure that a responsible person: logs on at the control centre at the commencement of licensable activities and monitors the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.

PUBLIC SAFETY

- All staff shall wear clothing which identifies them as members of staff of the premises.
- First aid
- A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
 - 1 x Guidance Leaflet
 - 60 x Washproof Plasters

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

6 x Eye Pads with Bandage
8 x Triangular Bandages
12 x Safety Pins
16 x Assorted Sterile Dressings
20 Moist Wipes
3 Pairs Disposable Gloves

Electrical & Gas Installations

- All electrical wiring and distribution systems shall have a current electrical safety certificate signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
- Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Hypnotism

- The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.

Maintenance, Repair and Cleanliness

- All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

Special Effects

- The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with a detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

Capacity limits

- The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

PREVENTION OF PUBLIC NUISANCE

- All windows and external doors will be closed after 2200 hours except for immediate access and egress.
- Noise or vibration shall not emanate from the premises so as to cause a nuisance.

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

- The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
- Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least every 60 minutes to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.
- Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- No external area at the premises shall be used after 23:00 hours.
- The use of the Royal Hall is exclusively for pre-planned events.

PROTECTION OF CHILDREN

- No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 21 or over.
- 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 an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) 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).

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.

