

PART A

Report to: Licensing Sub-Committee
Date of meeting: 7 March 2016
Report of: Head of Community and Customer Services
Title: Application for a new Premises Licence
Watford Association Football Club, Vicarage Road Stadium,
Vicarage Road, Watford WD18 0ER
15/02075/LAPRE

1.0 SUMMARY

1.1 An application for a new Premises Licence has been received from Watford Association Football Club to licence Vicarage Road Stadium for the sale of alcohol, the provision of regulated entertainment, and the provision of late night refreshment, on Mondays to Sundays. One representation has been received from a local resident.

2.0 RECOMMENDATIONS

2.1 That the Licensing Sub-Committee determines whether to grant the application (amended as appropriate for the promotion of the licensing objectives) as set out in the report.

Contact Officer:

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Report approved by: Alan Gough, Head of Community and Customer Services

3.0 **APPLICATION**

3.1 Type of authorisation applied for
New Premises Licence.

3.2 Description of premises

The premises is described on the application form as follows:

‘Vicarage Road Stadium is a professional sports stadium operating under a General Safety Certificate issued by Hertfordshire County Council and a Licence to Admit Spectators issued by the Safety at Sports Grounds Authority. The stadium comprises of 4 spectator viewing stands each with concourses containing catering outlets from which alcohol is sold as well as enclosed hospitality areas from which alcohol is also sold.’

3.3 Under Policy LP1, this premises would best be defined as an ‘other entertainment venue’, where licensable activities are ancillary to the primary use of the premises as a sports stadium. Under Policy LP2, the premises is deemed to be situated within a residential area.

3.4 A map of the location of the premises is attached at appendix 1.

3.5 A plan showing the layout of the premises is attached at appendix 2.

3.6 The premises does currently benefit from an existing licence which is attached at appendix 3. A new licence is required because the premises are looking to increase the licensed area.

3.7 Licensable activities

Licensable activity	Applied for
Plays	
Films	✓
Indoor sports events	
Boxing or wrestling entertainment	✓
Live music	✓
Recorded music	✓
Performances of dance	✓
Anything of a similar description to live or recorded music or dance	✓
Provision of late night refreshment	✓
Sale by retail of alcohol for consumption on the premises	✓
Sale by retail of alcohol for consumption off the premises	✓

3.8 For comparison, the only activity which is not permitted under the existing licence for the stadium is the provision of boxing or wrestling entertainment.

The initial application was requesting indoor sporting events as a licensable activity but this was later withdrawn by the applicant.

3.9 Licensable hours

The requested hours are detailed in the table below.

	Regulated Entertainment	Late Night Refreshment	Sale of Alcohol
Monday	10:00 – 00:30	23:00 – 00:30	10:00 – 00:00
Tuesday	10:00 – 00:30	23:00 – 00:30	10:00 – 00:00
Wednesday	10:00 – 00:30	23:00 – 00:30	10:00 – 00:00
Thursday	10:00 – 00:30	23:00 – 00:30	10:00 – 00:00
Friday	10:00 – 01:30	23:00 – 01:30	10:00 – 01:00
Saturday	10:00 – 01:30	23:00 – 01:30	10:00 – 01:00
Sunday	10:00 – 23:00	N/A	10:00 – 23:00

3.10 The initial application was requesting a terminal hour for alcohol sales of 00:30 Monday to Thursday, and 01:30 on Friday and Saturday. However, these hours were amended by the applicant to those detailed above. For comparison, these hours are no different to those on the current licence.

3.11 It is also proposed that the alcohol hours on New Year's Eve are to be 10:00 – 01:00 if 1 January is a Friday or Saturday, and 10:00 – 00:00 on all other days.

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

Mr Glyn Evans, since 12 November 2012.

4.3 Current licences held

The premises holds a current licence with reference 12/01030/LAPRE (see appendix 3). This licence has been in force since 24 July 2012, when it was transferred to Watford Association Football Club Ltd from the previous holders, Watford Leisure Plc. The premises has been licensed under the Licensing Act 2003 since the Act came into force in November 2005, and so the licence benefits from hours which pre-date the existing licensing policy, which was first adopted in 2011. Prior to November 2005, a Justices' Licence under the Licensing Act 1964 was in force permitting the sale of alcohol.

4.4 Closing date for representations

10 February 2016

4.5 Public notice published in newspaper

22 January 2016

4.6 Visits and Enforcement action

There have been no complaints to the licensing authority about this

premises, and therefore there has been no need to visit the premises or undertake any enforcement action.

5.0 PROMOTION OF LICENSING OBJECTIVES.

5.1 Although this application is for a new licence, the applicant has indicated within their operating schedule that they intend to duplicate the conditions of the existing licence and therefore did not propose any additional measures, with the exception of permitting the use of glass drinking vessels within the enclosed hospitality suites. These conditions are reproduced at paragraph 8.4.

