

**MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 28 June 2013 at 10.00 am**

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

**Councillors:** CM Bartrum and Brig P Jones CBE

**11. ELECTION OF CHAIRMAN**

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

**12. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

There were no substitutes present at the hearing.

**14. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**15. FULL REVIEW FOLLOWING AN EXPEDITED REVIEW 'LYDE COURT, LYDE CROSS, HEREFORD, HR1 3AE.'**

The Licensing Officer advised the Sub-Committee that they were required to undertake a full review of the premises licence within 28 days of an application for an expedited review being received by the Council. He added that there was a right of appeal and that any decision made by the Sub-Committee would have no effect until the appeal had been disposed of.

The Chairman asked all parties present if they would require an extension to the usual 10 minutes permitted for presentations. It was agreed that 15 minutes be permitted for all parties.

The Police requested permission from the Chairman to play a recording of the 999 telephone calls to the Committee. The Police also agreed that the premises licence holder could be present when the recordings were played but they requested that no other party be permitted to hear the recordings due to data protection reasons. In addition the police also requested permission to ask the premises licence holder a question in exempt session. After a brief discussion with the Senior Litigator it was agreed that it would not be appropriate for a question to be asked in exempt session and that all questions in response to the premises licence holder's presentation should be asked in public session.

The Committee resolved to exclude the public and press in order for the recordings to be heard. Once the recordings had been heard the public and press were invited back into the chamber and the meeting continued.

James Mooney, representing West Mercia Police who had requested the review, addressed the Sub-Committee. He drew Members attention to the bundle of papers that had been

produced by the police and had been forwarded to the Sub-Committee and the premises licence holder prior to the meeting. He took the Sub-Committee through the details held on the operational log which recorded four calls to the 999 telephone number between 0341 and 0349 on 2 June 2013.

Inspector Nick Sempler, also representing West Mercia Police, addressed the Sub-Committee. He took Members through the witness statements of the police officers who had attended the incident, the taxi drivers who had made the calls to the police and also from witnesses to the incident.

The Police closed their submission with Mr Mooney stating that in the police's opinion the events of the night did constitute serious disorder. He reminded the Sub-Committee that the Licensing Act had been amended to require the authority to take steps that were appropriate. He also drew the Sub-Committee's attention to paragraphs 9.12 and 11.24 of the guidance issued under Section 182 of the Licensing Act which required the authority to accept all reasonable and proportional evidence submitted by the police and also to not make a judgement in respect of criminality. He concluded by stating that Superintendent Ivan Powell had ordered a criminal investigation in respect of the matter.

The Members and the Premises Licence Holder were given the opportunity to ask questions in respect of the police presentation. In response to questions the following responses were given:

- When asked if Lauren Waring had been present throughout the police answered that it appeared that she had not been present throughout as two witnesses had indicated that they passed her waiting on the lane.
- In response to a question regarding a statement being changed, the police read out the entire statement in question and advised that the officer had stated that the incident was just minor disorder, however it was noted that the officer in question had attended the incident 30 minutes after the first officer had been on the scene. The police added that the statement had not been changed and that the statement provided was the statement of the officer in question.
- In response to a question regarding the number of police statements, the Senior Litigator advised that the police could choose what evidence they wished to include in their presentation. Inspector Sempler did however state that there was one further statement which had been received later and that he would be happy to return to the station to collect it if deemed necessary.

Mrs Karen Waring, the premises licence holder and designated premises supervisor for Lyde Court addressed the Sub-Committee. She noted Inspector Sempler's comments describing Lyde Court as a premier venue which had previously provided no cause for concern to the police. She went on to voice her distress at the recent incident and advised that she wanted to put measures in place to stop a similar event in the future. She put forward a number of conditions covering the provision of CCTV; the use of toughened glass or polycarbonate drinking vessels; the use of SIA trained security; the briefing of the bride, groom and family prior to the wedding in respect of the conduct of their guests; staff training; the provision of lower strength lager; the addition of another personal licence holder on the premises licence; and the addition of a third personal licence holder on completion of a Bar Keeping Certificate.

She added that the current closing time of 2am on Saturday and Sunday mornings worked well as most weddings came to a natural end before this time. She added that she believed that the licensing objectives could be promoted effectively without a change to the terminal hour. She added that the ability to serve alcohol to residents out of hours was something that had attracted a number of customers previously and therefore

requested that this continue to be permitted. She added that by accommodating guests on the site night time traffic flow was considerably reduced.

In response to the police statements, Mrs Waring stated that she agreed with 9 out of the 10 statements provided although she did object to the statement given by PC Prewer as it was out of keeping with the others, she drew Members' attention to a spreadsheet summarising the 10 statements. She went on to state that she believed that the officer in question may have had a grudge due to an incident on the drive where Lauren had objected to the speed at which he had approached the site. Mrs Waring continued to address her concerns in respect of the statement provided by PC Prewer and noted discrepancies between his statement and the ones offered by other officers who had visited the premises.

In response to a question Mrs Waring advised that the exterior lighting at the premises was very good with downlighters and exterior lighting provided. In response to a question from the Police regarding the source of some of Mrs Waring's information, she stated that she would not be willing to identify her source. Members requested confirmation that all staff had been trained and asked why people had been served when they were clearly inebriated.

All parties were given the opportunity to sum up their comments in a brief closing statement.

The Sub-Committee retired to make its decision. On its return the Senior Litigator read out the decision in full.

## **RESOLVED**

**THAT the premises licence may continue subject to the following conditions:**

- 1. Attendance within the licensable area of the premises of a personal licence holder at all times when the supply of alcohol is undertaken.**
- 2. Reduction of operating hours for the supply of alcohol to 12:30 am on all days of the week for a period of two months to allow systems to be put in place and training to be undertaken. This condition to take effect at the conclusion of the period given for appealing against the decision or if the decision is appealed, until the appeal is disposed of.**
- 3. 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.**

**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 (provided that the police will allow reasonable time for the recording to be obtained in the event that the request for recordings is made at a time when the premises are closed.**

**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.**

- 4. The Premises Licence Holder will employ SIA door staff at all times when risk assessments dictate door supervision to be necessary.**
- 5. All pint glasses to be toughened glass or polycarbonate. Furthermore all glasses issued after 11pm to be of that type.**

#### **INFORMATIVE NOTES**

- 1. The Sub-Committee requires that the provision of a personal licence holder and the requirement for CCTV be put in place by the end of the 2 month period as referred to in condition 2 above.**
- 2. The Sub-Committee was pleased to note and support the plans to provide briefings for families of those attending weddings at Lyde Court.**
- 3. While complimenting the premises for its intention to provide training for staff above the legal minimum the Sub-Committee considered that Condition 1 as granted covered this point fully.**

The meeting ended at 1.30 pm

**CHAIRMAN**