

<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>14 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF A PREMISES LICENCE: COMMERCIAL HOTEL, 44 COMMERCIAL ROAD, HEREFORD, HR1 2BG</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS PUBLIC HEALTH DIRECTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Central

### **Purpose**

To consider a review of a premises licence in respect of the Commercial Hotel, 44 Commercial Road, Hereford, HR1 2BG.

### **Key Decision**

This is not a Key Decision.

### **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 necessary to promote the licensing objectives,
- The police application for a review as well as the trading standards representation,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

### **Key Points Summary**

- Application received from Paul West, Chief Constable, West Mercia Police on 17th November 2010.
- One representation received from trading standards.

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

## Options

- 1 There are a number of options open to the committee:
- the modification of the conditions of the premises licence;
  - to exclude a licensable activity 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.

## Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

## Background Information

Applicant	<b>Paul West – Chief Constable of the West Mercia Constabulary,</b>  <b>c/o Police Station, Bath Street, Hereford.</b>	
Premise Licence Holder	<b>Steven Lloyd Harrison</b>  <b>The Crozens, 114 Eign Street, Hereford, HR1 2RZ.</b>	
Solicitor	<b>N/A</b>	
Type of application:	Date received:	28 Days consultation
<b>Review</b>	<b>17 November 2010</b>	<b>14 December 2010</b>

- 3 The grounds for the review are:

*The premise is a busy public house located in the Hereford city centre. Its location is in the appendix covering the special policy for the cumulative impact zone as approved within the Licensing Policy for Herefordshire Council 2008-2011. This policy gives detail and information regarding the impact the area has with regard to the licensing objectives.*

*The request for this review is based on the licensing objectives regarding the prevention of crime and disorder and the protection of children from harm.*

*It is alleged that young persons were allowed to purchase and consume alcohol in the premises whilst under the age of 18 and whilst under the influence of alcohol obtained from other sources. In addition serious disorder occurred with a man seriously injured as a result of an assault by persons who had been in the premises a short time earlier.*

- 4 The information submitted to support the grounds stated:  
*During the evening of Friday 12 November 2010, a serious assault took place a short distance away from this premises. This matter is still subject to a police investigation, however at this stage it is apparent that those suspected of being involved are aged 16 years, and that all had*

*been drinking alcohol in the Commercial Hotel prior to the incident and at least one of them returned. In addition others in the same group who are witnesses are also under the age of 18 years, and they too made been drinking in the Commercial Hotel prior to the alleged assault.*

*This incident is viewed as serious crime and disorder.*

*There is no evidence of any person involved being challenged by any staff at the Commercial Hotel with regards to their age. In addition there is evidence that a number involved had been drinking elsewhere in the city prior to going to the Commercial Hotel and that they had consumed large quantities of alcohol before going to the Commercial Hotel. There is no evidence that any of the group were challenged regarding their behaviour.*

*West Mercia Police has received information that the Commercial Hotel is being used by persons under the age of 18 to purchase and consume alcohol on the premises and that staff do not challenge individuals to confirm age.*

- 5 On 26 November an application for a Minor Variation was submitted by the premises licence holder, Steven Harrison.
- 6 This requested that the following three conditions should be added to the licence:
  - Provision of adequate CCTV
  - Provision of SIA door supervisors when risk assessment requires it
  - Challenge 21 – To include only ID accepted hologram. Staff Training on underage drinking
- 7 On 13 December the Licensing Authority received representation from Trading Standards following a test purchase operation carried out at the premises on the evening of 11 December when a young person was sold alcohol by the barmaid at the premises. This was dealt with by way of the police issuing an £80 fixed penalty notice.
- 8 On 14 October 2009 the Licensing Authority wrote to Mr Harrison following a complaint of underage drinking at the premises. (see Appendix C)
- 9 Under the legislation, an application for a minor variation is refused if ‘no determination’ is made within a 15 day period. Following the representation from Trading Standards the Licensing Officer decided to make ‘*no determination*’ in respect of the minor variation and thus it was automatically refused. The applicant was notified of this in writing.

## 10 **Current Licence**

The current licence authorises the following licensable activities during the hours shown: -

A performance of live music; Any playing of recorded music; Other entertainment facilities; Sale by retail of alcohol

Monday- Thursday:	11:00 - 00:00
Friday, Saturday:	11:00 - 01:00
Sunday:	12:00 - 23:30

### Non standard timings:

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend.

Christmas Eve, Boxing Day. To reflect existing New Year's Eve/ Day hours.

#### 11 **Representation**

Copies of the application have been sent to the responsible authorities.

A representation was received from Trading Standards.

Copies of these can be found within the background papers.

### **Key Considerations**

12 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).

### **Community Impact**

13 This will depend on the resolution of the sub committee, as the premises is in close proximity to other businesses and some housing.

### **Legal Implications**

14 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

15 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 that appeal is disposed of.

### **Consultees**

16 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

17 The notice of review was displayed on the premises which invited representation. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

### **Appendices**

18 Appendices: A - Application Form, B - Trading Standards Representation, B – Letter to Applicant

### **Background Papers**

**Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.**