

Minutes of the meeting of Licensing Sub-Committee held at Online Meeting/Conference Room 1, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 21 February 2024 at 10.30 am

Present: Councillor Polly Andrews (chairperson)
Councillors: Bruce Baker and Peter Hamblin

Officers: Licensing technical officer, Senior Lawyer - Civil Litigation and Principal licensing officer

58. APOLOGIES FOR ABSENCE

No apologies for absence were received.

59. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

60. DECLARATIONS OF INTEREST

There were no declarations of interest made.

61. EXCLUSION OF PUBLIC AND PRESS

Sub committee members were advised that due to the nature of the information to be presented it was recommended that the next item on the agenda be heard in private.

It was resolved that 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.

62. REVIEW OF A PREMISES LICENCE IN RESPECT OF: MUNCHIES, 59 COMMERCIAL ROAD, HEREFORD. HR1 2BD CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003

Members of the licensing sub-committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda and supplements published on 15 February and 19 February 2024.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee.

The sub-committee heard from the representative of West Mercia Police:

- PC Wall provided the committee with details of the incidents that took place on 15 and 29 December 2023. CCTV footage was shared with the committee and PC Wall indicated the presence of Mr Rasoul and his door staff.

- Concerns were raised with numerous breaches with conditions not being met, the following were highlighted to the committee:
 - SIA door staffs neglect in their duty of keeping the public safe from harm and not clearly displaying their badge which is a breach of condition with the Security Industry Authority (SIA) and has been reported;
 - Unable to supply an incident book;
 - Unable to provide the register of Door Supervisors;
 - Premise still trading after their permitted licensed hours;
 - Failure to have a maintained, in good working order CCTV system which correctly time and date stamps, and it kept for a period of 31 days and handed to Police on demand.
 - It was in West Mercia Police's opinion that the license should be revoked.

Following questioning by the sub committee it was confirmed that a positive arrest had been made based on the CCTV provided by the Hereford Council.

The sub-committee then heard from the License Holder and his representative:

- The license holder provided his account of the incidents that occurred on the 15 and 29 December 2023.
- Opening hours had been reviewed and in light of recurring incidents happening on a Thursday it was decided the premise would close at 12 midnight and 3am on all other nights.
- The general operation of the premises had been reviewed by the license holders agent and the following conditions had now been applied;
 - CCTV system had now been upgraded which had continual recording for 28 days.
 - A new door supervisor had been employed of which the service contract was provided at appendix 10 of the committee papers. It was confirmed that two door supervisors were employed and working 7 nights a week.
 - An incident book and register of door supervisor staff were now available.
- The license holder was sorry for the incidents that had occurred and understands his responsibility and continues towards promoting all of the licensing objectives.

The sub-committee was then presented with CCTV footage provided by the License Holder.

Following questioning by the sub committee it was confirmed that:

- The Council's Licensing Officer provided the committee with the conditions currently attached to the premise license. The following key points were highlighted;
 - a minimum of 2 SIA registered door supervisors be employed at the premises on Friday and Saturday from midnight until the end of licensable activities.
 - 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. 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 license holder confirmed the 2nd gentleman/ door supervisor seen in the CCTV footage recorded from the premises was employed by Munchies.
- The proposals to the opening times of Munchies was clarified.
- The license holder confirmed the register of Door Supervisors was not available when requested by Sergeant Austin's but was supplied the following day.

The sub-committee carefully considered all the representations, reports and evidence before them. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

DECISION

The sub-committee's decision is to revoke the premise license in respect of Munchies, 59 Commercial Road, Hereford.

REASONS

The sub-committee had taken into account the written representations from the Senior Licensing Officer Emma Bowell, PC Wall and Sergeant Austin's of West Mercia Police and Jane Gilliead on behalf of license holder Munchies HFD Limited and from Mr Rasoul. The committee has fully considered all the relevant paperwork including policy and guidance.

The committee has also considered the evidence presented during the hearing, including the supplemental documentation and CCTV footage shown.

The committee has considered the representations made by West Mercia Police in particular the concerns raised in respect of the CCTV operating at the premises, the keeping of an incident book and the employment of suitable door staff.

The committee has listened carefully to the representations and information supplied by Ms Gilliead and Mr Rasoul. In particular, the committee notes the history and explanation of the incidents provided by Mr Rasoul and the concerns he raised regarding Thursday nights and abuse he has experienced. It is noted that the CCTV at the premises has been upgraded and that the general operation of the premises has been reviewed by Ms Gilliead.

However, taking all the facts into consideration and the serious nature of the incidents that have occurred and the licensing objectives, the committee feel it is appropriate to revoke the license in line with the recommendation of the police.

The meeting ended at 12:03.

Chairperson