

**MINUTES of the meeting of Regulatory Sub Committee held at
The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Monday
23 January 2017 at 3.30 pm**

Present: Councillors: TL Bowes, CR Butler and DW Greenow

Officers: Fred Spriggs, Leah Wilson, Jim Mooney, Sergeant Duncan Reynolds

63. ELECTION OF CHAIRMAN

Councillor DW Greenow was elected as Chairman for the regulatory sub-committee.

64. APOLOGIES FOR ABSENCE

No apologies for absence were received.

65. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

66. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**67. REVIEW OF A PREMISES LICENCE IN RESPECT OF: HEREFORD EXPRESS, 54
FOLLY LANE, HEREFORD, HR1 1LX - LICENSING ACT 2003**

Members of the regulatory sub committee of the council's regulatory 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 Fred Spriggs, Licensing Officer Herefordshire Council, Sergeant Duncan Reynolds and Jim Mooney, West Mercia Police. The premises licence holder was not in attendance.

It was noted that the premises licence holder had failed to attend despite being notified on several occasions of the hearing and did not send in any written submissions for consideration by committee. The committee decided to proceed with the review in the absence of the premises licence holder.

Trading standards advised there had been a number of complaints and indeed the individual who had sold the alcohol had admitted under caution to having had a complaint from a college member of staff earlier that week about selling alcohol to children.

The committee noted that the premises were open for the sale of alcohol 15 hours a day except for Sundays and bank holidays as detailed in the licence and heard that the designated premises supervisor, who was also the premises licence holder, was presently the only personal licence holder in relation to the premises and visited the premises 3 or 4 times a week. There was no information available about whether the premises licence holder/ designated premises supervisor lived within Herefordshire.

Trading standards said that the individual who conducted the sale had not been trained and did not understand the concept of a premises licence. The manager, who has applied but not yet got a personal licence, was away at the time and this individual had been left at the premises alone.

The committee heard from the trading standards officer that the premises licence holder was unable to provide details of the identity of the person who had served the minors alcohol and tobacco. The police had not subsequently been able to verify this man's identity and he had disappeared. The police had reasonable suspicion that the individual was not entitled to work in the UK.

Trading standards who had interviewed the premises licence holder and had no confidence in her ability to train staff on the prevention of underage sales and the legal obligations.

It was noted trading standards found no refusal register at the premises

It was noted that the premises were in the vicinity of a college. Members noted from their own knowledge it was also in close proximity to a number of other education establishments including a number of primary and secondary schools.

RESOLVED:

Having carefully considered those matters brought before them and in reaching their decision, the members had full regard to both the provisions of the Licensing Act 2003, the guidance issued under section 182 and the council's licensing policy.

In particular members considered the evidence presented by officers to be credible. The sale of alcohol to children is very serious, as is also noted in the updated S182 guidance and should be treated accordingly. The members considered the council's own policy at 18.4 and while they noted ordinarily the council's policy would indicate a suspension while training was undertaken, in this case it was considered that this would not be an appropriate sanction and have chosen to depart from the council's policy.

It was noted that the licence already contained conditions relating to professionally provided alcohol training and maintaining a refusals register and these conditions had clearly not been adhered to. The members had no confidence that the premises licence holder would adhere to any additional conditions if they had chosen to impose them on this occasion.

Members were of the view that the underage sale was aggravated by leaving an unidentified and untrained individual in charge of the premises leading to the sale of alcohol to minors when the manager was away and the designated premises supervisor was not routinely at the premises.

Therefore in all the circumstances and having regard to the evidence before the committee, and having considered whether any lesser steps would be appropriate and proportionate, the evidence of poor management, the failure to adhere to existing conditions (re training, refusal register and existing challenge policy) and being mindful of the proximity to education establishments in this case it was in members' view appropriate and proportionate in these circumstances to revoke the premises licence to prevent the undermining of the protection of children from harm and the prevention of crime licensing objectives.