

## **LICENSING SUB COMMITTEE**

**15 May 2017**

Present: Councillor J Fahmy (Chair)  
Councillors J Connal and D Scudder

Also present: Sergeant Rachel Brown, Hertfordshire Constabulary  
Mr Khalid Mirza, Franchiser and Director, Roosters Piri Piri  
Mr Garry Tooey, UK Operations Manager, Roosters Piri Piri  
Ms Jo Tomkins, Hertfordshire Constabular  
Councillor Karen Collett, Observer

Officers: Committee and Scrutiny Support Officer (JK)  
Senior Licensing Officer (AY)  
Senior Solicitor

### **1 Committee membership/ election of a Chair**

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors Connal, Fahmy and Scudder.

The Sub-Committee was asked to elect a Chair for the hearing.

RESOLVED –

that Councillor Fahmy be elected Chair for the hearing.

### **2 Disclosure of interests (if any)**

There were no disclosures of interest.

### **3 Review of premises licence: Roosters, 38 High Street, Watford**

#### **Introduction to the application**

The Sub-Committee received a report of the Head of Community and Environmental Services.

The Senior Licensing Officer introduced the report outlining the application for review of the premises licence. Hertfordshire Constabulary had brought the

review on the basis that all four licensing objectives were being undermined.

The review application had been brought as a result of a number of incidents, some of which were crimes, between 4 and 12 March 2017. The crimes took place during hours that the premises was operating under its licence. Video footage of the incidents had been circulated to all parties and had been viewed by the Sub-Committee. No other representations had been received.

A number of meetings had taken place between representatives of the premises and the Police. One of the meetings had taken place since the publication of the report and parties would provide an update on the outcomes and any agreements.

A review of a premises licence was a serious matter. The purpose of the procedure was to look again at the licence and not to punish licence holders. He referred to the relevant sections of the council's Statement of Licensing Policy.

In this instance, the Police had put forward their own suggestions for conditions which were a starting point for the Sub-Committee.

The two questions before the Sub-Committee were:

- Is the Sub-Committee satisfied that the premises are undermining the licensing objectives?
- If the premises are held to be undermining the licensing objectives, what measures, if any, are appropriate to promote the licensing objectives?

There were no questions of the Licensing Officer.

### **Application for review**

Hertfordshire Constabulary were invited to present the review application.

Sergeant Brown introduced the application. She noted that the premises licence holder, Mr Tahir Mirza, was currently very unwell and she sent her best wishes for his recovery. She thanked Mr Khalid Mirza, the premises licence holder's brother and the franchiser, for representing the premises on his behalf.

The review application centred on concerns following a violent assault inside the premises. Her concerns were set out in the review application which remained accurate. As well as the licensing objectives, Hertfordshire Constabulary's priorities were to keep people safe and to put victims first and

it was these concerns which led to the review application. Footage of the assault in question had been widely circulated on social media and featured in the national press.

Mr Tahir Mirza's illness meant that he had been unable to respond to contact from the Police who wished to have a positive relationship with licensees.

Following the most recent meeting with Mr Tooey, Sergeant Brown had produced a summary of discussions. Parties agreed that this document could be circulated to the Sub-Committee. Following an initial meeting, changes had been agreed and implemented. A further meeting had taken place where measures were checked and further changes discussed. The summary covered what had been agreed and what was not yet agreed.

Sergeant Brown noted that the measures already in place included an upgrade to the CCTV system and new staff training. Revocation was not sought but additional measures were requested to prevent further crime and disorder. The business opened at 10.00 and a terminal hour of midnight was sought, giving 14 trading hours each day.

The summary listed the measures completed or agreed and Sergeant Brown highlighted them to the Sub-Committee.

No agreement had been reached on the closing times of the premises or the use of door supervisors during licensable hours. The Police were requesting that two door supervisors be employed as this would allow them to support one another and reduce the number of calls to the Police.

In response to questions from Members and the Senior Solicitor, Sergeant Brown confirmed that:

- The limit of 10 persons in the premises included those seated and those standing.
- Two door supervisors would be more effective than one, regardless of whether they had a Pubwatch radio. There could be a large number of people outside the premises. However, one door supervisor would be better than none.
- Midnight was the preferred closing time for the premises in the Police's view. This would still allow the premises to operate for 14 hours a day and have a viable business. The peak of violent crime incidents occurred in the early hours of the morning. If the premises were open later they would need door supervisors.
- Most of the conditions sought had already been met. Any measures to ensure the premises was the safest possible were welcomed by the

Police. Door supervisors would be needed should the premises be open after midnight.

