

Agenda

Licensing sub-committee

Date: **Wednesday 15 February 2023**

Time: **1.45 pm**

Place: **Online Meeting**

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Sarah Buffrey on 01432260176 or e-mail sarah.buffrey@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Paul Andrews

Councillor Polly Andrews
Councillor John Hardwick

Agenda

PUBLIC INFORMATION

THE NOLAN PRINCIPLES

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

To receive any details of Members nominated to attend the meeting in place of a Member of the committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.

4. EXCLUSION OF PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: **that under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting as it is considered that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.**

5. REVIEW OF A PREMISES LICENCE IN RESPECT OF THE DUCKER, 11 SOUTH STREET, LEOMINSTER. HR6 8JA CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003

To consider an application for a review of a premise licence in respect of The Ducker, 11 South Street, Leominster. HR6 8JA

Pages

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The Public's Rights to Information and Attendance at Meetings

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.

RECORDING OF THIS MEETING

Please note that the council will be making a recording of this public meeting. These recordings form part of the public record of the meeting and are made available for members of the public via the council's website.

To ensure that recording quality is maintained, could members and any attending members of the public speak as clearly as possible and keep background noise to a minimum while recording is in operation.

Please also note that other attendees are permitted to film, photograph and record our public meetings provided that it does not disrupt the business of the meeting.

If you do not wish to be filmed or photographed, please identify yourself so that anyone who intends to record the meeting can be made aware.

Please ensure that your mobile phones and other devices are turned to silent during the meeting.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

Licensing Hearing Flowchart



**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Title of report: Review of a premises licence in respect of: The Ducker, 11 South Street, Leominster. HR6 8JA called by West Mercia Police - Licensing Act 2003

Meeting: Licensing sub-committee

Meeting date: 15 February 2023 at 1:45pm

Report by: Senior Licensing Technical Officer

Classification

Open

Decision type

This is not an executive decision

Reason Key

Notice has been served in accordance with Part 2, Section 5 (Procedures Prior to Private Meetings) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (Regulations) 2012.

Wards affected

Central

Purpose

To consider an application for a review of a premise licence in respect of The Ducker, 11 South Street, Leominster. HR6 8JA

Recommendation(s)

That:

The 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,
- West Mercia Police application for the review,
- The guidance issued to local authorities under the Licensing Act 2003,
- The representations (including supporting information) presented by all parties, and
- The Herefordshire Council Licensing Policy 2020 - 2025

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003

Alternative options

1. There are a number of options open to the committee in relation to the review:
 - the modification of the conditions of the premises licence;
 - the exclusion of any 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 bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify

Key considerations

2. 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
3. The details of the application are:

| | | |
|--------------------------------|---|--|
| Applicant | West Mercia Police | |
| Agent | Not applicable | |
| Type of application: Review | Date received: 20 December 2022 28 day consultation started: 21 December 2022 | 28 Days consultation ended: 17 January 2023 |

Summary of Application

4. The application for the review is attached (appendix 1).

5. Copies of the application were sent to the premises licence holder and all Responsible Authorities.

6. In brief the Responsible Authority's grounds for the review are:

West Mercia Police launched the review under the licensing objective, Prevention of Crime & Disorder due to an investigation by Police for a serious incident that happened on the premises on 11 August 2022 involving the partner of the licensee of the premises.

Premises History

7. The premises known as 'The Ducker' has been licensed for many years and was also known as 'The Ducking Stool' previously to July 2017.

8. On 25 July 2017 Sian Rooke-Jenkins made an application for transfer of the premises licence and change of designated premises supervisor into her name, which was granted.

9. On 26 July 2017 an application was received for a variation of the premises licence.

10. The application received representation and was brought before this committee on 25 September 2017.

11. The variation licence was granted with a number of conditions. Of particular note is the condition which states:

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 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 101 immediately

12. Between June and the end of December 2018 West Mercia Police attended the premises on three separate occasions in connection with incidents at the premises and on each occasion they were unable to obtain the CCTV.

