

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 29
JANUARY 2014, AT 10.00 AM

PRESENT: Councillor Michael McMullen (Chairman)
Councillors Mrs D Hone and B Wrangles

ALSO PRESENT:

Councillors W Ashley, P Gray, G Jones,
K Warnell and C Woodward

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

41 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Mrs D Hone and seconded by Councillor B Wrangles that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

42 LICENSING ACT 2003 – REVIEW OF A PREMISES
LICENCE, BOARS HEAD, 30 HIGH STREET, BISHOP'S
STORTFORD

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Specialist

Licensing Officer advised the Sub-Committee that additional papers had been circulated after the agenda had been dispatched, and provided a summary of these.

Members were advised that the review had been requested by Hertfordshire Constabulary because of concerns regarding a failure by the Boars Head to uphold licensing objectives in terms of crime and disorder and the protection of children from harm.

Police Sergeant Palfreyman from Hertfordshire Constabulary explained his role and responsibilities in terms of licensing. He explained that the Boars Head had been excluded from the Pub Watch scheme following a failure to adhere to the "Behave or Be Banned" Scheme. He provided a summary of incidents involving the Police being called to the Boars Head.

The Police Officer stated that a meeting had been subsequently arranged with Mr Melody to discuss concerns about the management of the premises. The Police had suggested a number of recommended conditions which they considered would address their concerns and these were submitted in writing to the licence holder on 12 November 2013.

Mr Melody had advised the Police that he agreed with many of the points raised in their letter, but could not agree with the Police in relation to some of their requirements in relation to SIA approved Door Supervisors and CCTV. Mr Melody had stated that he would not be making an application to amend the current premises licence to reflect this.

The Police Officer referred to a number of incidents at the Boars Head and provided a summary of incidents in 2013 which were considered of significance.

The Police Officer referred to a statement given by another Police Officer following an incident at the Boars Head on 19 June 2012 and summarised the comments

made by Mr Melody. The Police Officer referred to glasses being thrown into the Police Station's Yard and of dealings with Class "B" drugs.

At the request of the Legal Services Manager, Mr Forbes, Solicitor for Mr Melody, referred to the letter from the Police dated 12 November 2013 which set out a number of recommended conditions. Mr Forbes stated that Mr Melody supported conditions 1, 2, 3, 4, 5, 10, and 11, but was very concerned about the requirement to have four SIA approved Door Supervisors and to train staff to operate the CCTV system.

The Police Officer acknowledged that Mr Melody had a lot of experience in the licensing trade, including ownership of a pub in London. He commented that he supported local businesses and wanted to find a solution which the Police and Mr Melody could work with. He acknowledged that the former tenant, Mr Gray, was no longer responsible for the pub, adding that any future Designated Premises Supervisor would be in control of its day to day management and in enforcing the conditions now sought.

Mr Forbes sought clarification from the Police Officer of the Pub Watch Scheme locally and nationally. He stated that the Boars Head was the only pub in Bishop's Stortford which was required, as a condition of the licence, to be a member of the scheme. Mr Forbes stated that Mr Melody had not received any written rules nor was he ever supplied with an agenda for the Pub Watch meetings.

Mr Forbes referred to the national guidelines which requested that Pub Watch give, in writing, 14 days notification of any proposal to exclude a pub from the scheme. The Police Officer explained that membership of Pub Watch was not an issue and that it had not been included in the list of recommended conditions. In response to a query concerning the list of incidents at the Boars Head, the Police Officer stated that he did not wish

to refer back further than 2012.

In response to a query regarding CCTV concerning the speed at which information could be downloaded, the Police Officer stated that he would be happy if the information could be provided to the Police within a 24 hour period.

Mr Forbes referred to the requirement to have door supervisors, adding that, of the 11 premises in Bishop's Stortford, none had door supervisors prior to midnight and only 2 after midnight on a ratio of 1:50 customers.

