



# LICENSING SUB COMMITTEE

**Woody Grill and Bar  
152-154 High Street**

**Thursday, 20th November, 2014**

**10.30 am**

**Town Hall, Watford**

**Please note the start time of this meeting**

Publication date: 13 November 2014

#### **CONTACT**

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss/Alan Garside in Democracy and Governance on 01923 278376 or by email to [legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk).

Welcome to this meeting. We hope you find these notes useful.

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# COMMITTEE MEMBERSHIP

Councillors I Brown, J Brown, J Connal, K Crout, G Derbyshire, K Hastrick, P Jeffree, H Lynch, M Mills, G Saffery, D Scudder, S Williams, M Hofman, A Khan and B Mauthoor

*The Sub-Committee to comprise 3 members from those listed above.*

## AGENDA

### PART A - OPEN TO THE PUBLIC

1. **COMMITTEE MEMBERSHIP/ELECTION OF A CHAIR**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **VARIATION OF PREMISES LICENCE APPLICATION: WOODY GRILL, 152 - 154 HIGH STREET, WATFORD, WD17 2EN** (Pages 1 - 50)

Report of the Head of Community and Customer Services.

This report asks the Licensing Sub-Committee to consider an application to vary a premises licence following the receipt of representations.

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## PART A

**Report to:** Licensing Sub-Committee  
**Date of meeting:** 20 November 2014  
**Report of:** Head of Community and Customer Services  
**Title:** Variation of Premises Licence Application  
Woody Grill, 152-154 High Street, Watford WD17 2EN  
14/01281/LAPRE

### 1.0 SUMMARY

- 1.1 An application has been received from Mr Cengiz Erpolat to vary the existing Premises Licence which he holds for Woody Grill, 152-154 High Street, Watford WD17 2EN.

The application is to vary the licence as follows:

1. Extend the hours that the premises are permitted to open and offer licensable activities throughout the week.
2. Remove the sale of alcohol from the licence.
3. Vary the layout of the premises.

Four representations have been received from responsible authorities and interested parties and which have not been withdrawn.

### 2.0 RECOMMENDATIONS

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

#### **Contact Officer:**

For further information on this report please contact:  
Austen Young, Licensing Officer  
Tel: 01923 278474 Email: [austen.young@watford.gov.uk](mailto:austen.young@watford.gov.uk)

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

### 3.0 APPLICATION

3.1 Type of authorisation applied for  
Variation of a Premises Licence.

### 3.2 Description of premises

Woody Grill is a premises which is situated within the Town Centre as defined by Policy LP3. The premises will operate as restaurant, as defined by Policy LP2, but also with take-away facilities. This application is seeking to remove the sale of alcohol from the licence so that there will be no alcohol sales.

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

3.4 The physical layout of the premises was altered prior to the opening of the premises. Approval for the change in the licence plan is also sought under this application. The proposed licence plan has been submitted with the application showing the new layout, and this is attached at appendix 2.

3.5 The existing plan of the premises is attached at appendix 3.

### 3.6 Licensable activities

Licensable activity	Permitted now	Proposed
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 facilities for making music		
Provision of facilities for dancing		
Provision of facilities of a similar description to making music or dancing		
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		

### 3.7 Licensable hours

The original application which was submitted was requesting permission to

open until 4am Monday to Sunday. However, the application has been amended since then to the following hours:

	Late Night Refreshment		Opening Times	
	Existing	Proposed	Existing	Proposed
Monday	23:00 - 00:00	23:00 - 02:00	Not prescribed	11:00 - 02:00
Tuesday	23:00 - 00:00	23:00 - 02:00		11:00 - 02:00
Wednesday	23:00 - 00:00	23:00 - 02:00		11:00 - 02:00
Thursday	23:00 - 00:00	23:00 - 02:00		11:00 - 02:00
Friday	23:00 - 00:00	23:00 - 02:00		11:00 - 02:00
Saturday	23:00 - 00:00	23:00 - 02:00		11:00 - 02:00
Sunday	23:00 - 23:30	23:00 - 01:00		11:00 - 01:00

As part of the amendment to the application, it was also confirmed that there would be no take-aways available after 1am (the following day) on Monday through Saturday, and no take-aways available after Midnight on Sunday.

Recorded music is already permitted 24 hours a day under the licence, and this is not subject to change.