13. After the first two incidents the Licensing Authority sent warning letters to Sian Rooke-Jenkins.

14. Following the last breach in December 2018, reported by the police, the Licensing Authority launched a review of the premises licence on 4 January 2019.

15. The decision of the licensing sub-committee on 7 March 2019 was:

To allow the licence to remain in place with the following additional conditions:

- The premises shall have a written log which deals purely with checks made to ensure the CCTV system is operating correctly. This log shall be completed prior to the premises opening for Licensable Activities and will have the following information written down in the log:-
 1. The date and time checked
 2. Name of person checking the system (In block capitals)
 3. The persons signature
 4. Whether the system is working correctly or not
 5. Where the system is not working correctly the details of the defect including the action taken to rectify the defect and the time frame for doing so.
 6. Prior to the premises opening any defect shall be reported to the police via email to licensing.herefordshire@westmercia.pnn.police.uk

The CCTV log 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) on demand.

- All staff, prior to selling alcohol at the premises, must be trained in the use of the CCTV to a standard which ensures they can comply with the CCTV condition as shown on the licence. The training must be carried out by a professional company approved by the Licensing Authority. 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) on demand.

Current Licence

16. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Live Music (Indoors)

Sunday – Thursday 20:00 – 23:00

Friday – Saturday 20:00 – 00:00

Recorded Music (Indoors)

Sunday – Thursday 19:00 – 23:00

Friday – Saturday 19:00 – 00:00

Late Night Refreshment (Indoors)

Friday – Saturday 23:00 – 00:00

Sale/Supply of Alcohol (consumption on and off the premises)

Sunday – Thursday 11:00 – 00:00

Friday – Saturday 11:00 – 01:00

15. The licence is also subject to a number of conditions. The conditions on the licence must be adhered to whenever the premises is open for licensable activities.

Circumstances leading to the review

16. The incident of 11 August 2022, took place on a licenced premises known as The Ducker, 11 South Street, Leominster. HR6 8JA, whilst licensable activities were being undertaken.
17. The partner of the licensee and designated premises supervisor (DPS) was at the time of the offence on the premises behind the bar (though it is not known whether he was working or there in a personal capacity).

18. West Mercia Police have concerns as to the future conduct of the partner to the licensee and DPS and are not satisfied that this type of incident will not be repeated.
19. The incident has been investigated by West Mercia Police and referred to the Crown Prosecution Service (CPS) who have considered all the facts of the case and have made the decision that the suspect is to be charged with offences in connection with the incident.

Summary of Representations

20. No representations have been received from any of the responsible authorities or members of the public.

Community impact

21. Any decision may have an impact on the local community.

Environmental Impact

22. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as the Licensing Authority.

Equality duty

23. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
24. There are no equality issues in relation to the content of this report.
 25. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
 26. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must

accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

Resource implications

27. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as the Licensing Authority.

Financial implications

28. There are unlikely to be any financial implications for the council as Licensing Authority at this time.

Legal implications

29. As relevant representations have been received, the sub-committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub-committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
30. The Licensing Authority must have regard to the promotion of 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 in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the Licensing Authority are set out in section 1 of this report.
31. The sub-committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
32. The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. In this case it was summed up that: -
33. A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
34. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
35. This judgment is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:
36. 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
37. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

38. Schedule 5 Part 1 Paragraph 8 of the Licensing Act 2003 gives a right of appeal which states:
Review of premises licence.
- (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
 - (2) An appeal may be made against that decision by
 - (a) the applicant for the review
 - (b) the holder of the premises licence, or
 - (c) any other person who made relevant representations in relation to the application
 - (3) In sub paragraph (2) “relevant representations” has the meaning given in section 52(7).
39. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk management

40. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

41. All responsible authorities and members of the public living within Herefordshire.

Appendices

Appendix 1 - Application Form
Appendix 2 – Current Premises Licence

Background papers

None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

DPS – Designated Premises Supervisor

**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 **[REDACTED]** **West Mercia Police**

(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

| | |
|---|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description The Ducker 11 South Street Leominster Herefordshire | |
| Post town Hereford | Post code (if known) HR6 8JA |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) Mrs Sian Dale Rooke-Jenkins (as listed on the premises licence) |
|---|

| |
|---|
| Number of premises licence or club premises certificate (if known) PR00921 |
|---|

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**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 [REDACTED] West Mercia Police Licensing Officer (Herefordshire) West Mercia Police Hereford Police Station Bath Street Hereford HR1 2HT |
| Telephone number (if any) [REDACTED] |
| E-mail address (optional) [REDACTED] |

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 type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

West Mercia Police are launching this review under the licensing objective, Prevention of Crime & Disorder due to an investigation by Police for a serious incident that happened on the premises on 11th August 2022 involving the partner of the licensee of the premises.

The incident has been investigated by West Mercia Police and referred to the Crown Prosecution Service (CPS) who have considered all the facts of the case and have made the decision that the suspect is to be charged with offences in connection with the incident.

Please provide as much information as possible to support the application (please read guidance note 3)

The incident of 11 August 2022, took place on a licenced premises known as The Ducker, 11 South Street, Leominster. HR6 8JA, whilst licensable activities were being undertaken.

The partner of the licensee and designated premises supervisor (DPS) was at the time of the offence on the premises behind the bar (though it is not known whether he was working or there in a personal capacity).

West Mercia Police have concerns as to the future conduct of the partner to the licensee and DPS and are not satisfied that this type of incident will not be repeated.

Based on these concerns, West Mercia Police feel and seek that the committee should relinquish all public facing duties during licensable hours for the partner of the licensee.

tick ✓ yes

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

Please

If yes please state the date of that application

| Day | Month | Year |
|-----|-------|------|
| | | |

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

On 4 January 2019, the Licensing Authority launched a review under the licensing objective Prevention of Crime & Disorder, which West Mercia Police supported.

The premises licence holder and Designated Premises Supervisor (DPS) at the time was Mrs Sian Dale Rooke-Jenkins (as listed on the premises licence).

The nature of the review was as follows;

On three (3) separate occasions since June 2018, the premises licence holder has failed to comply with the CCTV condition on the premise licence which falls under the licensing objective Prevention of Crime & Disorder, despite receiving two warning letters from the authority. Under Section 136 of the Licensing Act 2003 it is an offence to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation (premises licence).

Following contact with West Mercia Police on 21st June 2018 and as part of the police proportionate investigation it was established that the CCTV for the 8th June 2018 had been recorded over

Following contact with West Mercia Police on 6th August 2018 it was established that an incident occurred at about 0050hrs on 29 July 2018. On the night the premise licence holder 'declined' (refused) to allow CCTV to be viewed and/or downloaded, although this was obtained a few days later, it didn't show the incident as the camera that would have recorded it, was 'damaged'.

Following further contact from West Mercia Police on 2nd January 2019, it was made known to us that at 2100hrs on 30th December 2018, an incident occurred at the premises which required the Police to access CCTV.

West Mercia Police Officers attended at 2248hrs on the same date. The owner/DPS did not know how to use the system - she had been drinking on the night. No one else at the premises was able to download

or operate the system.

The continual breach of the law in relation to the licence undermines the licensing objective – Prevention of Crime and Disorder

The review was heard at licensing sub-committee on 7 March 2019 and the decision of the committee was as follows:

The decision of the licensing sub committee was to allow the licence to remain in place with an addition condition re CCTV

tick yes

Please

- 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
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature [REDACTED]

.....
.....

Date 19th December 2022

.....
.....