- Other similar premises in the town centre which were open after midnight had door supervisors. The majority had two door supervisors but one premises had one. The Police were trying to add conditions to the licences of all the premises with door supervisors that high-visibility clothing must be worn by them.
- Door supervisors were being requested for Fridays, Saturdays and other higher-risk nights only.
- Pubwatch was open to all premises, although the membership primarily consisted of alcohol-led premises. It would be beneficial for the premises to join the group.

The Senior Licensing Officer confirmed that the terminal hour of the premises next door, which also served late night refreshment, was 01.00. He listed the closing times of other similar premises in the vicinity.

There was a discussion about installing removable seating which could be taken away during licensable hours.

Consideration had been given to offering a reduced menu during licensable hours; this was anticipated during the next few months and would bring the Watford premises in line with other franchises.

There were no further questions for Hertfordshire Constabulary.

### **Address by the premises representatives**

The representatives of the premises addressed the Sub-Committee.

Mr Garry Tooey provided the background to the premises which had been licensed continually since 2005, when the Licensing Act came into force. The main complaints received had been since 4 March 2017. He underlined that of the three incidents, only two had taken place during licensable hours.

Regrettably, Mr Tahir Mirza who was the premises licence holder, had been unable to attend the premises since the beginning of the year due to his medical condition. Robust procedures were now in place and the head office was dealing with all correspondence. Some of the conditions agreed had been implemented.

Outlining the changes that had taken place, Mr Tooey informed the Sub-Committee that the cost of upgrading the CCTV had been nearly £2,000. The

door had been repaired and the premises now had a good relationship with a local glazier. The upgrade to the till system cost £7,000. There had been significant investment in the premises. The system would reduce friction from customers over orders.

Responding to the Police's requests to reduce the hours, Mr Tooley advised that these were two of the four busiest hours of the day and the business would lose £50,000 a year as a result. Fridays and Saturdays were the busiest nights and there may need to be redundancies.

The premises were prepared to install a panic alarm system which was used by similar premises. It would be linked to the Police and would warn customers that the Police would be called. This acted as a deterrent. They were also very happy to be involved in the Pubwatch scheme in the town centre. Responding to the suggestion of a panic alarm, Sergeant Brown advised that it did not prevent crime and disorder and relied on the Police to defuse situations.

Considering the request that door supervisors be employed, this had not been agreed as it would be a considerable cost for this small premises and could cause more issues. Door supervisors cost between £25 and £45 per hour and had to be hired for four-hour blocks.

It was the premises' preference to retain their current hours without door supervisors for 6 months and then review the situation with the Police after that period. Sergeant Brown confirmed that the Police were not content to accept the suggestion.

Mr Khalid Mirza addressed the Sub-Committee underlining that he wished to prevent crime and disorder. He outlined the situation with his brother, the franchisee, who was currently hospitalised and who had been managing the premises closely prior to this.

In response to questions from Members and the Senior Licensing Officer, Mr Tooley and Mr Khalid Mirza confirmed that:

- There had been a power cut prior to the incident which reset the CCTV system to a seven day period.
- In the absence of the manager, a number of shift swaps had taken place which had resulted in the supervisor being absent.
- Conflict management training was being given to all staff. This would allow the staff to recognise and help to defuse situations.
- The restaurant manager had been wary of reporting incidents to the Police as he was concerned it would have serious implications. This

concern had been discussed and addressed.

- There was a recognition that the head office team may not have been as stringent with this premises as with others. They understood the importance of preventative measures.
- The CCTV letters were missed by the staff in the absence of the franchisee. The post was now overseen by the head office.
- Mr Tooey would be overseeing the premises in Mr Tahir Mirza's absence.
- Mr Khalid Mirza started the company 20 years ago and there were now 37 restaurants which were run as franchises.
- The Roosters Piri Piri restaurants were moving to a healthier menu model where the offer would consist of grilled rather than fried foods. The Watford premises was only one of two which still offered the fried menu and this would be phased out with a more restricted menu for the late night refreshment.
- Mr Tahir Mirza had a limited company but he was the premises licence holder personally as the licence predated the incorporation of his company.
- Incidents in the premises would be reported immediately to the Police and recorded in the incident book.
- Mr Tooey would be the point of contact for the premises.
- The staff who were on duty the night that the assault took place reported that the incident happened very quickly and they panicked. They did not have any confidence in the conflict management training that the supervisor on duty had undertaken.
- The alarm system could have a loud noise emitted from the premises.

Sergeant Brown advised that there had not been many incidents reported to the Police by the premises. Many reports had come from members of the public rather than the staff. Eleven incidents were reported in 2016 but this was broadly typical of other premises.

Sergeant Brown outlined the Police shift patterns in the night time economy and the numbers of people in the town on busy nights.