The premises is also already permitted to offer late night refreshment on New Year's Eve between the hours of 23:00 and 05:00.

3.8 A copy of the current licence is attached at appendix 4.

#### 4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor  
Mrs Miu Lan Yu since May 2009.

The application is seeking to remove the sale of alcohol as a licensable activity. If this aspect of the application is granted, there will be no requirement for a premises supervisor to be named on the licence.

4.3 Current licences held  
The current Premises Licence has reference 14/01159/LAPRE and was granted on 3 October 2014. This application was to transfer the licence to Mr Cengiz Erpolat, the applicant for this variation application. Prior to this, the premises has been licensed under the Licensing Act 2003 since November 2005 when the Act came into force, and was licensed prior to November 2005 under the Licensing Act 1964.

Before Mr Erpolat took over and refurbished the premises, it had been closed and empty since at least mid-2013.

4.4 Closing date for representations  
3 November 2014.

4.5 Public notice published in newspaper  
10 October 2014.

4.6 Visits and Enforcement action  
None recorded.

## 5.0 **PROMOTION OF LICENSING OBJECTIVES**

5.1 The existing licence and conditions which apply to this premises are attached at appendix 4.

5.2 The applicant has also submitted an operating schedule with this application to describe the steps that they intend to take to promote the four licensing objectives. This operating schedule is reproduced directly from the application form.

### General – all four licensing objectives

Our main objectives are protect the public and prevent the nuisance during the any licensable activities.

### Prevention of crime and disorder

- CCTV will be in operation 24 hours a day
- Alarm system will be serviced regularly
- All doors and windows will be locked securely
- Relevant notices will be displayed to warn the public

### Public safety

- First Aid box will be in the premises at any time
- Exit signs will be clearly displayed
- Exit routes will be clear at any time
- Safety equipments will be serviced regularly

### Prevention of public nuisance

- Staff will be trained to ensure the prevention of public nuisance
- Ensure to have the sound system applied to the premise according to the current regulations

### Protection of children from harm

- Refuse book to be kept and used
- Staff to be trained for the extra care and attention of children

5.3 The operating schedule has also been amended in response to the representations which have been received against this application and to clarify and expand upon the details of the application. These amendments are reproduced directly from correspondence to the licensing authority.

- There is going to be a comprehensive CCTV system which will cover all the entrance and exit points to the premise which will also have a digital record of last 60 days of period in store to be available at any time requested.



- As we have stated in our application there is not going to be supply or sell of alcohol in the premises.
- As there is no sell of alcohol the premises will be only serving food to be dine in the restaurant which we strongly believe that all the customer will enter to the restaurant is for dining only not cause any noise or any anti-social behaviour.
- All the staff to be trained to prevent people from any noise or any anti-social behaviour nuisance, there is no people who is drank, under effect of any alcohol or similar will not be allowed in to the premises.
- The deliveries will be on weekdays during the day from the back of the premise, rubbish collections all have been set up already, we will ensure that the outside of the premises to be kept clean and no dumping of any rubbish.
- All the Managers and staff to be trained as we ensure all the customer to leave the premise quietly and respectfully to the others.
- We are proposing a nice and quality dining restaurant aiming to serve a quality food only to ensure a relax environment to our customers, we believe that there is no going to any additional noise nuisance or any anti-social behaviour to the area.
- There is no recorded music are playing 24 hours and we are not proposing to apply for playing of recorded music at any time.
- There is going to be posters and warning posters on display explain to the customers that "All the customers to leave the premises quietly and to be respectful to the neighbourhood people"
- There is going to be Litters and in and outside of the premises for the customers for dispose of the waste.
- We are happy to keep clear of the 15m radius of outside of the premise as we believe that its essential for our business too.
- We do sell all the take away food with the bag at anytime opening hours too.

5.4 The detail contained within the operating schedule will need to be considered in conjunction with any conditions contained within the existing licence. Where it is felt that it is appropriate for the promotion of the licensing objectives, the Sub-Committee may choose to adopt conditions which are consistent with the operating schedule.

## 6.0 RESPONSIBLE AUTHORITIES

6.1 The following representations have been received from the Responsible Authorities:

Police

The Police have submitted representations on the grounds of the prevention of crime and disorder, public safety, and the prevention of public nuisance. These representations are attached at appendix 5.