Mr Forbes confirmed that the majority of the recommendations put forward by the Police were acceptable to Mr Melody but that the level of door supervisors remained in contention as this requirement would make the business uneconomical. A more minor issue related to the speed at which CCTV could be downloaded for use by the Police as this would require staff with a wider technical expertise to be on hand. It was suggested that this could be provided within 24 hours of a request.

Mr Forbes referred to Mr Melody's long experience as a publican, his wish to continue in Bishop's Stortford and the onerous licensing conditions imposed on the previous licence holders. Mr Forbes stated that the crux of the problem related to the number of door staff and that if a solution could not be found, then the Boars Head would remain closed.

Mr Forbes confirmed that Mr Melody had never complied with the conditions on the existing licence in relation to SIA Door Supervisors. He referred to some incidents detailed by the Police in their statements, adding that given the timing of the incidents, Door Supervisors would not have made a difference as they would not have been on duty. Additionally, the incidents had occurred when the tenant, Mr Gray, had been in control of the pub.

In response to a query by Councillor B Wrangles, Mr Forbes confirmed that any future tenant would also be the Designated Premises Supervisor who would be in control of the pub. He confirmed that the Boars Head was now involved with Pub Watch. The Police Officer confirmed that the recommended conditions would uphold the licensing objectives in terms of crime and disorder. He strongly opposed a reduction in the number of door staff.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this they returned, and the Chairman announced that the Sub-Committee had listened carefully to the evidence put forward by the Police and Mr Melody's Solicitor and noted that Mr Melody had agreed to the conditions set out on pages 61 - 63 of the report, specifically, paragraph numbers 1, 2, 3, 4, 5, 10 and 11 and these would be imposed as conditions.

With regard to CCTV, the Sub-Committee stated that they would accept a condition based on paragraph 3 of Mr Melody's statement that a person with expertise should attend within 24 hours to download information when required, for the Police.

With regard to the door supervisors requirement, the Sub-Committee had given this considerable thought and were very unhappy that the existing conditions had not been complied with. The Sub-Committee was prepared to vary the requirement of the existing conditions as follows:

- One door supervisor (SIA approved) to be provided Sunday to Wednesday from 8pm until closing; and
- Two door supervisors (SIA approved) to be provided Thursday to Saturday from 8pm until closing.

The Sub-Committee expected that Mr Melody would try to operate within the constraints of these conditions and that it was open to Mr Melody to apply to vary the conditions if he so wished at some time in the future.

RESOLVED – that for the reasons now detailed, (A) conditions 1, 2, 3, 4, 5, 10 and 11 as requested by the Police and set out on pages 61 – 63 of the report now submitted, be imposed as follows;

1. The licence holder will adhere to the Challenge 25 protocol, seeking identification from everyone who appears to be under 25, to prove that they are 18 years of age or older, prior to the sale of alcohol;
 - Acceptable identification is:
 - A passport with photograph
 - A photo driving licence
 - A proof of age card with the holders' photograph complying with the PASS approved identification scheme and bearing the PASS hologram.
2. A digital closed circuit television (CCTV) system to be installed which is compatible with the requirements of Hertfordshire Constabulary.
3. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
4. The CCTV system shall continually record whilst the premises is open for licensable activities and during time when customers remain on the premises.
5. 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 proceeding 31 day period.

6. An incident log shall be kept at the premises, and made available on request to the Police or to an authorised officer, which shall record the following:
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any faults in the CCTV system
 - Any refusals of the sale of alcohol
 - Any visit by the emergency services or a relevant authority
 7. Customers are not allowed to remove polycarbonate containers, glasses or bottles from the premises at any time.
- (B) a person with expertise to attend the premises within 24 hours, to download information when required by the Police;
- (C) one door supervisor (SIA approved) be provided Sunday to Wednesday from 8pm until closing; and
- (D) two door supervisors (SIA approved) be provided Thursday to Saturday from 8pm until closing.

The meeting closed at 12.05 pm

Chairman

Date