

GOSSCHALKS

SOLICITORS

BY FIRST CLASS POST AND EMAIL

The Licensing Section
Herefordshire Council
Blueschool House
PO Box 233
Hereford HR1 2ZB

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 098454.22018
#GS773208
Your ref:
Date: 20 May 2016

Dear Sirs,

**Re: Licensing Act 2003 – Review Proceedings
Queens Arms, 4 Broad Street, Hereford**

We act on behalf of Enterprise Inns PLC. Our client is the freeholder owner of these premises and we have received copies of documents relating to a review of the premises licence issued by the Herefordshire Police Harm Reduction Supervisor.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Enterprise Inns PLC owns around 5000 public houses in England and Wales. Over 98% of those premises are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Queens Arms is the subject of a 5 year lease agreement in favour of David Pope, the premises licence holder.

Please note, that our client takes a wholly neutral stance with regard to the single incident that forms the reason for this application for review. As our client has no operational responsibility for these premises, it cannot comment upon that incident although it does seek to comment upon the evidence adduced and how that evidence should be viewed by the Committee when making its determination upon review.

The evidence used in support of the review application alleges the breach of the premises licence. We are unaware whether or not criminal proceedings have been issued in respect of this breach or indeed whether or not Mr Pope has been interviewed under caution in relation to those allegations. The precise circumstances behind the events need to be established before any consideration of action to be taken.

The Police point to the "possibility" of young people being present. Decisions cannot be made on the basis of possibilities. The Committee will need to ascertain facts before taking any action.

We were pleased to note that the Police are not seeking revocation of the premises licence but suggest the removal of Mr Pope as designated premises supervisor. Once again, this draconian action should only be taken if the Committee is satisfied on the evidence that it has heard that his management of the premises is undermining the licensing objectives. This would require an investigation into Mr Pope's record of compliance and whether or not there is a history of difficulties emanating from his management of these or other premises. On the basis of the evidence served, it must be assumed that there is no other evidence

that the Police have to support the assertion that "Mr Pope" is not fit and proper to be designated premises supervisor for the Queens Arms.

We respectfully submit as this is a one off incident, the most appropriate determination would be the imposition of conditions relating to training, the maintenance of staff training records and perhaps the operation of a published age verification scheme.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation.

We look forward to hearing from you.

Yours faithfully

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