Licensing Authority

The Licensing Authority has submitted representations on the grounds of the prevention of crime and disorder and the prevention of public nuisance. These representations are attached at appendix 6.

Environmental Health

Environmental Health have submitted representations on the grounds of the prevention of public nuisance. These representations are attached at appendix 7.

Public Health

No representations

Fire

No representations

Planning

No representations

Safeguarding Children Board

No representations

Trading Standards

No representations

6.2 It should be noted that the representations from the licensing authority and the Police were submitted before the application was amended to the hours detailed in paragraph 3.7. The responsible authorities have been made aware that the application has been amended but have not withdrawn their representations.

**7.0 INTERESTED PARTIES**

7.1 One representation has been received from an interested party:

Reference letter	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
A	Central Town Residents' Association	c/o 31 St John's Road	Yes	Public nuisance and crime and disorder

This representation is attached at appendix 8.

7.2 The theme of this representation concerns the potential noise and nuisance which arises from the movement of people through residential roads early in the morning. There is also a concern over the premises being granted a licence to permit opening into the early hours of the morning on seven days of the week.

7.3 This representation was submitted before the application was amended to the hours detailed in paragraph 3.7. The Central Town Residents' Association have been made aware that the application has been amended but have not withdrawn their representations.

## 8.0 POLICY CONSIDERATIONS

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

- Sections 34 and 35 (Application to vary premises licence):  
Section 34 details the process which the applicant must have followed for the application to be considered valid. Section 35 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.

## 8.2 Statutory guidance

This application was validated on 6 October 2014, before the most recent statutory guidance was issued on 13 October 2014. Therefore, the guidance which applies to this application is the version issued in June 2014.

The following provisions of the Secretary of State's guidance 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.
- Paragraph 9.12:  
This paragraph explains how the licensing authority should accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not promote the licensing objectives. However, it is still the

responsibility of the Police to ensure that their representations can withstand scrutiny.

- Paragraphs 9.27 – 9.37:  
These paragraphs explain that hearings should be focussed 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 9.38 – 9.40  
These paragraphs explains 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.

### 8.3 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 a restaurant.
- 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 the Town Centre (as defined in Policy LP3) and as such this policy states that restaurants 'will generally be allowed licensable activities to 2am only (other than for special occasions)'. The applicant has also expressed an interest in operating a take-away element. This policy also states that take-aways 'will generally be allowed late-night refreshment sales to 1am only (other than for special occasions)'.
- Policy LP3 – Creating a Family Friendly Town Centre  
This is a special policy which applies to this part of the town centre, which is intended to be strictly applied.

Paragraph 2 of LP3 states that 'where relevant representations about an application for a restaurant, café-bar, other entertainment

venue, café or premises providing other non-alcohol licensable activities (as defined in policy LP1) are received, our starting point will be to grant the application subject to conditions to address those representations’.

Paragraph 4 of LP3 states that ‘where relevant representations have been received, we will consider granting applications which limit the hours of operation to those set out in policy LP2 unless exceptions to LP3 can be shown’.

#### Exceptions to LP3

1. Exceptions will not be made on the grounds that:

- (1) the building design is of a high standard; we would expect that all applicants will want to ensure the highest design standards possible;
- (2) that the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;
- (3) the premises are small. Even small premises can contribute to crime, disorder and nuisance.

2. We will consider whether to grant an application, even when relevant representations have been received, if:

- (1) the application contributes to the family-friendly development of the town centre; or
- (2) to effect a real reduction in capacity of alcohol sales; or
- (3) to replace a vertical drinking establishment with seated consumption and waiter service.

3. In any case where an applicant wishes an exception to be considered, the responsibility is with them to show why it should be considered and not on the Sub-Committee to show why an exception should not be made.

- 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 LP7 – Public Safety

Under this policy the Sub-Committee will consider any appropriate measures to deal with the issue of public safety 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.

8.4 The 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.

8.5 The 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.

#### 9.0 **CONDITIONS**

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

9.2 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.

9.3 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.

#### 9.4 Conditions Consistent with the operating schedule

Officers propose that the following conditions are consistent with the operating schedule submitted by the applicant (and adapted where possible from the licensing authority's pool of model conditions), and are appropriate for the promotion of the licensing objectives.

- All staff are to receive induction training in the promotion of the licensing objectives, and refresher training at prescribed intervals. Such training records are to be maintained and made available upon reasonable request to officers of the licensing authority, or other authorised officers.