6.0 REPRESENTATIONS

6.1 Responsible Authorities

The Police and environmental health negotiated conditions with the applicant and therefore did not submit formal representations. These conditions are reproduced at paragraph 8.5. No comments were received from any other responsible authority.

6.2 Residents

Representations have been received from the residents listed below.

Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective(s)
Not provided	18 Liverpool Road, Watford WD18 0DJ	No	Crime and disorder, public nuisance

6.4 This representation is attached at appendix 4.

6.5 The representation states that granting this application will lead to disorder in the vicinity of the stadium, crimes against nearby residential properties, and disturbance from the regulated entertainment and other licensable activities.

7.0 POLICY CONSIDERATIONS

7.1 The following provisions of the Licensing Act 2003 apply to this application:

- Sections 17 and 18 (Application for premises licence):
Section 17 details the process which the applicant must have followed for the application to be considered valid. Section 18 describes the process by which an application for a premises licence is determined, including where relevant representations have been made as in this case.
- The Licensing Act 2003 (Hearings) Regulations 2005 (as amended)
These regulations detail how hearings should be conducted to determine applications submitted under the Licensing Act.

7.2 Statutory guidance

The following provisions of the Secretary of State's guidance (March 2015) apply to this application:

- Paragraphs 8.33 - 8.41:
These paragraphs explain how steps should be taken to promote the licensing objectives. It is for the Sub-Committee to decide in light of this guidance whether the measures offered by the applicant are appropriate to promote the licensing objectives. It is equally important to use the same measure when looking at any steps requested by a party making representations against an application.
- Paragraphs 9.30 – 9.40:
These paragraphs explain that hearings should be focused on the steps considered appropriate to the promotion of the licensing objectives, as well as how appropriate weight must be attributed to the steps to promote the licensing objectives, the representations presented by all parties, the statutory guidance, and the licensing authority's statement of licensing policy.
- Paragraphs 9.41 – 9.43
These paragraphs explain that when determining applications, the authority's determination should be evidence-based, as well as how to assess if a step is 'appropriate' for the promotion of the licensing objectives.
- Chapter 10:
This chapter looks at best practice in relation to conditions that may be attached to a premises licence should it be believed that such conditions are appropriate to promote the licensing objectives. Any additional conditions requested by any party should be considered with reference to this chapter.

7.3 Statement of licensing policy

The following paragraphs of the licensing authority's statement of licensing policy apply to this application:

- Policy LP1 – Premises Definitions
Under this policy, the premises are best defined as an other entertainment venue.
- Policy LP2 – Location and Operation of Premises
This policy sets out the approach to licensing premises when relevant representations are received, notwithstanding that each application is considered on its own merits. This premises is situated within a residential area and as such this policy states that other entertainment venues 'may be limited to midnight'.

- Policy LP6 – Prevention of Crime and Disorder
Under this policy the Sub-Committee will consider any necessary measures to deal with the potential for crime and disorder where relevant representations have been received.
- Policy LP8 – Prevention of Public Nuisance
Under this policy the Sub-Committee will consider any appropriate measures to deal with the potential for public nuisance and/or anti-social behaviour where relevant representations have been received.
- Policy LP11 – Representations About Applications
This policy recommends the type of information that should be included in a representation. It also explains how representations will be dealt with.

7.4 The Sub-Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

7.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

8.0 **CONDITIONS**

8.1 Members will be aware that an operating schedule forms part of the licensing process. This document outlines what activities are proposed, the opening hours, and how the activities will be managed particularly in respect of the licensing objectives.

8.2 The most critical part of the operating schedule is the steps taken by the applicant to promote the four licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be translated as conditions on the licence.

8.3 Applicants should give consideration to the local area and reflect this in their application. It should demonstrate an awareness of the local community, local crime and disorder issues, and the local environment.

8.4 Conditions consistent with the operating schedule
Officers propose that the following conditions are consistent with the operating schedule submitted by the applicant, the licence which is currently in force at the premises (adapted where possible from the licensing authority's pool of model conditions), and are appropriate for the promotion of the licensing objectives:

1. Roving sales persons may sell intoxicating liquor only:

- (i) in the area at the foot of the banks of seating in the North, East, South and West stands at the stadium, or in the areas of existing outlets on the concourses within the stands;
 - (ii) to persons attending any event with the exception of football matches;
 - (iii) not more than four sales persons may be operating in each stand at any one time;
 - (iv) sales persons must be 18 years of age or over and must receive appropriate training in the sale of alcohol;
 - (v) sales persons must not operate on the stairs or in the gangways and vomitories;
 - (vi) sales persons may only sell beer and lager;
 - (vii) sales persons must deliver alcohol only into the hands of those persons who are purchasing alcohol and not into the hands of any third party.
2. All external handling of glass waste will take place after 0900 hours and before 2300 hours.
 3. The premises licence holder shall make available to customers the contact details of local taxi or private hire vehicle firms. Any ordered taxis shall be directed to use the Director's car park to collect customers without sounding their horns.

