

<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>7 MARCH 2011</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF A PREMISES LICENCE: EAGLE INN, 23 BROAD STREET, ROSS ON WYE. HR9 7EA</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS PUBLIC HEALTH DIRECTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Ross on Wye

### **Purpose**

To consider a review of a premises licence in respect of the Eagle Inn, 23 Broad Street, Ross on Wye, HR9 7EA.

### **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 11th January 2011.
- Two representations received from responsible authorities
- Two representation from a member of the public.
- One from a Town Council
- One from the solicitor for the Premises Licence Holder

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>Enterprise Inns PLC</b> <b>3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ.</b>	
Solicitor	<b>Richard Taylor - Gosschalks</b>	
Type of application:	Date received:	28 Days consultation
<b>Review</b>	<b>11 January 2011</b>	<b>7 February 2011</b>

- 3 The grounds for the review are:

*This premises is located in a busy area of a medium size market town. It is a well established business that has been operating for a number of years. In previous years there has been direct police involvement due to the level of crime, disorder and public nuisance that has occurred in or in the vicinity of the premises. As a result of these issues specific conditions were applied to the licence. One of these conditions was that at any time licensable activities are undertaken a personal licence holder must be on the premises.*

*Since early 2010, there has been a steady increase in crime and disorder issues that are attributed to the premises and the way it has been managed. In addition there has been an increase in similar behaviour in the nearby area that again has been connected to other licensed premises. West Mercia Police commenced steps to address these issues in September 2010.*

*A number of incidents occurred in September and October 2010, which caused the police to make an unannounced visit to the premises on 16 October 2010. At this time there was no*

*personal licence holder present as required by the licence issued and from speaking to members of staff, details of who was in charge, were different to that as stated on the premises licence.*

*Further enquiries were made with both the brewery and the Licensing Authority. A meeting was arranged for all interested parties on 21 October 2010, present was brewery representative and three members of the Warren family - Rebecca Hallam, Ross Warren and Trevor Warren their father who had 'taken over' the premises. It was established that both Rebecca Hallam and Ross Warren held personal licences and the intention was for them both to run the premises. It was pointed out by the police that neither were named on the licence and that technically there was no DPS. The police listed their concerns and itemised particular issues regarding non compliance of licence conditions. In addition a copy of the licence for the premises was left with all parties so there was no misunderstanding of what the conditions were. It was further stated by the brewery and the Warrens, that the issue of the DPS would be sorted immediately. The Warrens volunteered the use of SIA registered staff for Fridays and Saturday evenings - this was supported by West Mercia Police with an expectation that in the passage of time it would become part of the licence conditions.*

*The issue regarding the DPS did not happen, and on 22 October 2010, the brewery were informed to do this without delay or a S19 Closure notice would be issued. An application to appoint Rebecca Hallam as the DPS was received later that day. On the same day a letter was hand delivered to the premises laying out the expectations of West Mercia Police with regards to compliance of the licence conditions.*

*During the evening of Friday/Saturday 22/23 October 2010, disorder occurred in and in the vicinity of the premises, this disorder was recorded on the council CCTV and is subject of a police investigation. It can be said that a number of breaches occurred with regards to the premises licence conditions specifically in place to address the licensing objectives.*

*As a result of this further contact was made with the brewery to discuss these issues and a further warning letter was hand delivered to the premises on 25 October 2010.*

*There was clear evidence that the persons responsible for running the premises at this time were disregarding significant conditions of the premises licence and therefore not adhering to the licensing objectives. These are -*

- 1. Having a personal licence holder on the premises when licensable activities are taking place.*
- 2. Allowing bottles, glasses and open containers to be taken from the premises*
- 3. Allowing entry and re entry after 2330*
- 4. Use of the rear beer garden after 2300*
- 5. Music being played loudly after 2330*

*As a consequence to these issues on 04/11/10, a closure notice under S19 of the Criminal Justice and Police Act was served on the premises. At the time of serving no one with a personal licence was on the premises.*

*Further an application to review the premises licence was submitted by West Mercia Police on 10/11/10*

*In order to address the issues and the concerns, a further meeting was held between West*