9.5 Following amendments to the application, officers also propose that the following conditions are consistent with the amended operating schedule and are appropriate for the promotion of the licensing objectives.

- No customers shall be permitted to remove from the premises any foodstuff for consumption or disposal outside of the premises after 01:30 hours (the following morning) on Mondays to Saturdays, and after 00:30 hours (the following morning) on Sundays.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- A bin shall be provided for public use within the public area of the premises.
- A CCTV system shall be installed and maintained within the premises. The CCTV system shall continually record whilst the premises are open for licensable activities and when members of the public are on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

9.6 Conditions proposed by the Responsible Authorities

The licensing authority has proposed the following conditions as part of their representations.

- The last new admission to the premises shall be 01:00 hours.
- All reservations for table bookings for the hours of 00:00 to 02:00 on any day must be made no later than 23:59 hours before the relevant day.

9.7 The Police have proposed the following conditions as part of their representations (amended by officers to remove irrelevant references to alcohol and the duties of the Designated Premises Supervisor).

- The Premises Licence Holder shall install and maintain a comprehensive CCTV system to the satisfaction of an authorised employee of Hertfordshire Constabulary. All entry and exit points must be covered enabling frontal identification of every person entering.
- The Premises Licence Holder shall ensure that the CCTV system shall continually record whilst the Premises is open for licensable activities and during all times when customers remain on the Premises. 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 the Police or authorised officer of the Licensing Authority providing such requests are in connection with the prevention or detection of crime. Recordings are to be supplied to in the form of digital download burned onto a DVD or CD disc.
- A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises are open to the public. This staff member shall be able to show Police or an authorised officer to the licensing authority recent

data or footage with the minimum delay when so requested.

- All faults/defects in the CCTV system must be reported to Hertfordshire Constabulary immediately the fault is discovered. The notification must be made to the Herts Police non-Emergency number and a log number obtained from the police and recorded in the incident book. The Watford Police Licensing Unit must also be notified as soon as reasonably practicable.
- All faults with the CCTV system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place without the agreement of Watford Police Licensing Officer and licensing authority until the fault is rectified.
- The Premises Licence Holder shall co-operate with reasonable requests made by authorised officers of responsible authorities under the Licensing Act 2003 to ensure the licensing objectives are not undermined, providing such requests do not involve additional expenditure.
- All requests/communications made by Licensing Authority or Watford Licensing Officer to be dealt with by the owner in a timely and efficient manner, namely 10 working days (unless agreed in writing in advance with the Police Licensing Officer responsible for the Watford area).
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- The premises owner shall comply with all reasonable crime prevention and /or public safety measures that may be required by the licensing Authority and/or the Environmental Health Officer and /or Hertfordshire Constabulary and which are consistent with the premises' operating Schedule.
- The premises owner shall make arrangements to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.

#### 9.8 Conditions proposed by Interested Parties

No conditions were proposed by the interested party

#### 9.9 Pool of Model Conditions

The licensing authority also has its own pool of model conditions that may help mitigate the concerns raised in the representations.



Officers propose that the following condition from the pool of conditions (amended according to the representations and suggested conditions from responsible authorities) is appropriate to be attached to the licence:

- There shall be no new admittance to the premises on Mondays to Saturdays after 01:00 hours (the following morning), or after Midnight on Sundays.

This condition is based upon the condition proposed by the licensing authority, and takes into account the amended operating times.

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

#### 9.10 Alcohol Conditions

This application is seeking to remove the sale of alcohol from the licence. Therefore the mandatory conditions relating to the sale of alcohol will not apply to the licence should the sale of alcohol be removed. It is also proposed that the existing conditions which are consistent with the operating schedule and which relate to alcohol are also removed from the licence as they will no longer be relevant.

