

# AGENDA

## Regulatory Sub Committee

Date: **Wednesday 22 June 2016**

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Time: **1.00 pm**

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Place: **Committee Room 1, The Shire Hall, St Peter's Square,  
Hereford, HR1 2HX**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Clive Lloyd, Governance Services**

Tel: 01432 260249

Email: [clive.lloyd@herefordshire.gov.uk](mailto:clive.lloyd@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Clive Lloyd, Governance Services on 01432 260249 or e-mail [clive.lloyd@herefordshire.gov.uk](mailto:clive.lloyd@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Regulatory Sub Committee**

## **Membership**

**Councillor TL Bowes  
Councillor BA Durkin  
Councillor DW Greenow**

**AGENDA**

	<b>Pages</b>
<b>1. ELECTION OF CHAIRMAN</b> To elect a Chairman for the hearing.	
<b>2. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the agenda.	
<b>3. REVIEW OF A PREMISES LICENCE IN RESPECT OF: 'QUEENS ARMS PUBLIC HOUSE, 4 BROAD STREET, HEREFORD, HR4 9AP' - LICENSING ACT 2003</b> To consider an application for a review of a premises licence in respect of 'Queens Arms Public House, 4 Broad Street, Hereford, HR4 9AP'.	11 - 26



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### YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.
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  - Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.
  - Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.
  - The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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### **HEREFORDSHIRE COUNCIL**

**SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.**

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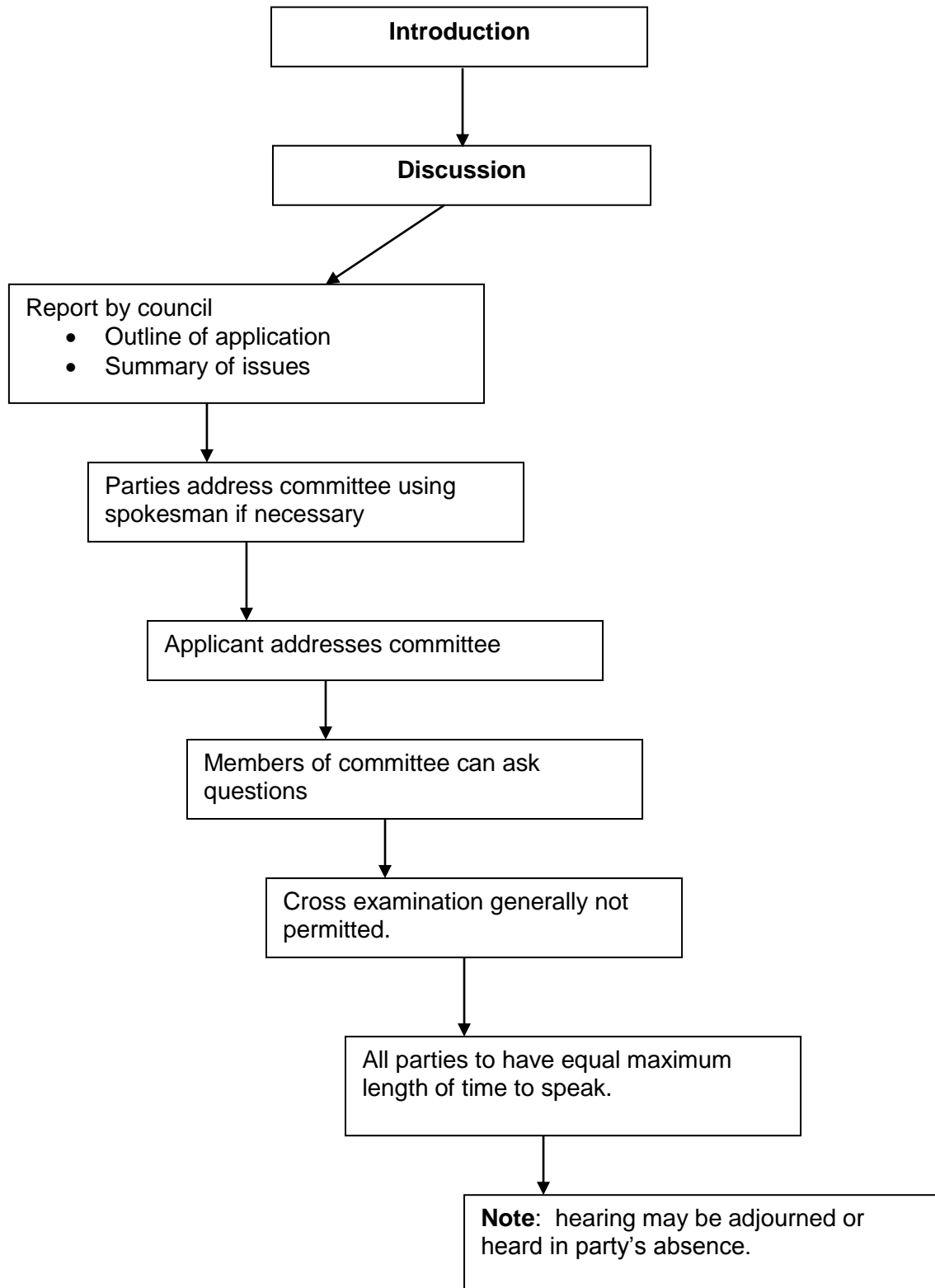
Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.