There had been a consideration of closing the premises voluntarily at 01.00 at the first meeting with the Police but they wished to retain their current hours with the changes made.

The Senior Licensing Officer referred to the suggestion of changing the layout of the premises and noted that this would require a minor variation to the licence.

There were no further questions for the premises representatives.

## **Summary**

Both parties were invited to summarise their addresses to the Sub-Committee and make any further final comments.

Sergeant Brown was pleased with the improvements which had been made so far. The CCTV was available for the Police to access, where appropriate, which would have a positive impact on the licensing objectives. She referred to the victim of the incident who was assaulted twice and the offender had been identified. The Police were aware of the absence of Mr Tahir Mirza and the impact on the premises. The introduction of more staff training and the reduction in hours to negate potential problems in future. The application for review remained accurate.

Mr Tooey underlined the unique nature of the situation with the franchisee being absent. Many lessons have been learnt and there had been significant investment in the premises. They were not the only late night refreshment premises without door supervisors. With the stringent changes introduced and the good relationship with the Police there would be improvements.

## **Decision**

The Sub-Committee retired to consider their decision.

On the Sub-Committee's return, the Chair announced the decision.

### **RESOLVED –**

On hearing the review application the Sub-Committee have placed substantial weight on Hertfordshire Constabulary's evidence. The premises did not act appropriately when a violent incident took place on the premises and this was not disputed by the authorised representatives of the licence holder

Staff did not take the appropriate action either during or after the incident. They failed to call the police, preserve the crime scene as reasonably expected, and offered the victim no assistance by way of first aid. Furthermore the premises failed to deal adequately with Police requests for CCTV.

Prior to the hearing, the Police and premises licence holder had already agreed a number of conditions that the Sub-Committee found appropriate and proportionate in order to promote the licensing objectives.

The Police and licence holder were however unable to agree on two of the requests namely a reduction in the terminal hour for late night refreshment and the use of SIA door Supervisors.

The Sub-Committee heard evidence from representatives of the Licence Holder Mr Mirza, the licence holder's brother, a director of the franchise company as well as Mr Tooey, Head of UK Operations. In mitigation, they had explained that the licence holder was very unwell, and robust procedures were not in place to deal with issues in his absence but were now engaged in active discussions with the Police to rectify this. The Sub-Committee found the representatives to be genuine, co-operative and had a willingness to rectify previous issues whilst confirming that robust systems were now in place should incidents of this nature happen again. There was also a recognition that the premises had previously operated for many years with minimal issues.

Weighing up all the evidence, the Sub-Committee decided to attach a number of conditions including the use of an SIA door supervisor and also decided on this occasion against reducing the terminal hour for late night refreshment. The Committee was of the view that attaching these conditions would be appropriate for the promotion of the licensing objectives.

In reaching this decision, the Sub-Committee took into account the provisions of the Licensing Act 2003, the Secretary of State Statutory Guidance 2015 and the Council's Statement of Licensing Policy.

The Licensing Sub-Committee has decided to replace all the current conditions on the premises licence with the following conditions:

1. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of Hertfordshire Constabulary. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer of the Licensing Authority



recent data or footage with the absolute minimum of delay when requested.

3. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises from 11.30pm to 3.30am whilst it is operating under its premises licence on a Friday and Saturday night.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 10 persons, and such number shall be prominently displayed by each entrance to the premises.
6. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed from the commencement of licensable activities and every hour until and including when the premises closes. Litter and sweepings collected must be stored by the premises as trade waste and disposed of as trade waste.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Licensing Authority or the Police, which will record the following:
  - (a) all crimes reported to the venue, or by the venue to the Police
  - (b) all ejections of customers or refusals to serve them
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV
  - (f) any visit by a relevant authority or emergency service.
8. There shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the Licensing Authority for the premises relating to incidents of violence.
9. The Licensee shall comply with all reasonable crime prevention and/or public safety measures that may be required by the Licensing Authority and/or the Environmental Health Officer and/or Hertfordshire Constabulary and shall specify a named single contact for the premises.
10. The Licensee shall ensure that at all times when the public is present there is at least one competent person able to administer first aid,

that an adequate and appropriate supply of First Aid equipment and materials is available on the premises and that adequate records are maintained in relation to the supply of any First Aid treatment.

11. All licensed door supervisors must wear high-visibility clothing of a style and type agreed with Hertfordshire Constabulary when working at entrances or exits to the premises.
12. All assaults resulting in physical injury to a customer or member of staff must be reported immediately to the Police contact centre (999 or 101 telephone numbers).

Chair

The Meeting started at 10.40 am  
and finished at 12.55 pm