

# **LICENSING SUB-COMMITTEE**

## **MINUTES OF THE MEETING HELD ON TUESDAY, 3 JULY 2012**

**Councillors Present:** Jeff Beck (Chairman), Paul Bryant and Mollie Lock

**Substitute:** Quentin Webb

**Also Present:** Liz Patient (Solicitor), Denise Anns (Clerk), Emilia Matheou (Licensing Officer)

### **PART I**

#### **3. Declarations of Interest**

There were no declarations of interest received.

#### **4. Application No. 12/00778/LQN - Newbury Racecourse, Newbury, Berkshire RG14 7NZ**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 12/00778/LQN in respect of The Racecourse, Newbury, RG14 7NZ.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council) and Anna Aston (Applicant – Trading Standards at West Berkshire Council) addressed the Sub-Committee on this application.

Ms Matheou, in addressing the Sub-Committee, raised the following points:

West Berkshire Council received the application to review the licence under Section 51 of the Licensing Act 2003 on 10 May 2012. The applicant was Anna Aston on behalf of West Berkshire Council's Trading Standards Service (a local Weights and Measures Authority). The consultation period for the review ran from 11 May 2012 to 07 June 2012. Within the prescribed 28 day consulting period the Licensing Department did not receive any other representations.

The application to review the licence by Trading Standards related to the licensing objectives:

- The prevention of crime and disorder;
- The protection of children from harm.

Details of the grounds for the review would be explained in full by Anna Aston the representative of Trading Standards.

Ms Matheou explained that in addition to the agenda dispatched on 27 June 2012 the Committee would have had a bundle of papers provided by email on 28 June 2012 by Burgess –Salmon, Solicitors for Newbury Racecourse. She noted that the Licence holder's solicitor would also make a verbal submission at the hearing.

It was noted that the premises licence attached to the agenda showed Ms Samantha Ellis as the Designated Premise Supervisor (DPS), but correspondence to the address had

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been returned undelivered by the post office. It was understood the DPS had notified Wilshire Council (the personal licence issuing authority) of her change of address, but West Berkshire Council had not formerly been notified of the change of address on the premises licence.

Anna Aston (Trading Standards Officer at West Berkshire Council), in addressing the Sub-Committee, raised the following points:

The reason for the review was to do with two of the licensing objectives:

1. The prevention of crime and disorder.
2. The protection of children from harm.

During the period between November 2010 and November 2011 there were five failed test purchases completed by West Berkshire Council's Trading Standards, two of them in November 2011. The Newbury Racecourse was at that stage called into a meeting with Licensing Officers to discuss the issues and possible solutions. The 18-25 wristband policy was introduced in March 2011 and test purchases since that time had recorded three failures.

Meetings had been conducted with the Police, NHS, and the Racecourse to see how the existing licence could be reviewed to make it more comprehensive. Page 3 of the bundle of papers submitted by Burges-Salmon (the Racecourse's Solicitors) came out of that meeting. It was thought appropriate for the hearing to be held because of the possible impact on the local community.

Councillor Jeff Beck (Chairman) asked the panel if they had any questions.

Councillor Paul Bryant asked if the proposal regarding the Racecourse to carry out their own test purchases was for West Berkshire Council's or the Racecourse's benefit. Anna Ashton responded to advise that the Racecourse would benefit from them. It enabled them to have an idea of what was happening on the ground. It would also help them to see if the training of staff and their company policy was adequate and working. .

Councillor Paul Bryant drew attention to paragraph 3.2 in the letter submitted by Burges-Salmon (the Racecourse Solicitors), dated 31 May 2012 sent by Anna Ashton (Trading Standards Officer at West Berkshire Council) and commented that it did not appear to be a condition. Anna Ashton responded to say that it was not a condition, just a written response from her to Mr Pritchett's letter.

Councillor Mollie Lock asked if the conditions applied to race days, public and private events. Anna Ashton advised that they did not apply to private events like weddings. Councillor Lock asked if large wedding parties that had a bar that people purchased alcohol from were included. Anna Ashton replied that they were not

Councillor Paul Bryant asked for clarification of private parties that were organised by companies where tickets were sold and there was a cash bar. Anna Ashton advised that the problems occurred at race events and the proposed conditions specifically applied to those events, not private events.

Councillor Paul Bryant asked if test purchases were ever done at private events. Anna Ashton replied that they were not. That type of test purchase was intelligence led.

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As there were no further questions Councillor Jeff Beck the Chairman asked Mr Chris Pritchett (Burgess-Salmon solicitor to Newbury Racecourse) to address the Licensing Committee.