## Licensing Hearing Flowchart







<b>Meeting:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>Meeting date:</b>	<b>22<sup>nd</sup> June 2016</b>
<b>Title of report:</b>	<b>REVIEW OF A PREMISES LICENCE IN RESPECT OF: 'QUEENS ARMS PUBLIC HOUSE, 4 BROAD STREET, HEREFORD, HR4 9AP' - LICENSING ACT 2003</b>
<b>Report by:</b>	<b>Fred Spriggs – Licensing Officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Central

## Purpose

To consider an application for a review of a premises licence in respect of 'Queens Arms Public House, 4 Broad Street, Hereford, HR4 9AP'.

## Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003
- The representations (including supporting information) presented by all parties, and
- The Herefordshire Council Licensing Policy.

## Options

1. There are a number of option open to the committee:

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Further information on the subject of this report is available from  
Fred Spriggs – Licensing Officer 01432 383542

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence

Where the authority takes a step mentioned in subsection (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

3. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
  - relate to one or more of the licensing objectives;
  - have not been withdrawn; and
  - are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Applicant	<b>PS Duncan Reynolds – West Mercia Police</b>	
Premise Licence Holder	<b>Mr David Pope</b> <b>The Queens Arms, 4-5 Broad Street, Hereford. HR4 9AP.</b>	
Solicitor	<b>N/K</b>	
Type of application: <b>Review</b>	Date received: <b>09/05/2106</b>	End of 28 day period <b>06/06/2016</b>

4. The grounds for the review are contained within the application (appendix 1) made by the police as is the supporting information.
5. **Current Licence**  
The current licence authorises the following licensable activities during the hours shown: -

An exhibition of a film; An indoor sporting event; Any playing of recorded music

Monday-Thursday: 10:00 - 23:30

Friday-Sunday: 10:00 - 00:30

A performance of live music; Other regulated entertainment; Dancing

Sunday-Thursday: 17:00 - 23:00

Friday-Saturday: 17:00 - 23:30

Sale by retail of alcohol

Monday-Thursday: 10:00 - 23:00

Friday-Sunday: 10:00 - 00:00

Non standard timings:

Any playing of recorded music; An exhibition of a film; An indoor sporting event, Sale by retail of alcohol

10.00 New Years Eve - 04.00 New Years Day

10.00 - 00.00 on Friday, Saturday, Sunday & Monday on Bank Holiday

Weekends

6. The licensing authority has received representation from Trading Standards (Appendix 2) and the owners of the premises Enterprise Inns (appendix 3).

## **Community Impact**

7. Any decision is unlikely to have any significant effect of the local community.

## **Equality duty**

8. There are no equality or human rights issues in relation to the content of this report.

## **Financial implications**

9. There are unlikely to be any financial implications for the authority at this time.

## **Legal Implications**

10. An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court.
11. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
12. The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## **Risk Management**

13. There is little risk associated with the decision as the legislation allows the decision to be appealed to the Magistrates Court.

## **Consultees**

14. Copies of the application and certificate have been sent to the responsible authorities. A notice has been displayed at the premises, at the offices of the Licensing Authority and details have been shown on the council website.