#### 10.0 **OFFICERS' OBSERVATIONS**

- 10.1 As stated above, Policy LP3 is intended to be applied strictly. Representations have been received about an application to extend the hours for the provision of late night refreshment within a restaurant, and so the Sub-Committee's starting point ought to be to consider granting the application subject to conditions to address the concerns raised in the representations.
- 10.2 Policy LP3 also states that where relevant representations have been received, the Sub-Committee may consider granting the application but with limits placed on the hours of operation in line with Policy LP2, unless the applicant can show they should be considered an exception.
- 10.3 To demonstrate whether they are an exception, policy LP3 sets out three tests:
- (1) the application contributes to the family-friendly development of the town centre; or
  - (2) to effect a real reduction in capacity of alcohol sales; or
  - (3) to replace a vertical drinking establishment with seated consumption and waiter service.
- 10.4 There is evidence that this application does satisfy one of these tests. The outcome of this application will be a reduction in alcohol sales because the application is removing the sale of alcohol from the licence. The general approach of Policy LP3 is also to discourage alcohol-led premises and

encourage more family-friendly operators, such as restaurants. However, the onus of proving an exception still lies with the applicant.

- 10.5 No representations have been received with regards to removing the sale of alcohol from this licence and so this aspect of the application should be granted as requested.
- 10.6 There have also been no representations received with regards to varying the layout of the premises. The physical layout of the premises has already been altered and was altered prior to the premises opening. No complaints have been received with regards to the layout of the premises since the premises opened. As with the removal of alcohol from the licence, this aspect of the application should be granted as requested.
- 10.7 Due to the fact that the physical layout of the premises has been altered before these alterations have been approved under the licence, if the premises have been offering licensable activities the Sub-Committee may wish to consider issuing a formal warning to the licence holder. Under section 136 of the Licensing Act 2003, a person commits an offence if they carry on, or attempt to carry on, a licensable activity on or from any premises otherwise than under and in accordance with a licence. The licence plan forms part of the licence, and to offer licensable activities when the physical layout of the premises does not match the licence plan is considered to be a breach of the licence.
- 10.8 Members are reminded that, with the exception of the representation from Environmental Health, the representations were received before the application was amended. However, these representations have not been withdrawn, and the representations may still list concerns which the responsible authorities and interested party feel may have not been addressed by amending the opening hours. Members will need to consider the application as it is put to them, and the representations attached to this report, and attach such weight as they see fit.
- 10.9 With regards to the representations from the Police, Members may disregard all issues mentioned with regards to alcohol sales and the role of the Designated Premises Supervisor, because the sale of alcohol is being removed from the licence.
- 10.10 The Police have also mentioned concerns regarding other premises operated by the applicant outside of the Borough of Watford, particularly allegations of trading outside of licensed hours and overcrowding. As no further information has been made available to officers at the time of writing this report, and officers are not able to verify such concerns due to the premises not being within the borough, Members are advised to seek clarification of the Police's concerns and to request any evidence to justify these concerns. Members are reminded to consider the application put before them and to be wary of drawing inference from allegations regarding other properties.
- 10.11 The Fire authority has not submitted formal representations against this

application, but they do advise that they consider that the permitted capacity of the premises should not exceed 60 persons (including staff) due to the configuration of the fire exit doors. However, this figure is only a suggestion.

- 10.12 It may not be appropriate to attach a condition to the licence limiting the capacity of the premises because this would be a duplication of an existing legislative process. The Regulatory Reform (Fire Safety) Order 2005 places a legal duty on businesses to complete a fire risk assessment and to calculate a capacity limit as a result of this assessment. To operate other than in accordance with a risk assessment can lead to enforcement action being taken against the premises by the Fire authority. Paragraph 1.16 of the statutory guidance advises that conditions 'should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation'. Fire risk assessments can also be subject to frequent revision should certain factors change, such as the layout of furniture, and to vary the licence each time the occupancy limit changed would place unnecessary burdens on the licence holder.
- 10.13 The representations from the Central Town Residents' Association and the Police both make reference to how granting this application will result in other operators applying for later opening hours. Members are reminded that each application is to be treated on its own merits, and therefore can not take into account whether the grant of this application may result in other premises submitting applications to vary their existing licences.
- 10.14 The Planning authority has not submitted formal representations against this application, but they do advise that the planning permission for this property (ref 00/00572/COU) is subject to the following condition with regards to the opening hours of the premises:
- 2 No members of the public or customers are to be permitted within the premises before 0800 hours or after 23.30 hours Sunday to Thursday or before 0800 hours or after midnight Friday or Saturday.
- 10.15 The applicant does have the right to apply to vary the licence without also varying the planning permission because the licensing and planning regimes are separate from each other and governed by different legislation. The Sub-Committee will be aware that they may not refuse an application simply on the grounds that the planning permission is insufficient or that planning has not been obtained.
- 10.16 However, the business will not be able to legally benefit from any extended hours under the licence until they have also successfully varied the planning permission for the premises. Trading in breach of the planning permission is an offence. It is the responsibility of the business to ensure that their planning permission is sufficient for their needs and to apply to vary their permission if they see fit.
- 10.17 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.