Capacity **Constable**

.....
.....

| | |
|---|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) | |
| | |
| 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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**LICENSING ACT 2003
Part A - Premises Licence**

Premises licence number – PR00921 (App to Review Premises Licence)

Part 1 - Premises details

| | |
|---|-------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description THE DUCKER 11 SOUTH STREET | |
| Post town LEOMINSTER | Postcode HR6 8JA |
| Telephone number 01568 610803 | |

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
**Live Music (Indoors)
Recorded Music (Indoors)
Late Night Refreshment (Indoors)
Sale/Supply of Alcohol (consumption on and off the premises)**

The times the licence authorises the carrying out of licensable activities

| | |
|--------------------------------------|---------------|
| <u>Live Music</u> | |
| Sunday – Thursday | 20:00 – 23:00 |
| Friday – Saturday | 20:00 – 00:00 |
| <u>Recorded Music</u> | |
| Sunday – Thursday | 19:00 – 23:00 |
| Friday – Saturday | 19:00 – 00:00 |
| <u>Late Night Refreshment</u> | |
| Friday – Saturday | 23:00 – 00:00 |
| <u>Sale/Supply of Alcohol</u> | |
| Sunday – Thursday | 11:00 – 00:00 |
| Friday – Saturday | 11:00 – 01:00 |

The opening hours of the premises
**Sunday - Thursday 07:00 - 00:30
Friday – Saturday 07:00 - 01:30**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
For consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mrs Sian Dale Rooke-Jenkins
11 South Street
Leominster
Herefordshire
HR6 8JA**

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mrs Sian Dale Rooke-Jenkins

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence number: PL2599
Issuing authority: Herefordshire Council**

Annex 1 - Mandatory conditions**Irresponsible Drinks Promotions**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Free Drinking Water

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age verification

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

Small Measures

4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Below Cost Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made under the premises licence—

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door supervision

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

Annex 2 - Conditions consistent with the operating Schedule

Prevention of Crime

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 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 101 immediately

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 be 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 (relevant to the licensing objectives) reported to the venue
- (b) all ejections of patrons
- (c) any complaints (relevant to the licensing objectives) received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
- (h) any visit by a relevant authority or emergency service

All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB 1 or any other equivalent training course within one month of the date this condition appears on the licence. All new staff shall be trained within one month of taking up employment. All staff shall be retrained six monthly thereafter. Training records shall be kept on the premises, which shall record the identity of the staff member, training received, and the date of that training. That record of training shall be made immediately available on request to an 'Authorised Person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer or the Police.

The Premises Licence Holder or DPS or a person nominated by them in writing will employ a minimum of one SIA door staff from 23:00 hours until the end of licensable activities on any day when regulated entertainment is taking place at the premises.

The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff 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.

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.

The premises shall be an active member of any locally operating Pub Watch Scheme (e.g.HAND) while such a scheme or similar exists.

The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers.

Public Safety

All staff shall wear clothing which identifies them as members of staff of the premises

First aid

A First Aid Kit capable of treating for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:

- 1 x Guidance Leaflet
- 60 x Wash proof Plasters
- 6 x Eye Pads with Bandage
- 8 x Triangular Bandages
- 12 x Safety Pins
- 16 x Assorted Sterile Dressings
- 20 Moist Wipes
- 3 Pairs Disposable Gloves

Electrical & Gas Installations

All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Hypnotism

The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.

Maintenance, Repair and Cleanliness

All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

Special Effects

The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with a detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without notify the Licensing Authority in writing.

Disabled people

When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing

Act 2003) or the Police on demand.

Disabled people on the premises must be made aware of the evacuation procedure.

Lighting

In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be sufficient (107 lux or more) to enable people to move about safely.

Capacity limits

The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

The Prevention of Public Nuisance

Noise or vibration shall not emanate from the premises so as to cause a nuisance.

The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.

Live or Recorded music shall be restricted to the area marked on the premises plan

Any speaker within the premises shall be directed away from any residential property

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Noxious smells

No noxious smell emanating from the premises shall cause a nuisance to nearby properties.

