

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	13 MAY 2011
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE: MAN OF ROSS INN, WYE STREET, ROSS ON WYE. HR9 7JV
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH & TRADING STANDARDS PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider a review of a premises licence in respect of the Man of Ross Inn, Wye Street, Ross on Wye, HR9 7JV.

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 trading standards application for a review**
- **The Guidance issued to local authorities under the Licensing Act 2003, and**
- **The Herefordshire Council Licensing Policy.**

Key Points Summary

- Application received from Herefordshire Council Trading Standards on 16th March 2011.
- Ten (10) public representations supporting the premises licence holder.
- Minor variation offered to 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.
 - not to modify any of the conditions of the premises licence nor take any other action.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	Herefordshire Council Trading Standards, Bath Street, Hereford	
Premise Licence Holder	Punch Taverns PLC Jubilee House, Second Avenue, Burton upon Trent, Staffordshire, DE4 2WF	
Solicitor	N/A	
Type of application: Review	Date received: 16 March 2011	28 Days consultation 12 April 2011

- 3 The grounds for the review are:
The premises is a public house located in Ross on Wye.
- 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.*
- The premise has been the subject the subject of a test purchase operation which it failed.*
- 4 The information submitted to support the grounds stated:
During the evening of Friday 18 February 2011 Herefordshire Council trading standards department, and the West Mercia Constabulary carried out a test purchase operation at the premise.
- Two (2) 16 year old females were served alcohol with out being challenged concerning their age.*

The person who made the sale was dealt with by way of the issuing of a fixed penalty notice.

Herefordshire Council Licensing Policy states that any premises failing a test purchase will be reviewed.

5 On 21st April 2011 following consultation with Herefordshire Council Trading Standards the Licensing Authority wrote to the premises licence holder's solicitor (Appendix b) offering them a minor variation by attaching conditions to the licence to address the licensing objectives. These were:

- A Personal licence Holder shall be on duty at all times when the premises operate for licensable activities.
- All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training offered by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and produced to the police and authorised Local authority Licensing Officers on demand.
- An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Council or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints 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 (where fitted)
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
- 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 the Licensing Authority or Police. 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 least one location behind any bar advertising the scheme operated.

6 To date no application has been received for a minor variation.

7 **Current Licence**

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

*A performance of live music, any playing of recorded music and the sale by retail of alcohol
(For consumption both on and off the premises)*

Monday-Wednesday: 11:00 - 23:00

Thursday-Saturday: 11:00 - 01:00

Sunday: 12:00 - 00:30

Non Standard Hours

Christmas Eve & Boxing Day: One additional hour permitted at the end of the regular licensing hours.

Seasonal variations

None

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 There is likely to be little outcome on the Community.

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. Letter sent to TLT
 - c. Copies of Public Representations

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.

HEREFORDSHIRE COUNCIL LICENSING POLICY states;

18.3 Failed Test Purchases

Where a premises fails a test purchase then, other than in exceptional circumstances, the premises licence will be reviewed. During the course of any review the Licensing Authority will look at the cause of the failure. Where during the first review it is found that the training of staff at the premises is inadequate, the Licensing Authority may look at placing a condition on the licence in respect of staff training and will consider suspending the licence to allow sufficient time to enable staff to be trained. When a further test purchase is failed the Licensing Authority will consider revoking the licence in order to promote the licensing objective of the 'protection of children from harm'.

18.4 Other than in exceptional circumstances, in partnership with the Police and Trading Standards, persons who sell to under-age persons will normally be dealt with by means of a Fixed Penalty Notice unless that person is the holder of a personal licence.

18.5 Where that person holds a personal licence the Licensing Authority will normally look towards prosecuting that person through the Court for the offence. The court will be asked to consider either the suspension or revocation of the personal licence.

18.6 Premises Persistently Selling

In line with the existing legislation, the Licensing Authority or the Police will look at prosecuting those premises which persistently sell to under age persons. Persistently selling is defined by the legislation as 2 sales within a 3 month period.