

LICENSING SUB COMMITTEE

25 FEBRUARY 2013

Present: Councillor G Derbyshire (Chair)
Councillors M Meerabux and D Scudder

Also present: Mr Jonathan Price, Premises Licence Holder
Mr Neil Price, Red Lion, Observer
Ms Erin Johnson, Red Lion, Observer
Sergeant Marie White, Hertfordshire Constabulary
Mr John Corkett, Hertfordshire Constabulary
Councillor M Mills, Ward Councillor
Councillor I Brown, Observer
Mike Wright, Watford Observer

Officers: Head of Legal and Property Services
Licensing Officer (OR)
Committee and Scrutiny Support Officer (RW)

32 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

The Committee and Scrutiny Support Officer confirmed that the Sub Committee would comprise Councillors Derbyshire, Meerabux and D Scudder.

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

RESOLVED –

that Councillor Derbyshire be elected Chair for this Hearing.

The Chair asked all parties present to introduce themselves and state their role at the hearing.

33 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

34 REVIEW OF PREMISES LICENCE: YELLOW AND RED LION PUBLIC HOUSE, 105 VICARAGE ROAD, WATFORD (13/00170/LAINPT)

The Sub-Committee received a report of the Head of Environmental Services setting out details of an application by Hertfordshire Constabulary to review the premises licence of the Yellow and Red Lion Public House, 105, Vicarage Road.

The Licensing Officer reported on events leading up to the Hearing. He advised that following concerns of possible disorder at, and in the vicinity of, the venue on 8th February 2013, a closure notice under section 167 of the Licensing Act 2003 had been issued. The Officer explained that this action triggered an automatic requirement for the premises' licence to be reviewed by the licensing authority.

The Licensing Officer informed the Hearing that applications had been received on 14th February 2013 to transfer the premises licence and to vary the Designated Premises Supervisor. The Premises Licence Holder was currently, Mr Jonathan Price and the Designated Premises Supervisor (DPS), Mr Ron Smith.

During the consultation period for the application a representation had been received from a local resident who stated that he supported the current management of the premises by Mr Jonathan Price.

On 19 February 2013 an additional statement had been submitted by the Police in support of their application.

In conclusion the Licensing Officer said that subsequent to the change of Licence Holder and DPS at the Yellow and Red Lion, the Police had detailed the following three conditions that they suggested would be sufficient to address remaining concerns:

- There shall be a personal licence holder as defined by the Licensing Act 2003 on duty at the venue at all times when Vicarage Road Stadium requires a stadium safety certificate
- In addition to condition 12 of annex 2 of the operating schedule: SIA registered door supervisors should be employed at the venue at a ratio of 1:75 door staff to customers.
- Except in the case of an emergency, neither the gate nor any door leading onto the street from the rear courtyard of the venue may be open on days where Vicarage Road Stadium requires a safety certificate.

The Chair asked Members whether they had any questions for the Licensing Officer.

Councillor Scudder asked whether it was intended that the proposed condition regarding door supervisors at the venue were to be applied only on match days.

The Licensing Officer replied that this question was best addressed to the police, but as it was currently worded it would apply at all times not just match days.

The Chair asked the police to respond to Councillor Scudder's question. Sgt White stated that it was for match days only.

The Chair then explained the procedure for the meeting and asked the police to present their case.

Sgt. White reiterated the Licensing Officer's explanation that the review was consequent upon the issue of the closure notice. She advised that the notice had been issued at mid-day on 8th February and that the venue had remained closed until 4.00 a.m. on 9th February; this had prevented the premises from opening for trade during the match between the Watford and Crystal Palace Football Clubs.

Sgt White said that Chief Inspector Nick Caveney had issued the notice because of the high risk associated with this match and the fact that the DPS was not present. She added that a suitable DPS had now been appointed and advised that the additional conditions related to the safe management of the premises.

Mr Corkett then proffered information regarding the previous DPS. He advised that, since the premises had reopened in April 2012, despite requests by the police to the DPS to meet with them to discuss operation of the premises on match days, the DPS had not attended any of the proposed meetings. Mr Jonathan Price, however, had behaved in an exemplary way throughout.

With regard to the Crystal Palace match on 8th February 2013, Mr Corkett advised that it had become apparent that there was potential for disorder and the previous DPS had been asked to meet for discussion. The DPS had replied that he would surrender his licence and apply to transfer the licence. The necessary papers had not been submitted, however, and since there was a heightened security risk for the match with no DPS on the premises, there had been no option but to close the premises.

Mr Corkett said that Mr Jonathan Price had always complied with requests for added security at the venue. He noted that netting had been fixed over the garden to prevent missiles and added that Mr Price had proved to be both co-operative and responsible. He had no personal licence, however, and consequently could not be installed as the DPS.

In reply to a query from the Chair, Sgt White advised that there was currently a DPS in place but that they believed this was only temporary until Mr Price obtained his personal licence.

The Chair made reference to the three additional conditions as quoted above. He noted that the first and last conditions related to times when a safety certificate was required but that this requirement did not apply for the second condition.

Sgt White said that the Police would wish this condition to apply to any major event.

The Head of Legal and Property Services drew attention to condition 12 of the current operating schedule which specified a minimum of two SIA door staff to be employed when a stadium safety certificate was required. She asked

whether the additional condition was intended as a replacement or an additional condition.