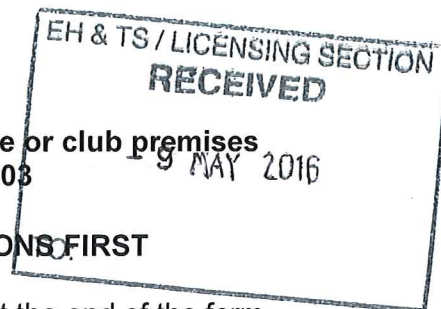
## **Appendices**

1. Review Application made by West Mercia Police

2. Trading Standards Representation
3. Representation made by the Premises Licence Holder

## **Background Papers**

None



**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Police Sergeant 3456 Duncan REYNOLDS

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Queens Arms Public House 4 Broad Street	
<b>Post town</b> Hereford	<b>Post code (if known)</b> HR4 9AP

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> David POPE
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<b>Number of premises licence or club premises certificate (if known)</b>
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**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**Please tick yes**

I am 18 years old or over

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

West Mercia Police – Ps 3456 Duncan REYNOLDS  
Harm Reduction Department  
Hereford Police Station  
Bath Street  
Hereford. HR1 2HT

Telephone number (if any)

01432 347102

E-mail address (optional)

Licensing.herefordshire@westmercia.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 1)**

West Mercia Police are of the view that the premises licence holder (who is also the designated premises supervisor) for the Queens Arms Public House has failed to promote the licensing objectives by either knowingly or through neglect allowing adult entertainment to take place at the premises.

This is contrary to the condition contained within the premises licence and indicates activity that undermine the licensing objectives of the prevention of crime and disorder and the protection of children from harm

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

The Queens Arms public house is a historic licensed premises located in the city centre of Hereford. Its location is within site of the Hereford cathedral and All Saints Church – both of which are places of worship and iconic locations for local people and visitors to the city.

The premises is an old building with windows overlooking the main streets – in particular Broad Street – with one large picture window giving clear unobstructed view into the public area of the premises.

The premises licence holder is David Pope. He is also the designated premises supervisor. He has held these positions since 2010. It is the police view that Mr Pope is an experienced person with regards to running and operating licensed premises.

The premises licence for the Queens Arms has a number of conditions that are intended to promote the licensing objectives. These include the fact that no adult entertainment is allowed in the premises.

On Monday 25 April 2016, through a reliable source it was brought to the attention of the police that a 'male stripper' had performed at the premises on Saturday 23 April 2016. The police were provided a number of camera photographs of the activity inside the premises with members of the public present.

These photographs show a white male naked with his genitals exposed. He appears to have foam or soap on his body and in particular on his genitals.

On Tuesday 26 April 2016, the police attended the premises to discuss the issue with Mr Pope. It is right to point out that prior to this unarranged visit Mr Pope had not been in contact with the police or the licensing authority to discuss the activity – that is to explain it had taken place without his knowledge.

The police have created a record of this meeting which is part of the police submissions.

To assist I can say that the purpose of the visit was not disclosed initially and that Mr Pope volunteered that it was 'about the stripper' and that he knew nothing about it. It was established he was working and in the licensed area of the premises at the time of the incident, and that he had been told by customers whose names are not known that a group of women would be calling in during the evening. Mr Pope said he didn't see the male enter or see him stripping and that he wasn't aware of what had happened until it was over.

The meeting notes indicate that Mr Pope said he would not allow such behaviour, but only because he doesn't want it, not because it was excluded by his licence as it would undermine the licensing objectives.

The meeting indicate that Mr Pope was not being totally true with the police and that clearly he was not totally in control of the premises on the particular night.

Within 30 minutes of leaving the meeting, the police received information that as a result of the police visit a number of people had received messages to delete the photographic evidence as the 'police were on to them'.

Police enquiries have established that the party at the premises on the night in question were females and that some are employees who work at the venue. The police have not been able to establish who the male artist was, who booked him or through what agency. They have however established that the fee was £140 and that the females paid it on the night.

The police treat this type of illegal activity seriously when it is in breach of a licensed premises licence. It is clear that this activity would have been visible to anyone passing the premises or purely stepping through the door from the street. It is unknown whether any young people were present, but the possibility was there as it is clear that Mr Pope does not have structured recorded and audited control measures to ensure 'age verification' and to promote the licensing objective of the prevention of harm to children.

The view of the police is that Mr Pope is not fit and proper to be the designated premises supervisor for the Queens Arms.

The view of the police is not to request the revocation of the premises licence but to request that you grant this review and that you remove Mr Pope from the designated premises supervisor position and that conditions that promote the licensing objectives in a proportionate, achievable and enforceable manner are applied to the premises licence.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year  

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**If you have made representations before relating to this premises please state what they were and when you made them**

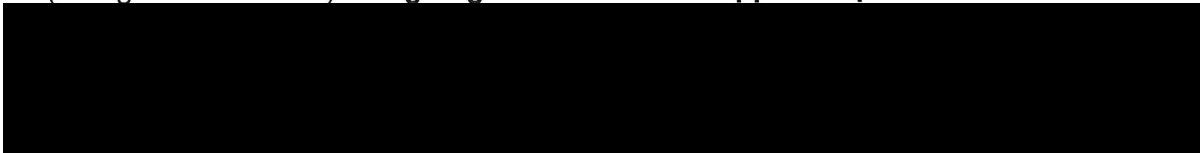
**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected x

