

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

PREMISES	The Nags Head
PREMISES LICENCE HOLDER	Mr Stephen Bengree
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Full Review Following an Expedited Review
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor BA Durkin Councillor RC Hunt
DATE OF MEETING	27 March 2012

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 James Mooney, representing West Mercia Police, and Amanda Pillinger, the Premises Licence Holder's Legal Advisor.

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

DECISION

1. Upon hearing the representatives of West Mercia Police and the Solicitor for the Premises Licence Holder the Regulatory Sub Committee has decided to modify the conditions relating to the Nags Head, Canon Pyon forthwith*.

CONDITIONS

1. 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.

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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.

2. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) 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

REASON

1. The Committee has found that there has been a serious crime committed at the premises and has made its decision having heard evidence from West Mercia Police and the Premises Licence Holder's Legal Advisor and in accordance with the guidance issued under Section 53A of the Licensing Act 2003 as amended. The Committee therefore decided that the addition of the proposed conditions was reasonable in order to promote the licensing objective of the prevention of crime and disorder.

** 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 magistrate's court within 21 days of this decision. It is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford, if you do wish to appeal this decision.