

MINUTES of the meeting of Regulatory Sub Committee held at Committee Room 1, Shirehall, Hereford on Tuesday 4 December 2012 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: Brig P Jones CBE and PJ McCaull

97. ELECTION OF CHAIRMAN

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

98. APOLOGIES FOR ABSENCE

Apologies were received from Councillor CM Bartrum.

99. NAMED SUBSTITUTES (IF ANY)

Councillor PJ McCaull attended the meeting as a substitute member for Councillor CM Bartrum.

100. DECLARATIONS OF INTEREST

There were no declarations of interest made.

101. APPLICATION FOR REVIEW OF PREMISES LICENCE 'KINGS ACRE POST OFFICE & STORES, 95 KINGS ACRE ROAD, HEREFORD, HR4 0RQ.'

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premises licence for Kings Acre Post Office and Stores, 95 Kings Acre Road, Hereford, HR4 0RQ. 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:

- James Mooney (West Mercia Police)
- Fred Spriggs (Applicant for Review)
- Jacqueline Mantle (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 Sub-Committee were advised that the premises had failed a test purchase operation on 14 September 2012 when a member of staff had served a 15 year old male and a 16 year old female with alcohol.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Fred Spriggs, the applicant for the review, addressed the sub-committee. He drew members' attention to three proposed conditions covering a refusals register, staff training and challenge 25, which were contained within his representation.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, James Mooney, representing West Mercia Police, concurred with the Licensing Officer but sought clarification in respect of the premises licence holder's training history. He noted that the premises licence holder had not been trained to BIIAB standard and suggested that any condition also ensure that she was subject to at least the same level of training as her staff.

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 Sub-Committee decided that the three proposed conditions should be attached to the licence. It was noted that the condition requiring training referred to 'all staff' and that this would also include the premises licence holder.

RESOLVED

That the following conditions be attached to the licence to address the concerns of the Licensing Authority, the Police and Trading Standards.

- **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). Retraining to take place 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**
- **A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.**
- **The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.**

102. REVIEW OF PREMISES LICENCE 'JAILHOUSE, 1 GAOL STREET, HEREFORD, HR1 2HU.'

The Regulatory Sub-Committee was re-convened in order to determine an application for a review of a premises licence for The Jailhouse, 1 Gaol Street, Hereford. The Review had been applied for by Herefordshire Council's Licensing team. The review related to three of the licensing objectives, namely the prevention of public nuisance, 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:

- James Mooney (West Mercia Police)
- Steven Harrison (Premises Licence Holder)
- Anthony Murphy (Designated Premises Supervisor)

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 Officer presented the report.

Mr Mooney, representing West Mercia Police, addressed the sub-committee. He advised that although there had been some positive action from the Premises Licence Holder, the Police still had concerns in respect of the premises. He confirmed that the Police were not seeking a revocation of the licence but considered that the issue could be addressed through appropriate conditions. Members were given a detailed breakdown of the recorded police incidents that had been linked to the premises over recent months, with the majority being for drug related offences. The police welcomed the Premises Licence Holder's decision to employ a new security team and noted that this had led to an increase in positive searches taking place. In summing up he advised that four conditions had been agreed but that the condition requiring the presence of a drug search dog was still disputed.

In response to a question, Mr Mooney confirmed that there were certain nights at the Jailhouse when no incidents were recorded to the police and that these tended to be Thursday nights when adult entertainment took place.

Mr Murphy, the newly appointed Designated Premises Supervisor, addressed the sub-committee. He advised Members that he had been involved in a number of major events throughout the County over a period of 12 years and that he had recently stood as a Councillor for the St. Nicholas ward. He then went on to give Members a detailed background of the Jailhouse and the type of events that were held at the venue. In response to the concerns raised by the police Mr Murphy noted that certain types of music tended to be linked to illegal drugs and that this was something that had to be considered when arranging events. Members were given the opportunity to view promotional material for forthcoming events which included the 'zero tolerance' wording requested at the previous hearing and were also advised that this had also been publicised on Radio Hereford & Worcester's Drive Time show. He echoed the police comments in respect of the effectiveness of the new security team and noted that the search rate had increased considerably since they had been in place.

Regarding the issue of drugs at the premises, Mr Murphy confirmed that 23 members of staff had been on a drug awareness course. He added that the Jailhouse now operated a 'meet and greet' policy on high activity nights and had also introduced a Drug Policy which had been shared with the responsible authorities. An amnesty box was also available at the entrance to the premises to give patrons the opportunity to anonymously hand over any items that they should not be entering the Jailhouse with. These items were then handed over to the police. Regarding the inside of the premises, Mr Murphy confirmed that four additional CCTV cameras had been installed in consultation with the

police and that all staff carried radios so any issues or concerns could be reported quickly.

In summing up Mr Murphy stated that the Jailhouse door policy was now the strictest in the County and that although the club had previously had a bad reputation for drugs and disorder, a considerable effort had been put in by all staff to change this.