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what**



Date SLM May 2016

Capacity Hereford Police Harm Reduction supervisor

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**Economy, Communities and Corporate Directorate**  
Director: Geoff Hughes

**David Pope**  
**Queens Arms**  
**4-5 Broad Street**  
**Hereford**  
**HR4 9AP**

Your Ref:  
Our Ref: Queens Arms  
Please ask for: Licensing  
Direct Line / Extension: (01432) 261761  
Fax: (01432) 383142  
E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

25<sup>th</sup> May 2016

Dear Mr Pope

**Re: Representation made under the Licensing Act 2003**  
**Premises: Queens Arms, Hereford.**

I refer to the below representation sent to this office by Trading Standards in respect of the above premises.

**RE: Premises Review Consultation**

As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the premises review for the Queen's Arms - 4 Broad Street, Hereford, HR4 9AP.

Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of sales of alcohol to anyone under the age of eighteen.

After looking at your application under the section protection of children from harm we would seek to include the following conditions on the premises licence:

1. 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 course 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. Refresher training will be conducted at 6 monthly intervals. 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.
2. A written or electronic 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. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or

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Working in partnership for the people of Herefordshire  
233, County Offices, Bath Street, Hereford. HR1 2ZF

Herefordshire Council      Main Switchboard (01432) 260000, [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)  
NHS Herefordshire        Main Switchboard (01432) 344344, [www.herefordshire.nhs.uk](http://www.herefordshire.nhs.uk)

an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

3. 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 sale area advertising the scheme operated.

If you agree to these conditions could you email Miss Leah Wilson at [lwilson@herefordshire.gov.uk](mailto:lwilson@herefordshire.gov.uk) stating you agree and copy the email to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk); or

If you wish to discuss this matter further please do not hesitate to contact Leah on 01432 260163 or via email.

Yours sincerely,

**EMMA BOWELL**  
**LICENSING TECHNICAL OFFICER**



BY FIRST CLASS POST AND EMAIL

The Licensing Section  
Herefordshire Council  
Blueschool House  
PO Box 233  
Hereford HR1 2ZB

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / MJM / 098454.22018  
#GS773208  
**Your ref:**  
**Date:** 20 May 2016

Dear Sirs,

**Re: Licensing Act 2003 – Review Proceedings  
Queens Arms, 4 Broad Street, Hereford**

We act on behalf of Enterprise Inns PLC. Our client is the freeholder owner of these premises and we have received copies of documents relating to a review of the premises licence issued by the Herefordshire Police Harm Reduction Supervisor.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Enterprise Inns PLC owns around 5000 public houses in England and Wales. Over 98% of those premises are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Queens Arms is the subject of a 5 year lease agreement in favour of David Pope, the premises licence holder.

Please note, that our client takes a wholly neutral stance with regard to the single incident that forms the reason for this application for review. As our client has no operational responsibility for these premises, it cannot comment upon that incident although it does seek to comment upon the evidence adduced and how that evidence should be viewed by the Committee when making its determination upon review.

The evidence used in support of the review application alleges the breach of the premises licence. We are unaware whether or not criminal proceedings have been issued in respect of this breach or indeed whether or not Mr Pope has been interviewed under caution in relation to those allegations. The precise circumstances behind the events need to be established before any consideration of action to be taken.

The Police point to the "possibility" of young people being present. Decisions cannot be made on the basis of possibilities. The Committee will need to ascertain facts before taking any action.

We were pleased to note that the Police are not seeking revocation of the premises licence but suggest the removal of Mr Pope as designated premises supervisor. Once again, this draconian action should only be taken if the Committee is satisfied on the evidence that it has heard that his management of the premises is undermining the licensing objectives. This would require an investigation into Mr Pope's record of compliance and whether or not there is a history of difficulties emanating from his management of these or other premises. On the basis of the evidence served, it must be assumed that there is no other evidence

that the Police have to support the assertion that "Mr Pope" is not fit and proper to be designated premises supervisor for the Queens Arms.

We respectfully submit as this is a one off incident, the most appropriate determination would be the imposition of conditions relating to training, the maintenance of staff training records and perhaps the operation of a published age verification scheme.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation.

We look forward to hearing from you.

Yours faithfully

A large black rectangular redaction box covering the signature of the sender.

**GOSSCHALKS**