10.18 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 - map of the premises' location

Appendix 2 - plan of the premises showing alterations

Appendix 3 - plan of the premises currently attached to the licence

Appendix 4 - current premises licence

Appendix 5 - representations from the Police

Appendix 6 - representations from the licensing authority

Appendix 7 - representations from Environmental Health

Appendix 8 - representations from the interested party

Appendix 9 - draft premises licence

#### 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 (June 2014)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2013-18)

Watford Borough Council Pool of Model Conditions (March 2013)

#### File Reference

Woody Grill

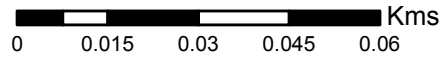


Woody Grill



Appendix 1

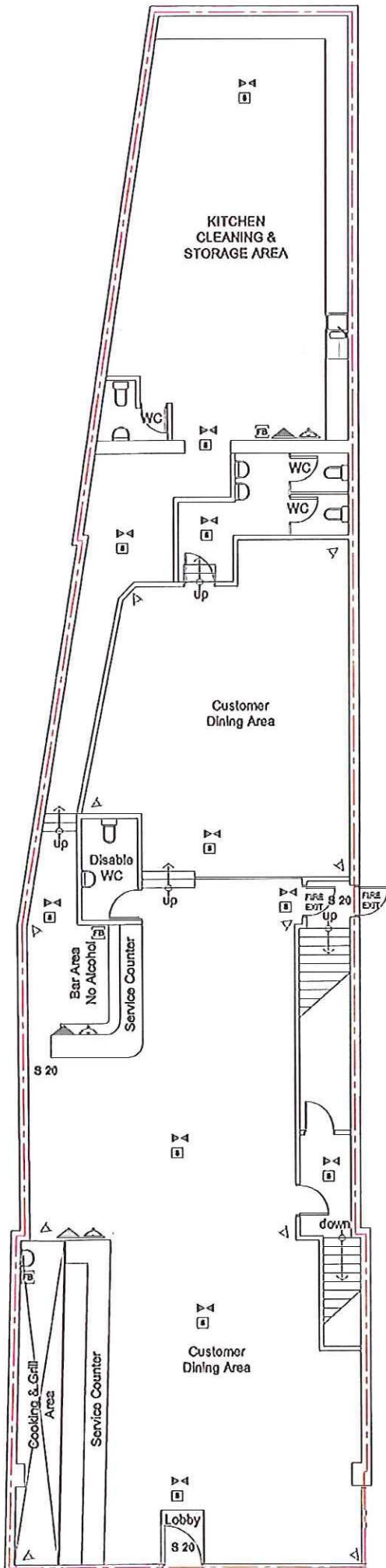
Date: 06/11/2014



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**LEGEND**

- WC AREA
- BAR AREA
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- FIRE ESCAPE KEEP CLEAR
- CCTV
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- FIRE BLANKET
- FAN BIVs
- FIRE ALARM BELL
- FIRE DOOR
- FIRE SWITCH PANEL

**GROUND FLOOR PREMISES PLAN**



<p><i>Alko</i> Design &amp; Build Ltd</p> <p>ARCHITECTURAL &amp; ENGINEERING DESIGN</p> <p>2 CHEAPSIDE, NORTH CIRCULAR ROAD LONDON, N11 5ED</p> <p>T: 0772 333 1831, 020 3213 0192</p> <p>e-mail: <a href="mailto:alok@alokgroup.co.uk">alok@alokgroup.co.uk</a></p> <p><a href="http://www.alokgroup.co.uk">www.alokgroup.co.uk</a></p>	PROJECT : Premises Licence Application
	DRAWING TITLE: Proposed Ground Floor Plan
	PROJECT ADDRESS : 152-154 High Street Hertford, WD17 2EN
	SCALE : 1:100 @ A3      DATE : Sep./2014
	PROJECT No : CE14-01

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**Licensing Act 2003  
Schedule 12  
Part A**

Regulation 33,34

**Premises Licence**

Premises Licence Number

14/01159/LAPRE

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Woody Grill  
152 - 154 High Street  
Watford  
WD17 2EN

