

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 19th April, 2016, 10.00 am

Councillors: Paul Myers (Chair), Will Sandry and Caroline Roberts

Officers in attendance: Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer), Alan Bartlett (Public Protection Team Leader) and Terrill Wolyn (Senior Public Protection Officer)

152 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

153 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Mark Shelford had a non-disclosable pecuniary interest as a paid member of the Avon Fire Authority and decided not to participate in this meeting of the Sub-Committee, as he had been advised that a reasonable person may perceive the interest as likely to prejudice his judgement. Councillor Will Sandry substituted.

154 DECLARATIONS OF INTEREST

Councillor Roberts declared an interest as a season-ticket holder of Bath Rugby Club. Councillor Sandry declared an interest in that in his capacity as Mayor of Bath he had invited representatives of Bath Rugby Club to attend a future civic event. Both members declared that they would not be influenced by these interests and that they could determine the application on its merits.

155 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

156 MINUTES: 15 MARCH 2016

These were approved as a correct record and signed by the Chair.

157 LICENSING PROCEDURE

The Chair drew attention to the procedure to be followed for the next item of business.

158 APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR BATH RUGBY CLUB, RECREATION GROUND, SPRING GARDENS, BATHWICK, BATH BA2 6PW

Applicant for Review: Avon Fire and Rescue Service, represented by John Brown (Technical Fire Safety Officer) and Nigel Jagger (Technical Fire Safety Officer)

Licence Holder: Bath Rugby Club, represented by Alex Cohen (Operations Manager)

The parties confirmed that they had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. She explained that Avon Fire and Rescue had applied for a review of the premises licence for Bath Rugby Club under section 51 of the Licensing Act 2003 on the ground that the matters alleged in paragraph 5.3 of the report undermined the licensing objectives of the prevention of crime and disorder and public safety. Bath Rugby Club had responded to the application. There were no representations to the application from other responsible authorities or from other persons.

Mr Brown stated the case for the Applicant for Review. He said that as part of his duties he had gone to the Recreation Ground for an inspection at the evening match with Gloucester on the 5th February 2016. As part of this inspection he had spoken to a steward at the clubhouse bar and asked her questions about the procedures in place and the capacity limit for the bar. She had been unable to answer these questions. He immediately spoke to a more senior member of staff, who issued clickers to the stewards to enable them to monitor the number of people entering the bar. He visited the bar half an hour later and found that people were queueing on the stairs leading up to the bar. There was jostling and people began falling backwards down the stairs. He and his colleague from the Fire Service began moving people from the staircase and a system of one-in one-out entry to the bar was imposed. His concerns about this incident had led him to request this licence review.

Subsequently he had spoken to Mr Cohen about safety procedures at the ground. He was pleased to note that Mr Cohen has appointed The Event Safety Shop, a company with extensive experience of managing events in the Bristol area, to provide safety advice and an independent fire consultant. Mr Cohen had agreed a new set of safety procedures with Mr Brown. However, the Fire and Rescue Service was proposing that for the two remaining games in this season a reduced capacity limit for the bar of 150 for the next game and 200 for the last game should be imposed. During the close season there would be a further review of procedures and structural changes at the ground, after which it was hoped that capacity limit would again be able to be set as near as possible to the current 300.

Members put questions to Mr Brown.

How was the original capacity limit calculated?

By a risk assessment. There are various guidance documents providing advice on calculating capacity limits. Floor space is one factor. The number of available exits is also taken into account. There are two exits from the clubhouse and one must assume in a worst-case scenario that the largest exit is lost and taken out of the equation.

Are you not fully assured by the new arrangements agreed with Mr Cohen?

There was already an agreement that clickers should be used at every game, for example, but they had not been provided to stewards on 5th February. There seemed to be a general failure of management.

How is access to the clubhouse controlled?

Entirely at the staircase, as far as I am aware. Separate capacities are set for the Riverview Suite and for the Clubhouse Bar. The passageway to the servery serves as an exit route.