8.5 Conditions proposed by the responsible authorities

Following discussions between the applicant, the Police, and environmental health, the following conditions have been accepted by the applicant:

1. All alcohol shall be supplied in lightweight plastic or similar containers, except that glass containers are permitted within the enclosed hospitality suites. The licence holder shall ensure that no glass containers are permitted within the general public areas.
2. Where Vicarage Road stadium is to be used for an outdoor event which requires a new, or amended, sports ground safety certificate (excluding any certificate relating to the playing of football or rugby), the licence holder shall notify the licensing authority that such an application has been submitted within three working days of submission.
3. Where an outdoor event requires a new, or amended, sports ground safety certificate (excluding any certificates relating to the playing of football or rugby), the licence holder shall provide to the licensing authority a copy of the event management plan which has been agreed

by Hertfordshire Fire & Rescue Service and Hertfordshire Constabulary at least 28 days before the proposed event.

4. Where an outdoor event requires a new, or amended, sports ground safety certificate (excluding any certificates relating to the playing of football or rugby), the licence holder shall provide to the licensing authority a copy of the noise management plan which has been agreed by the environmental health authority of Watford Borough Council at least 28 days before the proposed event.

As these conditions were accepted by the applicant, they should be treated as being volunteered as part of the operating schedule.

8.6 Conditions proposed by objectors

No conditions have been proposed by the resident.

8.7 Pool of Model Conditions

In addition to any conditions proposed by the responsible authorities or interested parties, the licensing authority also has its own pool of model conditions that may help mitigate the concerns raised in the representations.

- 8.8 Officers do not believe that there are any additional conditions within the pool of model conditions which would be appropriate in this case. The representation from the resident does mention noise and nuisance from the regulated entertainment, but a condition has been agreed with environmental health to agree a noise management plan to reduce the impact from any large scale entertainment events, such as any music concerts or boxing matches. There are also concerns about crime and disorder but there is little information provided in the representations to assess if there any measures which the club can implement to address these concerns.

- 8.9 This does not restrict the Sub-Committee's power to attach conditions from the pool (amended or otherwise) if they consider that they are appropriate, proportionate, justifiable and within the applicant's power to comply with.

- 8.10 A draft Premises Licence which reflects this application and the conditions which are proposed in the preceding paragraphs is attached at appendix 5.

9.0 **OFFICERS' OBSERVATIONS**

- 9.1 It is noted that this application is for a new licence, and that the hours requested are outside of the recommended hours for this type of premises as recommended under Policy LP2.

- 9.2 Members are advised that this application represents no extension on the hours permitted under the existing licence for the stadium. The addition of the licensable activity of boxing and wrestling entertainment is something that may have been requested through a full variation application. However, the changes to the layout of the stadium, required in part to bring the stadium in line with the standards of the Premier League, which also resulted in an

increase to the licensed area, were not suitable for a variation application. This left a new licence application as the only available option. The increase in the licensed area, and the changes to the stadium, are quite substantial.

- 9.3 Members are able to depart from policy in circumstances where there are justifiable reasons for doing so, and after considering the individual merits of the application before them.
- 9.4 Officers have attempted to contact the local resident in order to discuss the concerns raised in their representation, and to allow them to expand upon their concerns. This was also a chance to identify whether the concerns were with regards to the crowds leaving football matches, which are not necessarily matters which can be addressed through licensing. However, at the time of writing this report, officers had not received any reply.
- 9.5 The representation against this application makes reference to how granting this licence will lead to 'untold disturbance and disorder in the vicinity of the premises'. There is little information provided to expand upon these concerns. Members are reminded of paragraph 2.20 of the statutory guidance, which states:

"Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night."

- 9.6 The officers' observations and the comments regarding the representations are in no way meant to bind Members. They are for guidance only and Members may attach whatever weight they see fit.
- 9.7 The Sub-Committee have a duty to "have regard" to the licensing policy but are not bound by it. However, should Members wish to depart from the policy then detailed reasons for this must be given as part of any decision.
- 9.8 In determining this application, the Sub-Committee must have regard to the representations and take such steps as it considers appropriate for the promotion of licensing objectives. The steps are:
- (a) grant the application in full.
 - (b) modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding them.
 - (c) reject the whole or part of the application.

Appendices

Appendix 1 – location plan

Appendix 2 – plans of premises

Appendix 3 – current licence (12/01030/LAPRE)

Appendix 4 – representation

Appendix 5 – draft licence (15/02075/LAPRE)

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Licensing Act 2003

Amended guidance issued under section 182 of the Licensing Act 2003
(Home Office March 2015)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (November 2013 – November 2018)

Watford Borough Council Pool of Model Conditions (March 2013)

File Reference

Watford FC