Mr Chris Pritchett advised that the Racecourse applied a series of procedures that escalated as certain pressures were identified – such as children around, pressure on the bars. No concerns had been raised by the Police or Trading Standards and the Challenge 25 policy still operated. The idea behind the proposals was not to exclude any race days, but assess risk and respond in a practical and hands on way. The Racecourse recognised that the test purchase failures were extremely serious and deeply regretted them. The DPS were diligent and hardworking, they were not cowboy operators. The Racecourse was a large premise who used a number of external contractors which posed challenges for the management of the Racecourse. November 2010 was when the first management review meeting was held. Wristbands were implemented as a result of that meeting, but like all new procedures it took time to settle in. The process that was agreed was:

- Anyone who was or looked under 25 was sent to a separate area.
- Their ID was verified (driving licence, passport or membership details)
- They had the wristband fitted by a member of staff, which then showed that they could be served alcohol.

This was a major overhaul for the Racecourse and customers had to get used to the new process. It could still be very busy at the points of sale and this could create pressure, but extra staff members could be allocated to those areas. The focus was on making it as easy as possible for the staff behind the bar to adhere to the agreed process.

Mr Chris Pritchett took the committee through a number of the proposed conditions that had been agreed with West Berkshire Trading Standards and the Police.

- 1.1 Age verification procedure. It was the Racecourse's responsibility to make external contractors aware of their responsibility and to this aim internal test purchasing at the minimum of four events per year were carried out.
- 1.5 Bar Spotters were all SIA licensed operatives and were there to help the bar staff to check and verify the age of customers.
- 1.9 External catering, ensure they complied with the Licensing Act 2003 and the conditions of the premises licence.

To conclude, training would be recorded, policies challenged and amended if necessary and those agreed policies implemented and monitored for their effectiveness.

Councillor Jeff Beck commented on the pressures on the internal and external bars and asked how this happened. Samantha Pedder (the Racecourse designated premises supervisor) responded to advise that race days had over 10,000 racegoers who when the weather was good did not want to go indoors and queue for their drinks, the external bars therefore become pressurised, this tended on average to be four times a year. Councillor Jeff Beck asked for clarification, were the pressures people pressures. Samantha Pedder said that in good weather there could be up to 20,000 racegoers and no matter how many bars were available they would always be busy, therefore measures were put in place such as training, test purchases and legislation were all to the Racecourse standard. Councillor Jeff Beck asked how the number of bars available were calculated

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to the number of people present. Samantha Pedder responded to say that it was down to experience and that on a day like Ladies Day 17 internal and 17 external bars could be made available. She had been at the Racecourse for two years and monitoring of sales and experience showed that their efficiency was high. Mr Chris Pritchett added that in general, in good weather where the racegoing numbers were high, additional staff and bar spotters were sent to busy areas to respond to those conditions. Samantha Pedder went on to say that they had radio links and staff could be deployed quickly and efficiently. Councillor Beck asked about the minimum number of four test purchases per year,? he queried how the number four had been arrived at and what the judgement process was to increase this number. Mr Chris Pritchett advised that the large events at the Racecourse were in the spring and summer and the number of test purchases needed to be often enough to have an effect, but not so often that the staff became complacent. It was felt that the number of four over a six month period was sufficient, but it could be reviewed. These were in addition to the test purchases instigated by West Berkshire Council.

Councillor Paul Bryant asked if the wristband exchange scheme was run by a company on behalf of the Racecourse. Samantha Pedder said that it was run by the Racecourse and the process had been 'tweaked' over the past couple of years. Councillor Bryant asked what stopped racegoers using the wristband again. Samantha Pedder advised:

- The colour of the wristbands were released half an hour before the gates opened.
- They were kept under lock and key.
- The only ID accepted was a driving licence, passport or membership card.
- The wristband was placed on the wrist by Racecourse staff.
- Tampering could be easily detected.
- Colours could be used again, but no one could predict when.

The manufacturers of the wristbands were Club King and they had on offer 20 colours, 20 patterns and it would take 20 years for the Racecourse to use all that was on offer. Councillor Bryant asked about the notices and where they were displayed. Samantha Pedder advised that a number were in the bar areas, they were sent out with every ticket issued and stickers were worn by all staff at all race meetings.

Councillor Mollie Lock asked if the wristbands could only be used once and if they needed to be cut off. Samantha Pedder responded, they had a zig zag design that if tampered with the whole thing shredded.