Is the bar open to anyone in the ground?

I believe it is.

The Senior Public Protection Officer asked if Mr Brown would clarify what he was proposing for the permanent capacity of the bar, pointing out that it would revert to the current 300 after the expiry of any temporary condition reducing it. He replied that the current capacity limit should be removed and a new one fixed after a fresh risk assessment, with any dispute about it being referred to an independent safety adviser. Members and officers discussed the feasibility of this proposal. The Principal Solicitor advised that a licence condition had to be certain and enforceable, and that therefore he would advise the Sub-Committee against the two-stage process for setting the capacity limit proposed by Mr Brown. Mr Brown said that the limits of 150 and 200 for the next two games had been agreed with the club. In the close season there would be structural changes, and he believed that an additional exit would be provided. Officers advised Members that separate capacity limits could be imposed for the next two games.

Mr Cohen said that Bath Rugby Club intended to apply for a replacement licence after the completion of the West Stand. In reply to a question from a Member he stated that the only event planned to be held at the ground during the close season that would involve use of the clubhouse bar was a supporters' club dinner in August.

Mr Cohen stated the case for the licence holder. He said that he held the post of Head of Operation at the club for almost one year. He had previously had a career with the police and had wide experience in public safety and the control of public order. He said that extremely significant safety improvements had been introduced and he was intent on maintaining and improving safety at the ground. Avon Fire and Rescue had made requests for improvements at other locations in the ground, all of which were being complied with. He accepted that the situation witnessed in respect of the clubhouse bar on 5th February 2016 was not what it should have been. However, problems had been restricted to one isolated location in the ground. There was a large gate for the Friday evening local derby match against Gloucester. The incident occurred ten minutes before kick-off, which tends to be the peak time for movement within the ground. This was probably the most difficult moment in which to manage crowd safety during the entire season. That, however, does not excuse what happened, as standards should be set and maintained for the worst-case scenario. There are other records in the club's safety log of occasions when a one-in one-out entry system was imposed for the clubhouse. Sometimes this was done because of the numbers recorded on clickers and sometimes because door staff had made a judgment on the basis of what they observed. Since 5th February there had been three matches at the ground, which had taken place under a very different safety regime. There are more door staff, who are issued with electronic clickers so that they can share information quickly. There is increased scrutiny by the club's safety officer, and the number of people in the clubhouse is recorded every quarter of an hour. This information is constantly monitored by the door staff. All those measures were put in place after discussions with Mr Brown and before the club

knew that a review application would be made. The club took these issues very seriously. An independent fire safety consultant had also been engaged, who had provided half a day's training to thirty-three members of staff. At the remaining two matches of the season a specific member of staff based in the clubhouse would be allocated fire safety responsibilities. The club was working towards the creation of a third exit for the clubhouse. The club had a good safety record; there had been no injuries to spectators, fires, public disorder or crime at the ground, though they were not complacent about it.

Members put questions to Mr Cohen.

The other bars in the ground close ten minutes before kick-off. Why not apply that to the clubhouse as well?

There could be up to 3,000 spectators in total dispersing from the other bars immediately before kick-off, which would be very disruptive to spectators already in their places. Closing the clubhouse ten minutes before kick-off had been considered, but it was felt that the number dispersing from it is not really a problem. The important thing is to enforce the capacity limit very strictly.

What was the problem on 5th February?

There were too many people trying to enter the clubhouse and the control point should have been at the bottom, not the top, of the stairs.

The numbers in the clubhouse are being monitored at 15 minute intervals, yet you said that the most difficult time was the 10 minutes before kick-off.