In response to a number of questions, Mr Murphy confirmed that:

- Searches were as thorough as legally permitted. Phones were dismantled, shoes and socks removed, credit cards were checked for any drug residue, and a drug dog had been used on occasions. He added that skin to skin searches were not permitted.
- The national statistics indicated that 1 in 5 people would use illegal drugs on a night out, therefore drugs will always get in to a premises.
- The drug dog had been an effective deterrent. A drug dog would be used again at peak times throughout December.
- Glass collectors and bar staff had been asked to be vigilant and to check the toilet areas regularly. Toilets were checked for suspicious activity including prolonged use of toilet cubicles, and two people entering a cubicle.
- There was one female member of the security team however she was not available all of the time. It was noted that there was a shortage of female door staff throughout the County.
- Female customers would have their bags and purses checked although they could not be searched if no female member of staff was present.

Mr Mooney confirmed that he had worked closely with the Premises Licence Holder and the Designated Premises Supervisor to assess forthcoming events to ensure that the level of security offered was appropriate for the event.

In response to a question regarding the disputed condition, Mr Harrison confirmed that he had used a drug dog at the premises. He advised Members that the dog cost £120 and could only work for 20 minutes at a time before having a 20 minute break. He noted that the Police had requested a 6 month condition and voiced his concerns that if a dog was required each night it would not be financially viable. However he had no objection to ensuring that a dog was on the premises for major events on a risk assessed basis.

Mr Murphy advised that the Jailhouse were looking at reducing 'high risk' nights such as house music events. This was in line with the recently proposed drug policy.

In summing up, Mr Mooney, representing West Mercia Police, advised the Sub-Committee that he still had concerns regarding the drug policy as it appeared not to be up to date and current. He thanked the applicant for working with the police but requested that the remaining outstanding condition, regarding the drug dog, be attached to the licence.

Mr Harrison also took the opportunity to sum up his comments. He advised the sub-committee that a great deal of work had been undertaken in the two months since the application was initially deferred by Members. He added that he would like to continue to work closely with the police and agreed with the police that a suspension of the licence would not be necessary or beneficial.

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

RESOLVED

That the following conditions be attached to the premises licence to address the concerns of the Police.

- **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), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 fonts bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving area advertising the scheme operated**
- **The premises licence holder will ensure that a personal licence holder will be within the licensable area of the premises when the licensable activity of the sale of alcohol is undertaken – with the exception of nights when licensed adult entertainment takes place. This personal licence holder will not undertake any other licensed/regulated activity**
- **All staff (including SIA registered door staff) dealing with customers/guests will be trained in 'drug awareness skills' (drug awareness skills will involve the recognition of suspected illegal substances, their seizure and security until handed to the police and procedures to follow with regards to dealing with a member of the public who is suspected of being under the influence of a illegal drug, or in possession of a suspected illegal drug). This training will be provided within 4 weeks of employment and will be refreshed every 12 months. All existing staff will be trained within 4 weeks of this condition being applied to the premises licence. Training records will be made available on demand to the Licensing Authority, the police or other authorised person defined under S13 Licensing Act 2003. All training records will be retained for 12 months.**
- **The premises licence holder will ensure that all persons are searched, prior to entering the premises, when the licensable activity of the sale of alcohol takes place. This condition shall not apply on days when licensed adult entertainment takes place.**
- **A drugs dog shall be used at the premises between the hours of 22.30 & 0030 on at least 4 occasions per calendar month. The premises licence holder shall produce a Drugs risk assessment at least 7 days prior to the event to identify the risk level perceived with the event which shall be shared with the Licensing Authority and the Police. The 4 occasions per month shall be agreed with the Licensing Authority and Police. Where the drugs dog indicates the possible presence of drugs that person shall be refused entry to the premises or removed for the premises forthwith.**

This condition shall only be effective following the end of the period set aside for appeal and then only for a period of 6 months from that date.

The Premises Licence Holder, the Police and the Licensing Authority shall meet within 7 days following the last day of any month to review this condition. If the police and the Licensing Authority are in agreement, the requirements of the above condition may be amended as required should it become clear that the presence of the drugs dog is required on a more frequent basis or is having the desired effect and its presence is not required as much, but with consideration at all times being that the

presence of the drugs dogs is to effectively act on an 'ad hoc' basis and act as a continuing deterrent.

This condition shall be removed from the licence at the end of the 6 month period.

In the event that the premises applies for a Temporary Event Notice and the police object to that notice on the grounds of crime and disorder, but state that they will remove their objection if the conditions attached to the premises licence are applied the Temporary Event Notice the condition attached shall read 'A drugs dog shall be used at the premises between the hours of 22.30 & 0030. Where the drugs dog indicates the possible presence of drugs that person shall be refused entry to the premises or removed from the premises forthwith.

The meeting ended at 11.45 am

CHAIRMAN