

**MINUTES of the meeting of Regulatory Sub Committee held at Council Chamber - Brockington on Monday 23 September 2013 at 2.00 pm**

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

**Councillors:** CM Bartrum and BA Durkin

**1. ELECTION OF CHAIRMAN**

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

**2. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

There were no substitutes present at the hearing.

**4. DECLARATIONS OF INTEREST**

Mr J Kenyon, the Licensee, and a Member of Herefordshire Council declared a Disclosable Pecuniary Interest and left the meeting.

**5. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE - ' THE VICTORY, 88 ST OWENS STREET, HEREFORD**

*(Mr J Kenyon, the Licensee and a Member of Herefordshire Council declared a disclosable Pecuniary interest and left the meeting for the duration of this item.)*

The Sub-Committee considered an application for a variation to the Premises Licence for 'The Victory, 88 St Owens Street, Hereford.

The Chairman read out the guidance note and asked all parties to introduce themselves.

The Licensing Manager presented the report.

Inspector N Semper addressed the Sub-Committee on behalf of West Mercia Police. He began by paying credit to Mr Kenyon for his work for the community as both a private citizen and public representative. He expressed regret that it had not been possible to reach agreement with the applicant over the application.

He informed the Sub-Committee that, following an incident at the premises the police had identified that a number of conditions on the current licence were no longer relevant and in some cases were clearly not achievable. The police had provided a template of conditions for a new licence tailored to the premises.

The applicant had not agreed with the condition that SIA-registered door supervisors are provided on a "risk assessed basis". Nor had he agreed that the age verification

standard of Challenge 25 should be applied. The Police considered both these matters to be fundamental in the promotion of the licensing objectives.

The Licensing Officer also commented on the areas where it had not been possible to reach agreement as summarised on page 12 of the agenda papers – paragraphs 9.8 - 9.11.

The Team Manager representing Trading Standards commented on the importance of the Challenge 25 policy in promoting the licensing objectives.

Mr P Amor, representing Mr Kenyon, argued that the proposed conditions on which agreement could not be reached were bureaucratic, onerous and disproportionate. He noted that Mr Kenyon would accept a Challenge 21 policy but not a Challenge 25 policy.

The Sub-Committee retired to make its decision. When the meeting reconvened the Chairman invited the Senior Litigator to read out the decision.

He stated that, having carefully considered those matters brought before them, the Sub-Committee had determined the application as set out below, with a view to promoting 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, as set out in the guidance issued under Section 182 of the Licensing Act 2003, and the Council's Licensing Policy.

**RESOLVED: That the application should be granted with immediate effect. The Sub-Committee concurs with the licensing conditions agreed between the parties, as set out in an email dated 15 August 2013, timed at 18:11, between Mr James Kenyon and Mr Fred Spriggs, Licensing Officer, on behalf of the Council.**

**In addition, the Sub-Committee has considered carefully the representations in respect of SIA door and steward staff, and in particular the necessity or otherwise for them being provided on a risk-assessed basis. There is a supplemental note on this point at the end of this decision.**

**Decision 1:**

**The Sub-Committee agrees that SIA door supervisors and door staff be employed as required, but subject at all times to a pre-prepared risk assessment, which will consider those types of occasion when these employees may be required (Paragraphs 9.8 and 9.9 of the report to the Sub-Committee refer).**

**Decision 2:**

**The Sub-Committee supports the need for a challenge 25 policy to be in force at the Victory Public House premises, as per Paragraph 9.11 of the report to the Sub-Committee, at all times when the premises are open for the sale of alcohol. The Sub-Committee considered the Thwaites case and also the Bristol case, as brought to its notice. The Sub-Committee considers that (1) there is real evidence to support the provision of both SIA door staff and the Challenge 25 policy (Thwaites); and (2) these licensing conditions are appropriate (Bristol).**

**Note 1: The Sub-Committee made its decision in respect of SIA staff on the basis that one risk assessment should deal with the majority of the usual events held at these premises. It in no way requires a separate risk assessment to be prepared for every event.**

**Note 2: The Sub-Committee supports the welcome remarks of Inspector Semper of the West Mercia constabulary in respect of the professional abilities of the present owner of the application premises and his contribution to the community.**

The meeting ended at 3.36 pm

**CHAIRMAN**