

MINUTES of the meeting of Regulatory Sub Committee held at Room 22 A, Brockington, 35 Hafod Road, Hereford on Monday 2 December 2013 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: BA Durkin and GA Vaughan-Powell

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

There were no substitutes present at the hearing.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE - 'CONNOLLY'S' BAR, 7 GLOUCESTER ROAD, ROSS ON WYE

The Licensing Officer reported that the applicant and the responsible authorities had reached agreement; the applicant had withdrawn the application and the authority could therefore dispense with the hearing.

6. REPRESENTATION AGAINST INTERIM STEPS FOLLOWING AN APPLICATION FOR AN EXPEDITED/SUMMARY LICENCE REVIEW OF THE PREMISES LICENCE IN RESPECT OF: BREWERS ARMS 97 EIGN ROAD, HEREFORD, HR1 2RU

(In accordance with Section 100B (4) b of the Local Government Act 1972, as Amended, the Chairman agreed to allow consideration of this item as a matter of urgency to comply with the requirement that a hearing of representations against interim steps should be held within 48 hours of their receipt.)

The Sub-Committee was convened in order to consider representations against the interim steps imposed on 27 November 2013 by the Regulatory Sub-Committee following an application for an expedited/summary licence review of the premises licence relating to the Brewers Arms, 97 Eign Road, Hereford, HR1 2RU.

The meeting was convened within 48 hours of receipt of the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

On 27 November 2013, the Sub-Committee had suspended the licence for the Brewer's Arms subject to further review at a full hearing to be held on 20 December 2013.

In response, the applicant had requested that the premises should be permitted to reopen, putting forward proposals upon which the reopening would be conditional.

Prior to making their decision the Sub-Committee heard from Mr Steven Harrison and Mr Sean Harrison the Premises Licence Holders, who explained the reasons why they felt that the premises should be permitted to re-open and outlined conditions that would be acceptable to them. These varied from the conditions set out in the representations to the licensing authority by Mr Sean Harrison in response to the interim step agreed by the Sub-Committee as set out at appendix c to the report.

(The Sub-Committee excluded the public from the part of the hearing when the Premises Licence Holders spoke, considering that the public interest in doing so outweighed the public interest in that part of the hearing taking place in public.)

Mr J Mooney and Chief Inspector A Thomas, representing West Mercia Police, also addressed the Sub-Committee. At appendix D to the report the Police had set out some requested conditions, if the Sub-Committee was minded to modify the interim steps prior to the full review hearing scheduled for 20 December 2013.

The Sub-Committee retired to make its decision. The Senior Litigator then read out the decision of the Sub-Committee.

He emphasised the Sub-Committee's view that it was essential that the conditions imposed by the Sub-Committee were met before the premises re-opened.

RESOLVED: That the interim step imposed by the Sub-Committee on 27 November be withdrawn and the premises be permitted to re-open pending the full review on 20 December 2013, subject to the following conditions:

1. The terminal hour of the premises should be reduced to no later than midnight on all days of each week (so that sale by retail of alcohol is permitted from mid-day to midnight.)
2. That CCTV should be provided to a standard agreed by both West Mercia Police and the Licensing Authority. This standard is set out in the model pool of licensing conditions contained in the Licensing Policy of Herefordshire Council.

(Model Condition: 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.

A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded. 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/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.*

3. That Mr Sean David Harrison should be removed as the designated premises supervisor
4. That a personal licence holder should be within the licensable area of the licensed premises at all times when licensable activities are undertaken.
5. **That before the premises re-open:** all staff should be trained to a standard set within the model pool of conditions contained within the Licensing Policy for Herefordshire Council. This standard is set as BIIAB level 1 licensing training or a standard agreed by Herefordshire Council Trading Standards.

(model condition: 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 Herefordshire Council Trading Standards. Training records shall be kept on the premises and shall be 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.)

6. That the premises licence holders will be an active member of any 'pub watch' scheme that is operating within the Hereford city area for the duration of its existence.
7. Upon the Licensing Manager in consultation with West Mercia Police being satisfied that a suitable Designated Premises Supervisor has been appointed and sufficient suitably trained bar-staff have been identified (as set out in paragraph 5 above) then the premises may reopen for the licensing hours as specified in paragraph 1 above.
8. The above conditions are subject to further review on Friday 20 December 2013.

REASONS

- 1 To protect the public.
- 2 To ensure that properly trained staff are in place on the premises. This is necessary because the premises recently suffered an incident of serious crime and disorder.
- 3 To promote the relevant licensing objectives

The meeting ended at 3.10 pm

CHAIRMAN