**Telephone number**

**Where the licence is time limited the dates**

From 3 October 2014

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Sale of alcohol by retail	Monday to Saturday	10:00 – 23:59
Late night refreshment	Monday to Saturday	23:00 – 00:00
Sale of alcohol by retail	Sunday	12:00 – 23:30
Late night refreshment	Sunday	23:00 – 23:30
Sale of alcohol by retail	Good Friday	12:00 – 23:30
Sale of alcohol by retail	Christmas Day (if Sunday)	11:00 – 23:59
Sale of alcohol by retail	Christmas Day (if not Sunday)	11:00 – 23:30
Sale of alcohol by retail	New Year's Eve	10:00 – 23:00 next day (or 22:30 if next day is Sunday)
Sale of alcohol by retail	New Year's Eve if Sunday	11:00 – 23:00 next day
Late night refreshment	New Year's Eve	23:00 – 05:00 next day
Recorded music		24 hours a day

Premises Licence page 1

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**The opening hours of the premises**

Not prescribed

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Cengiz Erpolat  
152-154 High Street  
Watford  
WD17 2EN

**Registered number of holder, for example company number, charity number (where applicable)**

Not applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Miu Lan Yu  
[Redacted for the purpose of this report]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence Number: DAC 019139  
Licensing Authority: Dacorum Borough Council

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the premises licence –
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or

- (b) an ultraviolet feature.
6. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
9. (1) Sub-paragraph (2) applies where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

Premises Licence page 4

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(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

1. The above restrictions do not prohibit
  - (a) during the first twenty minutes after those hours, the consumption of the alcohol on the premises;
  - (b) during the first twenty minutes after those hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
  - (d) consumption of the alcohol on the premises or the taking or sale or supply of alcohol to any person residing on the premises.
2. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
  - (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
  - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
  - (c) to a canteen or mess.
3. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
4. Suitable beverages other than intoxicating liquor – including drinking water – shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.



**Annex 3 – Conditions attached after a hearing by the licensing authority**

The application for this premises licence was not subject to a hearing.



**WATFORD LICENSING AUTHORITY**  
**Licensing Act 2003.**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

**Responsible Authority** (please delete as applicable):

Police - On behalf of The Chief Constable

<b>Your Name</b>	Sgt 1952 Simon Mason
<b>Job Title</b>	Community Sergeant
<b>Postal and email address</b>	Community Safety Unit, Watford Police Station, Watford, Herts WD17 1DD
<b>Contact telephone number</b>	01923 472938

<b>Name of the premises you are making a representation about</b>	Woody Flame Grill
<b>Address of the premises you are making a representation about</b>	152-154 High Street, Watford, WD17 2EN

<b><i>Which of the four licensing Objectives does your representation relate to?</i></b>	<b><i>Yes Or No</i></b>	<b><i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i></b>
<p><b>1. To prevent crime and disorder</b></p> <p><b>2. Public Safety</b></p> <p><b>3. To prevent public nuisance</b></p>	<p>Yes</p> <p>Yes</p>	<p>An application to vary a premises licence has been made for Woody Flame Grill, 152-154 High Street, Watford to extend their closing time to 04.00.</p> <p>The current Premises Licence states their closing times are Sunday to Thursday 23:30hrs, Friday and Saturdays 00:00hrs with no hot food being served after 23:00hrs.</p> <p>The licence is currently suspended due to an unpaid fee, However, should the licence be reinstated it will retain its closing times as above. This is consistent with other premises in the Met Quarter of the Lower High Street, Watford.</p> <p>Our concerns relate to the extension of the existing operating hours and the problems this would undoubtedly generate regarding crime and disorder.</p> <p>To open until 04:00 to sell late night refreshments 7 days a week would not be in keeping with the area, Hertfordshire Constabulary or the Councils objectives.</p> <p>There is potential for Anti-social behaviour situations arising from people congregating; the premise is in close proximity to residential areas which would be an aggravating factor. As there are currently no licenced premises extending beyond 00:00hrs in this area any related crime and disorder will stretch police resources further through the town affecting our ability to adequately police the town centre.</p> <p>This extended finish would also set precedence for other premises in the area to ask for extended closing times. This is something we would not want to encourage.</p>

Aside from this we are aware a representation has been submitted from local residents regarding a similar venue in the location. The premises this relates to only operates until 00:00. It would be our understanding that once they are made aware of this application they would also be abhorrent to it and an objection would be likely.

