

MINUTES of the meeting of Regulatory Sub Committee held at Committee Room 1, The Shire Hall St Peter's Square Hereford HR1 2HX on Thursday 8 January 2015 at 11.00 am

Present:

Councillors: CM Bartrum, A Seldon and P Sinclair-Knipe

In attendance: Councillors

Officers: Mike Jones and Adrienne Poole

1. ELECTION OF CHAIRMAN

Councillor A Seldon was elected as Chairman for the Regulatory Sub-Committee hearing.

2. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Vaughan-Powell

3. NAMED SUBSTITUTES (IF ANY)

Cllr C M Bartrum attended as substitute for Cllr Vaughan-Powell

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF SUPERSAM, 141-143 EIGN STREET, HEREFORD, HR4 0AJ - LICENSING ACT 2003

Members of the Licensing Panel of the Council's Regulatory Sub-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 Adrienne Poole, representing the Licensing Authority, , David Gough , presenting the Trading Standards representation and Mr. Patrick Burke – PMB Licensing, solicitor on behalf of the applicant.

The Chairman introduced item 5 on the agenda and invited all present to introduce themselves.

Adrienne Poole outlined the application as per the agenda document.

David Gough outlined Trading Standards objections based on Licensing Objectives i.e. Protecting children from harm and Crime and Disorder.

Mr Gough believed that there is continued communication between the applicant and the previous licence holder. However, there was no evidence that the previous licence holder does not continue to hold an interest in the premises.

Mr Gough wished to reserve right to apply conditions if the Premises licence is granted.

The Chairman requested evidence of the lease in the applicant's name and the solicitor stated that he has phone evidence that the lease is in place. The panel rejected this evidence stating they would require a hard copy.

Chairman adjourned meeting at 11:30 am to allow time for copy of the lease to be faxed to the Council's legal adviser.

Meeting reconvened at 12:00 –

The Council's legal adviser confirmed that he had received a Licence to assign the lease, certified as a true copy by solicitors in Wolverhampton. This was accepted by the panel.

The applicant's solicitor was asked to confirm the date of lease assignment with the applicant's solicitor confirming that all relevant documents have been completed.

The applicant was invited by the panel to state why the Premises Licence should be granted.

The applicant's solicitor explained that his client had been in the UK for 10 years and had previously worked in West Bromwich with the previous Premises licence holder and therefore, does not deny that he knows the previous licence holder.

The Trading Standards objection relates to the premises and has nothing to do with the applicant.

Stated that the applicant does know the previous applicant having worked with him previously, however, they are not friends. The applicant has purchased the property from the previous owner.

Concerned that the applicant will be judged on the premises past record and stated that there is no such thing as good or bad premises only good or bad operators.

Applicant's agent cited Thwaites v Wirral Borough (case law).

The Committee retired to consider the application.

Having carefully considered those matters brought before them, the Sub-Committee determined the application as follows, 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:

The Licensing Panel of the Council's Regulatory Sub-Committee were mindful to approve the application subject to the following:

West Mercia Police conditions as submitted, 1-3 Inc. to be retained with conditions 4 and 5 deleted and to be replaced with Herefordshire Council Trading Standards conditions 1, 2 and 3 as submitted (to be re-designated conditions 4, 5 and 6).

1. A log book 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), the Police or an officer of the UK Border Agency. The log book must record the following:
 - (a) Details of all persons employed at the premises in any capacity.
 - (b) Date of birth of the person.

- (c) The full name of the person.
- (d) Their current address.
- (e) Their national insurance number.
- (f) Their passport details.
- (g) In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.
- (h) In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

2. 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 recordable media format, 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 '101' immediately
3. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will 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) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service

4. 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). Re training will be carried out 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
5. 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.
6. 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.

The Chairman made the following statement

The damage to health caused by Alcohol and tobacco gives the Council great concern. As the Council has responsibility for Public Health, the impact on the people of Herefordshire is something we take very seriously. The history of the premises shows that previous operators have had little regard for the health and wellbeing of people and were only interested in profit.

With the evidence presented before us today and the precedence set by the case of Daniel Thwaites vs Wirral Borough Council, we are minded to grant this application. Conditions 1 to 3 of the police conditions and the council conditions, now numbered 4-6 will apply. However you will be very closely monitored and the Council will view any future transgressions of the conditions or the Licensing Objectives with the upmost gravity.

The Application is granted.

This concluded the meeting

This concluded the meeting

The meeting ended at Time Not Specified

CHAIRMAN