*Mercia Police, a representative of the brewery (who hold the premises licence) and a Stuart HARRIS, who was being put forward as the new designated premises supervisor on behalf of the brewery and the Warrens who still were involved in the premises. This meeting established that Mr Harris would be the appointed DPS and that he was experienced in the licensing trade. It was agreed that a variation to amend the premises licence would be submitted, with the following new conditions -*

- 1. Reduction in terminal hours for Sunday through to Thursday to midnight.*
- 2. Provision of SIA registered door staff on Friday and Saturdays and any other time on a risk assessed basis.*

*An application was subsequently submitted for these variations and as a result the application to review the premises licence was withdrawn on 03/12/10.*

*It is fully understood that the premises is such that it will attract the younger customer. It was also understood that with a new DPS being appointed, he would need to put his authority on the premises and therefore time would be needed to address the issues that had been occurring. It was expected however that all conditions of the premises licence would be complied with.*

*However since the review notice was withdrawn in the region of 11 incidents have occurred, in or near the premises that gives rise for concern regarding the management of the premises and the operating hours and its impact on the licensing objectives and the local community.*

*At least 2 of these incidents involve the SIA door staff employed at the premises. There are allegations of unprofessional behaviour and use of excessive and unnecessary force. One of the incidents has been recorded on CCTV. This incident is subject to a separate police criminal investigation and has additionally been reported to the Security Industry Authority who licence and regulate security door staff.*

*Additional a number of further visits have been made to the premises - on these occasions, no one with a personal licence has been found on the premises. Additionally requests have been made to examine the incident log/book of the premises and also to obtain details of those door staff working at the premises on particular dates. None of these records were available. These issues are further non compliance with the premises licence.*

*It is the view of West Mercia Police that this premises is not adhering to the conditions of its premises licence, those currently connected to the premises who are personal licence holders are failing to comply with their responsibilities as required. Overall this has direct impact on the licensing objectives - in particular the objectives of the prevention of crime and disorder and the prevention of public nuisance.*

- 4 The information submitted to support the grounds stated:  
*Information obtained from West Mercia Police systems -*

*0034hrs 01/01/11 - male attempted to gain entry to premises - refused entry and then he smashed a window. Male detained by staff and arrested by police.*

*0139hrs 25/12/10 - males detained causing damage to the town Christmas tree - established males had been drinking in premises just prior to incident. Males detained and issued with fixed penalty notices.*

*2230hrs 24/12/10 - report of scuffle/fight inside premises - at least 20 ejected by staff. One male arrested another person issued with a dispersal notice.*

0117hrs 19/12/10 - disorder outside premises. Matter recorded on CCTV. Male seen to punch window causing it to break, male detained by door staff. Certain members of door staff seen to use excessive and unnecessary force on customers, seen to punch, push, headbutt and seen to detain one person in particular by the neck. Matter subject to police investigation and SIA made aware.

2347hrs 17/12/10 - member of public approached police complaining that he had been threatened by member of door staff. Conduct denied by door staff

0022hrs 11/12/10 - disorder outside premises - one female arrested

0130hrs 05/12/10 - officer on patrol came across disorder at the front of the premises. Parties dispersed by police.

0002hrs 05/12/10 - disorder at premises - male removed by door staff and police.

0216hrs 27/11/10 - disorder at premises - domestic dispute - both parties known to have been in premises throughout the evening, both intoxicated, both dispersed

0022hrs 27/11/10 - report of disorder at premises - male detained at location/

2340hrs to 0020hrs 30/10/10 - CCTV reviewed by Police Licensing Officer shows that on various (3) occasions persons were seen standing at the front of the premises drinking. In addition numerous incidents of customers entering and re entering after 2330hrs

0145hrs 30/10/10 - officers attended premises, loud music still playing. Advice given to the person in charge.

2330hrs to 0125hrs 29/10/10 - CCTV reviewed by Police Licensing Officer - numerous incidents of customers entering and reentering and incidents of customers drinking at the front of the premises

2135hrs 29/10/10 - disorder in the street near to the premises - 4 persons arrested. Awaiting court appearance

0010hrs 24/10/10 - police attended premises - approx 15 customers in rear garden drinking. Manager warned.

