

HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

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| PREMISES | The Bell Inn |
| LICENCE HOLDER | Punch Taverns PLC |
| APPLICANT'S NAME | West Mercia Police |
| APPLICATION TYPE | Review of Premises Licence |
| PANEL MEMBERS | Councillor JW Hope MBE (Chairman) Councillor A Seldon Councillor JD Woodward |
| DATE OF MEETING | 13 May 2011 |

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from Mr Mooney, representing the West Mercia Police who had requested the review, together with Mr Phipps, on behalf of Punch Taverns PLC, and Mr Keenan and Mr Mann, two interested parties who had made representations against the review.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

That the following additional conditions be imposed forthwith* upon the licence:-

- All bar staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAD 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 made immediately available on request to the police or any authorised person as defined in section 13 of the Licensing Act 2003.
- An incident log must be kept at the premises and made immediately available on request to the police or any authorised person as defined in section 13 of the Licensing Act 2003. The incident log must record the following:
 - a) all crimes reported at the venue
 - b) all ejections of patrons
 - c) any complaints received
 - d) any incidents of disorder
 - e) seizures of drugs or offensive weapons

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- f) any refusal of the sale of alcohol
- g) 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 police or any authorised person as defined in section 13 of the Licensing Act 2003. Prominent, clear and legible signage (in not less than bold 32 point font) 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 personal licence holder shall be on duty at all times on a Friday and Saturday evening from 6pm until close or at any time from 30 minutes before the start of any regulated entertainment taking place at the premises.

ADDITIONAL ACTION REQUIRED

Other licence conditions presently being agreed between the Council's Licensing Officer and Punch Taverns PLC shall be finalised within 14 days and will form part of the new licence. The Sub Committee Chairman's approval shall be sought to these further conditions.

REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them. The Members made their decision in order to promote 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.

APPEAL INFORMATION

Under Schedule 5 Section 2, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or*
- (b) if the decision is appealed against, until the appeal is disposed of.*