Light Pollution

Lighting outside premises including flashing lights shall not cause a nuisance to nearby properties, unless written consent has been obtained from the police to the effect that such lighting is necessary to promote the crime prevention objective

The Premises Licence Holder or DPS or the person in charge of the premises at the time, shall ensure that no alcohol is consumed in any external area of the licensed premises after 23:30 and that the doors to and from that area are kept closed except for immediate ingress and egress after this time.

No regulated entertainment shall be provided outside of the premises at any time.

The rear garden shall not be used by customers prior to 9am on any day.

There shall be no new entry or re-entry to the premises after 23:30 hours on any day except in an emergency in which case this will be logged. The log shall show the time of the incident, the emergency service attending and the type of incident. The log shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.

Protection of Children from Harm

No person under the age of 18 years shall be permitted to be on the premises after 2200 hours other than a member of staff employed at the premises or a child of the premises licence holder or DPS and then only when supervised by a person of 18.

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 an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police 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 bar advertising the scheme operated.

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 weekly 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.

No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

Annex 3 - Conditions attached after a hearing by the licensing authority 7th March 2019

DECISION

The decision of the licensing sub committee was to allow the licence to remain in place with the following additional conditions:

- The premises shall have a written log which deals purely with checks made to ensure the CCTV system is operating correctly. This log shall be completed prior to the premises opening for Licensable Activities and will have the following information written down in the log:-
 1. The date and time checked
 2. Name of person checking the system (In block capitals)
 3. The persons signature
 4. Whether the system is working correctly or not
 5. Where the system is not working correctly the details of the defect including the action taken to rectify the defect and the time frame for doing so.
 6. Prior to the premises opening any defect shall be reported to the police via email to licensing.herefordshire@westmercia.pnn.police.uk

The CCTV log 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) on demand.

- All staff, prior to selling alcohol at the premises, must be trained in the use of the CCTV to a standard which ensures they can comply with the CCTV condition as shown on the licence. The training must be carried out by a professional company approved by the Licensing Authority. 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) on demand.

**Licensing Section, Herefordshire Council
8 St Owen Street, Hereford. HR1 2PJ**

Annex 4 - Plans

As attached

**LICENSING ACT 2003
Part B - Premises Licence Summary**

Premises licence number – PR00921 (App to Review Premises Licence)

Premises details

| | |
|---|--------------------------|
| Postal address of premises, or if none, ordnance survey map reference or description THE DUCKER 11 SOUTH STREET | |
| Post town LEOMINSTER | Post code HR9 8JA |
| Telephone number 01568 614403 | |

| |
|--|
| Where the licence is time limited the dates Not applicable |
|--|

| |
|---|
| Licensable activities authorised by the licence Live Music (Indoors) Recorded Music (Indoors) Late Night Refreshment (Indoors) Sale/Supply of Alcohol (Consumption on and off the premises) |
|---|

| | |
|--------------------------------------|----------------------|
| <u>Live Music</u> | |
| Sunday – Thursday | 20:00 – 23:00 |
| Friday – Saturday | 20:00 – 00:00 |
| <u>Recorded Music</u> | |
| Sunday – Thursday | 19:00 – 23:00 |
| Friday – Saturday | 19:00 – 00:00 |
| <u>Late Night Refreshment</u> | |
| Friday – Saturday | 23:00 – 00:00 |
| <u>Sale/Supply of Alcohol</u> | |
| Sunday – Thursday | 11:00 – 00:00 |
| Friday – Saturday | 11:00 – 01:00 |

| |
|---|
| The opening hours of the premises Sunday - Thursday 07:00 - 00:30 Friday – Saturday 07:00 - 01:30 |
|---|

Name, (registered) address of holder of premises licence

**Mrs Sian Dale Rooke-Jenkins
11 South Street
Leominster
Herefordshire
HR6 8JA**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

For consumption on and off the premises

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mrs Sian Dale Rooke-Jenkins

State whether access to the premises by children is restricted or prohibited

The Premise shall operate a Challenge 25 Policy

No adult entertainment or services or activities must take place at the premises