There is a member of staff on both doors and spectators are able to enter or leave by either door. Previously the door staff had to click spectators in and out with manual clickers and then subtract to find the net figure, which is not easy. The club has now invested in electronic clickers so information about the net number of people present is available to both door staff. The staff monitoring numbers in the clubhouse are in permanent radio contact and can share information easily. The quarter of an hour refers only to the times at which they report back to the safety officer for recording in the match day log, and does not determine the process for taking action to prevent excess numbers in the clubhouse.

For a large attendance at the ground there are potentially 13,500 people who could seek access to the clubhouse.

Over 70% of spectators are regular attendees and tend to have regular habits. There are 4 other bars and it is possible to predict with some accuracy the numbers seeking access to the clubhouse. There was only one occasion on which there was an excess number of people in the clubhouse. The number never reached 300 at the 3 subsequent matches.

How will you notify people if the capacity limit is reduced?

Information will be given to appropriate people. It seems unnecessary to tell all spectators about something that affects only a few. Staff will be fully informed.

Have you agreed the proposed capacity limits of 150 and 200 for the next two games with the Fire and Rescue Service?

We want to have the confidence of the Fire and Rescue Service. We want people at the ground to feel safe and be safe. We are content with the capacity limits proposed for the matches on 23rd April and 7th May, but we do want the capacity limit to return to 300. There is no intention to seek in a future licence application any increase on 300.

The parties were invited to sum up.

Mr Cohen said he had nothing to add.

Mr Brown said that because of the failure of management on 5th February he was proposing a capacity limit of 150 on the clubhouse for the match on 23rd April and 200 for match on 7th May. The Fire and Rescue Service wished to assist the club in improving safety management procedures and in making adjustments to the layout of the premises.

Decision and Reasons

Members determined an application by Avon Fire and Rescue Service for a review of the Bath Rugby Club premises licence. In doing so they took account of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and Human Rights Act 1998.

Members are aware that the proper approach under Licensing is to be reluctant to regulate in the absence of information that the Licensing Objectives raised are being undermined. Further, that they must only do what is appropriate and proportionate in the promotion the Objectives.

The Fire Service applied for the review of the Premises Licence on the grounds of Public Safety and Crime and Disorder. The fire officer visited the premises on 05 February 2016 as part of a prearranged meeting and it became apparent that stewards were unaware of the agreed crowd control measures. Further, that the Clubhouse's capacity was 300. The Fire Officer therefore raised their safety concerns and 'clicker' devices were then issued to stewards so that the Clubhouse Bar capacity could be regulated.

When Officers returned some 30 minutes later it became clear that due to an increase in numbers it was necessary to instigate the agreed control measures and stop further persons entering the bar. At this point people began queuing on a staircase and a number of them began falling backwards causing a risk to public safety.

The fire officer stated that since that occasion the Club had made a number of appointments in terms of public safety, alterations to the building to address the emergency exit were proposed and an agreement reached reducing the capacity in the Bar over the next 2 games.

The Licensee stated it had made significant improvements over the last season and that they are not complacent when it comes to public safety. It was accepted that the

event management on 5 February 2016 was not up to standard and he apologised for this. It was stated that this was an isolated incident and since that time robust procedures have been put in place and specialist contractors employed to ensure the safety of all members of the public when using the ground.

In reaching their decision Members took account of all relevant oral and written representations and balanced the competing interests of the applicant and premises licence holder. Members took a dim view that circumstances were such on the 5 February 2016 that led to this review on the grounds of public safety. Nevertheless they were pleased to note the way in which both parties had negotiated and presented a way forward to improve public safety.

Members reminded themselves that the statutory guidance states safe capacities should only be imposed where appropriate for the promotion of public safety and that the current capacity of the Clubhouse Bar was 300.

Members determined that it was appropriate and proportionate in all the circumstances to modify the capacity condition on the basis of the protection of public safety. The condition is as follows:-

- The capacity in the main Clubhouse Bar shall be limited to 150 people until 25 April 2016
- The capacity in the main Clubhouse Bar shall be limited to 200 people from 26 April until 9 May 2016

The meeting ended at 12.57 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services