2302hrs 22/10/10 - domestic incident outside the premises - one female arrested for being drunk and disorderly - had been seen leaving the premises a few minutes earlier

CCTV reviewed of premises - shows group of young males/females congregating outside the premises for a number of hours, as the evening progresses, people leave the premises with glasses/bottles and then seen to re enter. Disorder occurs with a number fighting, patrons leave premises and 'join in' and then go back into the pub. Incidents of people entering after 2330hrs. This evidence is part of a pro active police investigation, a number of persons have been arrested and either charged or issued with disorder fixed penalty notices

0110hrs 17/10/10 - officers entered premises and made one arrest for breach of bail conditions.

2338hrs 16/10/10 - report from staff at premises that disorder was about to happen. Officer attended and established a fight had happened inside the premises and a number of males had been ejected by staff

*Letter of complaint dated 26/10/10 from the Ross Traders association reading disorder in Ross town, specifically voicing concerns over the running of The Eagle Inn*

*It should be noted that a large number of these incidents have occurred at weekends -Friday through to the early hours of Sunday mornings.*

*Visits to premises where no one holding a personal licence were present -*

*1420hrs 26/10/10*

*2035hrs 26/10/10*

*1435hrs 27/10/10*

*2320hrs 27/10/10*

*1400hrs 28/10/10*

*2315hrs 28/10/10*

*0130hrs 30/10/10*

*1910hrs 30/10/10*

*2200hrs 02/11/10*

*0001hrs 04/10/10*

*1215hrs 23/12/10*

*1245hrs 30/12/10*

*2330hrs 31/12/10*

*This is a total of 13 visits by officers.*

*On a number of the earlier visits officers encountered a member of staff who indicated he had a personal licence - this male was unable to produce it and enquiries with Herefordshire Licensing Authority established he was not licensed with them. West Mercia Police has a view that this male and those who have been running the premises have been 'misleading' them during their visits.*

*Further supporting information will be provided in due course.*

5

### **Current Licence**

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

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

Sunday- Thursday: 10:00 - 23:30

Friday, Saturday: 10:00 - 01:00

Provision of Late Night refreshment:

Friday, Saturday: 23:00 - 01:30

## 6 Representation

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

Representation were received from the following responsible authorities

- West Mercia Police
- Environmental Health

A representation was received from Ross on Wye Town Council.

2 Representations were received from members of the public.

One representation from the premises licence holders' solicitor.

Copies of these can be found within the background papers.

## Agreed Conditions

7 The following conditions have been agreed between the Police and the Premises Licence Holders' solicitor:

- A. Reduction in hours of Sundays to Thursdays such that the sale of alcohol is permitted between 10 am and 11 pm and the premises close at 11.30 pm.
- B. Reduction of hours on Fridays and Saturdays such that the premises may sell alcohol from 10 am until 11.30 pm and close at midnight.
- C. Live music - the hours for the provision of live music are to match those for the supply of alcohol save for on Sundays where the provision of live music will finish at 2230 hours.
- D. Recorded music - the hours for recorded music are to match the opening hours of the premises i.e. be permitted on Sundays to Thursdays from 10 until 11.30 pm and on Fridays and Saturdays from 10 am until midnight.
- E. Late night refreshment - this is to be permitted from 11 pm until 11.30 pm on Sundays to Thursdays and from 11 pm until midnight on Fridays and Saturdays.

In addition, a number of conditions are to be imposed upon the premises licence. Those conditions are as follows:-

- (a) A personal licence holder will be on site at all times that the pub is trading.
- (b) 2 SIA registered door staff will be provided on Fridays and Saturdays until closing time.
- (c) Full records be kept and all incidents be recorded.

## Key Considerations

8 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

9 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**

- 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. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 11 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**

- 12 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 13 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**

- 14
  - a. Application Form
  - b. Representation from the Police
  - c. Representation from Trading Standards
  - d. Representation from Ross on Wye Town Council
  - e. Representation from 2 members of the public
  - f. Premises Licence Holders Solicitor

## **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.**