Sgt White confirmed that this would be a replacement condition, and that instead of 2 door supervisors the police were looking for a ratio of 1:75 door supervisors to customers .

The Head of Legal and Property Services noted that government guidance indicated that it was not expected that the DPS should always be at the venue and asked why the Police considered it necessary to have a personal licence holder on the premises in this case.

Mr Corkett replied that there was the potential for the venue to become a 'flash-point' and was in need of strong management; there should consequently be such personnel present on match days.

The Chair asked what discussions had taken place between the Police Authority and Mr Jonathan Price.

Mr Price responded by advising that he had a good relationship with Sgt White and the Police Authority in general. He said that he had received a call from Sgt White in mid January in which she advised that an attempt to remove the former DPS had been made but that this had been unsuccessful.

He informed the Sub-Committee that since he had taken over management of the Yellow and Red Lion there had been no arrests. He noted the incident on 20th October 2012 when missiles had been thrown into and from the venue's rear garden and advised that lessons had been learned. The back gate had subsequently been blocked to prevent fans from seeing into the premises; this would prevent a reoccurrence of this problem.

Mr Price advised that a new DPS had been engaged and appropriate documents provided. He noted that the closure notice had been issued prior to this appointment but considered that with the appointment of the new DPS the Yellow and Red Lion was in better circumstances than it had been for some considerable time.

Mr Price then discounted the report that glasses and bottles had been thrown at on 20th October stating that polycarbonate vessels were used on match days.

Mr Neil Price advised that he had had a long association with Watford Football Club and considered that there had been insufficient Police presence during some matches. He affirmed that the Yellow and Red Lion was well run.

Mr Jonathan Price confirmed that the venue's current management had a good relationship with the Police personnel who were present at the Hearing. He agreed that the pub could prove to be a potential flash point for disorder on match days but stated that there had been no problems. He noted that revenue had been lost during the period when the pub had been closed and that the pub

had been only half full on the following Saturday. He considered that the closure had had an impact on trade which he considered to be unfair.

Mr Price then addressed the issue of door supervisors. He noted that the previous requirement for two door staff had been considered sufficient. He explained that the ratio of 1:75 would require one additional member of staff which would prove to be an unnecessary expense.

Mr Neil Price agreed that two staff members would be sufficient to deal with customers and that three staff would be financially unviable.

Mr Jonathan Price concurred with the condition that a personal licence holder would be on site at all times on match days but questioned what would happen were he to be on holiday and the DPS were suddenly required to leave the premises. He expressed concern that this would leave the premises vulnerable to closure.

Councillor Meerabux said that in the past the business had failed to ensure that a DPS was in control of the day to day management of the pub. He advised that he looked for assurance that this responsibility was taken seriously and that the DPS should have a critical role in this respect.

Sgt White agreed that the DPS should have a crucial role and noted that this had not been the case with the previous incumbent. She added that the pub had a high risk of crime and disorder on match days due to its location and the clientele. Strong management was necessary and the presence of the DPS was essential. She reminded Members that the main reason for the closure notice was due to the absence of a DPS.

Sgt White referred to Mr Price's concerns regarding the number of door staff. She considered that the heightened risk of disorder due to the nature of the clientele and the proximity of the pub to the football ground required extra security measures. She noted that customers were served in the garden; when the back gate was left open people walking past could see in and this could cause issues between rival fans.

Mr Jonathan Price acknowledged that there had been a minor incident on 20th October 2012 but that other wise there had been no problems.

The Chair noted that a qualified DPS had been engaged in addition to a new Premises Licence Holder and asked why it was necessary to propose the additional conditions.

Sgt White said that the first condition related to the location of the venue. Were a serious incident to occur it would be wise for a person with licensing knowledge to be present on the premises. The only guarantee for this condition would be the presence of a personal licence holder. She agreed that the condition was unusual but would be a wise additional condition where there was potential for problems associated with crime and disorder. She affirmed that the reason for the condition was solely due to the location and the probable clientele of the pub.

The Chair referred to Mr Jonathan Price's concerns as expressed above in respect of one member of staff being on holiday whilst the DPS was temporarily absent. He asked whether, in the event of a visit from Police officers in such circumstances, condition 1 would be invoked.

Sgt White assured the Chair that the premises would not be penalised for one occasion. Mr Corkett suggested that in this circumstance it would be wise to telephone the Police authority and obtain a log number.

The Sub-Committee retired to make its decision.

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

RESOLVED –

Having taken into account the provision of the Licensing Act 2003 and its guidance, as well as the representations of the Hertfordshire Constabulary and the Premises Licence Holder, the Sub-Committee has decided to impose two additional conditions on the Licence of the Yellow and Red Lion as follows:

- a. There shall be a Personal Licence Holder (as defined by the Licensing Act, 2003) on duty at the venue at all times when Vicarage Road Stadium requires a stadium safety certificate.
- b. Except in the case of an emergency, neither the gate nor any door leading onto the street from the rear courtyard of the venue may be open on days where Vicarage Road Stadium requires a safety certificate.

The Sub-Committee recognises that, due to its location, the premises are vulnerable to potential crime and disorder on those occasions when the stadium requires a safety certificate, and considers it reasonable for a qualified person (Designated Premises Supervisor or Personal Licence Holder) to be required to be present on the premises on these occasions.

Chair

The Meeting started at 2.00 pm
and finished at 3.55 pm