Councillor Paul Bryant commented on the internal test purchases over a possible 37 bars at the Racecourse. He queried how the DPS would know that after the first test purchase staff would not warn other bars. Samantha Pedder said that individual staff members did not have access to radios and it would not be in the manager's interests to make other bars aware of a test purchase check. Councillor Bryant asked what happened to a member of staff who failed a test purchase check. Samantha Pedder said depending on the severity of the failure a staff member could be removed and deployed away from the bar sales into a food area, or they could be removed from site. She cited an occurrence where a member of staff recognised a person, knew they were over 18 and therefore served them; this raised an awareness of a need to review their training.

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Councillor Bryant observed that the records on the document submitted, page 66 had a list that appeared to have been written by one person. Samantha Pedder said that it was likely to have been a quieter day and therefore only two people were on duty, the form was likely to have been filled in later on. Councillor Bryant asked what the purpose of capturing this information was. Samantha Pedder responded to say that it helped identify issues regarding staff training, it demonstrated that the policy was working, it provided motivation for staff to comply with the policy and was a discipline that staff were expected to follow. Councillor Bryant asked if wristbands were used at every event. Stephen Higgins (Manager Newbury Racecourse) responded to say that there were 28 race days in the year and wristbands were used at all these events; Challenge 25 was also used at every event. Councillor Bryant asked if it was used at the event Party in the Paddock. Stephen Higgins replied that it was.

Councillor Mollie Lock referred to the instance of the one failure purchase cited by Samantha Pedder and asked for the circumstances around it. Samantha Pedder responded that there were eight test purchases on that day with 9 -10 bars open. The Racecourse strategy was to test the day before a large event, to test on a busy day would cause concern because of other responsibilities. Chris Pritchett added that test purchases were risk driven and they were not trying to catch people out, just enforce training. Councillor Lock asked the proportion of bars identified for testing. Samantha Pedder advised that the intention was to test all bars. Councillor Lock asked if failures were recorded on the member of staff's record and if they were reprimanded. Samantha Pedder advised that a formal letter was sent to the agency providing the member of staff and resources would keep a note so that that person would not be re-employed.

Chris Pritchett went on to say that further training / education might also be an option as the internal failures were not an offence in that the people used were not under eighteen years of age.

Councillor Jeff Beck asked if the sheets on page 66 recording instances of refusal were completed by the same person,? He noted that they were not signed and as advised by Samantha Pedder were reliant on memory. Samantha Pedder advised that new sheets had now been issued where a signature was required. Councillor Mollie Lock asked if they had been written by the same person. Chris Pritchett answered that it looked as if they could have been written by the same person. Licensing had raised these concerns, and this feedback was useful and would enable the Racecourse to improve the policies and training.

Councillor Jeff Beck cited the two contractor examples specified in the bundle where the conditions were not the same for each contractor. He was of the opinion that they should be the same, therefore this needed tightening up. Samantha Pedder advised that the two contractors provided different services. Chris Pritchett advised that the Race indemnity included the possibility of companies losing their contract with the Racecourse.

Liz Patient (WBC solicitor) asked how many of the Trading Standards test purchases in total were successful in the instance which cited one failure in eight internal test purchases. Chris Pritchett responded 20. Liz Patient asked for verification of what pages out of the bundle were to be used,? She noted that it appeared as if there were two drafts, and she queried if one supersede the other. Chris Pritchett advised that pages 6 and 7 could be ignored and that pages 5, 8, 9 and 10 were to be taken forward. Liz Patient asked what policies were currently in place. Chris Pritchett replied that they all were. Liz Patient asked for verification that the three test purchases occurred after the

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wristbanding policy had been implemented. Anna Aston responded to say that all had happened since Trading Standards had made the review application.

There being no further questions, Councillor Jeff Beck asked if there were any additional conditions that Trading Standards or Licensing would wish to see or if they were happy with what was captured. Anna Aston responded to say she was happy. Brian Leahy (Senior Licensing Officer West Berkshire Council) responded to say that the enforcement wording needed to be enforceable by Licensing, the Police and Children's Services.

The Sub-Committee retired at 11.20am to make its decision.

Having taken the representations into account, the Licensing Sub-Committee **RESOLVED** that Application 12/00778/LQN be granted subject to the inclusion of the revised conditions.

*(The meeting commenced at 10.00 am and closed at 11.25 am)*

**Name** Councillor Jeff Beck Chairman)

**Signature and date** .....

**Name** Councillor Mollie Lock

**Signature and date** .....

**Name** Councillor Paul Bryant

**Signature and date** .....

5. **Newbury Racecourse Existing Licence**

8. **Application to Review the Premises Licence**