

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Regulatory Sub Committee held at Committee Room one, The Shire Hall St Peter's Square Hereford HR1 2HX on Friday 27 February 2015 at 11.00 am

Present: (Chairman)
(Vice Chairman)

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

1. ELECTION OF CHAIRMAN

Councillor A Seldon 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

There were no declarations of interest made.

5. REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW AND REPRESENTATION AGAINST THE INTERIM STEPS IN RESPECT OF: THE DUCKING STOOL, 11 SOUTH STREET, LEOMINSTER, HR6 8JA - LICENSING ACT 2003

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following interested parties were present: Chief Inspector Adam Thomas and Jim Mooney representing West Mercia Police, Heath Thomas representing the premises licence holder, Janet Morris, Premises Licence holder of the Ducking Stool, Councillor J Bartlett Ward member.

The licensing officer, Fred Spriggs presented the report.

There was a discussion between all present regarding the premises licensing history of the premises

Councillor Bartlett made representation on behalf of South Street residents Association making a number of comments including the following:

- There appear to be issues with late night opening during Friday and Saturday nights.
- Residents do not want to see the closure of the premises
- Premises do have an impact on residents lives
- Supports interim reduction in hours
- Would like clarification regarding end of licensing activities.
- Outside area is often used outside the licensing hours
- Residents are seeking assurances that any future issues are dealt with swiftly and escalated
- The ward member supports the continuation of the premises but also support the views of residents

At 12:30 The Chairman made the decision to exclude the public

The Committee retired at 13:50 to deliberate on their decision

The Committee reconvened at 14:20 – with members of the public invited

Having carefully considered those matters brought before them and in reaching th decision, the Members had full regard to both the provisions of the Licensing Act (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued unc Section 182 and the guidance issued under Section 53A of the Licensing Act 200 amended and the Council's Licensing Policy.

DECISION

The committee decided that the licence should be modified and that:

The operating hours for licensable activities on Friday and Saturdays will terminate at 0030 hours.

Conditions

The following conditions shall be amended on the licence to read:

1. A personal licence holder shall be on the premises from 2100hrs to end of licensable hours on Friday, Saturdays, all bank holidays (except Christmas day) and all Sundays before bank holiday Mondays
2. The appointed security team shall meet the satisfaction of West Mercia Police and Herefordshire Council Licensing Authority.
3. On Fridays, Saturdays, all bank holidays (except Christmas Day), New Years Eve and all Sundays before bank holiday Mondays, one (1) SIA Licensed Door person shall be employed at the premises from 2100 hours and one(1) further SIA Licensed Door person shall be employed at the premises from 2300 hours. Both shall be employed until the termination of licensable activities with one of them being deployed at the main entrance.
4. At all other times other than as shown in condition 3, the Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to

an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

5. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA

REASON

Having heard the matters brought before them the Committee were concerned about the overall impact of the premises and hours. The Committee therefore decided that the reduction of hours and the amended conditions were reasonable and proportionate in order to promote the licensing objective of the prevention of crime and disorder and the prevention of public nuisance.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

INFORMATIVE NOTE

Your attention is drawn to Section 52(11) which states that a determination under this section does not have effect:

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

Accordingly the interim steps imposed on 6th February 2015 remain in place.

The steps imposed were:

1. Removal of the designated premises supervisor and to be replaced with a designated premises supervisor that meets the satisfaction of the West Mercia Police.
2. Reduction in operating hours for licensable activities on Friday and Saturday nights. The terminal hour being reduced to midnight.
3. A personal licence holder to be on the premises from 2000hrs to end of licensable hours on Friday and Saturday.
4. A written list of personal licence holders will be supplied to the police and personal licence holders who are agreed by the police shall be so employed.
5. Requirements that a minimum of two (2) registered SIA door supervisors are employed at the premises and are deployed from 2100hrs on Friday and Saturdays until the conclusion of licensable activities.

6. All door supervisors employed will meet the satisfaction and requirements of West Mercia Police.
7. A register of door supervisors shall be kept at the premises. Such register shall be signed by the door staff and shall show their badge number, name, time of start of duty and time of finish.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or*
- (b) if the decision is appealed against, until the appeal is disposed of.*

<LAYOUT_SECTION>