

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

PREMISES	The Eagle Inn
PREMISE LICENCE HOLDER	Enterprise Inns PLC
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor SPA Daniels Councillor JHR Goodwin
DATE OF MEETING	7 March 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 West Mercia Police, Ms Munoz and Mr Joyce, two local residents speaking in support of the review, and Ms Johnson, the legal advisor representing Enterprise Inns.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Council's Licensing Policy, the representation made by Enterprise Inns and the representation made by the West Mercia Police. The Members made the following decisions in order to promote the licensing objective of the prevention of crime and disorder.

- 1 That the hours for licensable activity be amended.
- 2 That additional conditions be attached to the licence.

REASONS

- 1 To promote the licensing objectives and in particular the prevention of crime and disorder and public safety.
- 2 Members felt that having regard to all of the representations made that both the imposition of these conditions and the amendments to the licensing hours were proportionate.

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HOURS OF LICENSABLE ACTIVITY

	Live Music,	Recorded Music	Late Night Refreshment	Sale of Alcohol	Open to the public
Monday	1000 - 2300	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330
Tuesday	1000 - 2300	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330
Wednesday	1000 - 2300	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330
Thursday	1000 - 2300	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330
Friday	1000 - 2330	1000 - 0000	2300 - 0000	1000 - 2330	1000 - 0000
Saturday	1000 - 2330	1000 - 0000	2300 - 0000	1000 - 2330	1000 - 0000
Sunday	1000 - 2230	1000 - 2330	2300 - 2330	1000 - 2300	1000 - 2330

ADDITIONAL CONDITIONS

- Any musical amplification system/equipment located at the premises, prior to use, shall be wired through a sound limiting device located in a separate and remote lockable cabinet. The level shall be pre-set by a responsible person in charge of the premises to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person.
- The following conditions were also agreed:

Prevention of Crime and Disorder

1. On Fridays and Saturdays, Two (2) SIA Licensed Door staff shall be employed at the premises from 2100 hrs until the termination of licensable activities. When employed externally Door staff shall wear hi-viz reflective jackets. When employed internally they shall be readily identifiable as door staff.
2. The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.
3. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by Officers of the Fire Authority, Police or Licensing Authority.

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4. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

5. 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.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. 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 Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

6. All staff shall be trained within 2 weeks of taking up employment and six months thereafter. The training shall include:
 - Drugs Awareness
 - Conflict resolution
 - Selling to under age person
 - Selling to drunks

Such training will be recorded and records shall be kept at the premises which will be produced to an authorised officer the licensing authority or the police on demand.

7. A Personal licence Holder shall be on duty at all times when the premises operate for licensable activities.

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8. The DPS and all other staff shall ensure that no vessels are taken off the premises by customers.
9. All staff shall wear a clothing which identifies them as members of staff of the premises.
10. The capacity limit for the premises shall be in accordance with that set within the Fire Risk assessment.
11. A system shall be place which is capable of showing the number of persons on the premises at any one time. This number shall be given immediately on demand to an officer from the Licensing Authority or police.
12. Cylinders or containers of gas under pressure, other than Cellar Gases¹, shall not be used on the premises except with the prior consent of the Licensing Authority.

First aid

13. A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar.

Electrical & Gas Installations

14. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an authorised Licensing Authority officer or Police on demand.
15. All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.
16. The residual circuit device shall be tested at lease once a week and a record of this check shall be kept at the premises.
17. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an authorised Licensing Authority officer or Police on demand.

Hypnotism

18. The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism without the express written consent of the Licensing Authority and in accordance with any conditions attached to such consent. The

¹ Cellar Gases are those gases that are used in connection with beers, lagers and the like.

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special conditions relating to the regulation of exhibitions, demonstrations or performances of hypnotism are available on request.

Maintenance, Repair and Cleanliness

19. All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

Special Effects

20. The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without specific written consent of the Licensing Authority. Application for consent, together with a detailed description of the method of use, should be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.

21. Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without the prior written approval of the Licensing Authority.

22. The use of foam shall not be permitted unless with the prior written approval of the Licensing Authority.

Disabled people

23. When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to the Licensing Authority or Police on demand.

24. Disabled people on the premises must be made aware of the evacuation procedure.

Prevention of Public Nuisance

25. All windows will be kept shut after 23:00.

26. Recorded music volume will be reduced to background levels during the wind down period.

27. Prominent, clear and legible signage (in not less than 32 bold font) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

28. The courtyard garden shall not be used after 23:00 hours.

29. The premises licence holder or DPS or nominated responsible person (in writing) shall ensure that noise and vibration does not emanate from the

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premises so as to cause a nuisance to any person residing in any noise sensitive dwelling.

30. Where regulated entertainment is provided, a responsible person will monitor noise emanating from the premises at least once a hour to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of the local authority or police.

Protection of Children

31. No person under the age of 18 shall be permitted on the premises unless dining and accompanied by an adult aged 21 or over.
32. 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, at least one location behind any bar advertising the scheme operated.
33. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

** 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.*

There is a right of appeal under Schedule 5 Paragraph 8a, which must be made to a magistrates court within 21 days of this decision. It is recommended that you obtain your own legal advise or contact the Magistrates Court at Bath Street, Hereford, if you do wish to appeal this decision.