The proposed premises owners own and operate other Woodys grills in Brent which are Late Night Refreshment premises open until 5am without alcohol licenses. These attract persons and groups whose presence alone would cause concern for local residents. On occasions the premises have been seen to be open after their licensing hours. On one of their premises there is a current representation regarding issues around the venue which has been brought by the EHO and local residents. This specifically causes us concern. They also have a premises in Edmonton which has had issues regarding exceeding their licenced capacity causing us concern for the safety of their customers and the public in general. At the Brent premises they have been known to exceed their permitted licenced hours too. This therefore gives us concerns about the responsibility and accountability of the owners and their lack of engagement with Local Authorities.

In addition to our representation against the 04:00 opening times, we require the following conditions to be applied to this licence:

- The Premises Licence Holder or Designated Premises Holder shall install and maintain a comprehensive CCTV system to the satisfaction of an authorised employee of Hertfordshire Constabulary. All entry and exit points must be covered enabling frontal identification of every person entering.

The Designated Premises Licence Holder shall ensure that the CCTV system shall continually record whilst the Premises is open for licensable activities and during all times when customers remain on the Premises. 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 the Police or authorised officer of the Licensing Authority providing such requests are in connection with the prevention or detection of crime. Recordings are to be supplied to in the form of digital download burned onto a DVD or CD disc.

A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises are open to the public. This staff member shall be able to show Police or an authorised officer to the licensing authority recent data or footage with the minimum delay when so requested.

All faults/defects in the CCTV system must be reported to Hertfordshire Constabulary immediately the fault is discovered. The notification must be made to the Herts Police non-Emergency number and a log number obtained from the police and recorded in the incident

book. The Watford Police Licensing Unit must also be notified as soon as reasonably practicable.

All faults with the CCTV system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place without the agreement of Watford Police Licensing Officer and licensing authority until the fault is rectified.

A monitor on which CCTV pictures can be displayed will be installed in the reception area (may be appropriate for larger premises).

The Premises Licence Holder and/or Designated Premises Supervisor shall co-operate with reasonable requests made by authorised officers of responsible authorities under the Licensing Act 2003 to ensure the licensing objectives are not undermined, providing such requests do not involve additional expenditure.

All requests/communications made by Licensing Authority or Watford Licensing Officer to be dealt with by the owner /DPS in a timely and efficient manner, namely 10 working days (unless agreed in writing in advance with the Police Licensing Officer responsible for the Watford area).

**Mandatory conditions**

- 1 No supply of alcohol may be made under the premises licence
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

		<ul style="list-style-type: none"> <li>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</li> <li>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</li> </ul> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;</p> <p>(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—</p> <ul style="list-style-type: none"> <li>(i) the outcome of a race, competition or other event or process, or</li> <li>(ii) the likelihood of anything occurring or not occurring;</li> </ul> <p>(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.</p> <p>4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).</p> <p>5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.</p> <p>6 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.</p> <p>(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.</p> <p>7 The responsible person shall ensure that—</p> <ul style="list-style-type: none"> <li>(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than</li> </ul>
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alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**Conditions consistent with the Operating Schedule**

1. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of Hertfordshire Constabulary. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. 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 preceding 31 day period.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. Loudspeakers shall not be located in the entrance lobby or outside the premises building. Loudspeakers and other sound amplification equipment must not be directed outwards towards any street or installed externally to the Premises.
4. The supply of alcohol at the premises shall only be to a person either waiting to be seated or taking a table meal there, and for consumption by such person as ancillary to their meal.
5. There shall be no sales of alcohol for consumption off the premises except to where it is to be consumed by patrons eating food within an area covered by a pavement licence connected to the premises.
6. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.
7. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 21:00 hours and 07:00 hours.
8. Deliveries to the premises shall be restricted to the hours of 09:00 to 21:00 on Monday to Friday, 09:00 to 13:00 on Saturdays and no deliveries on Sundays and Bank Holidays.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local

		<p>residents and leave the area quietly.</p> <p>10. The premises owner/PLH shall comply with all reasonable crime prevention and /or public safety measures that may be required by the licensing Authority and/or the Environmental Health Officer and /or Hertfordshire Constabulary and which are consistent with the premises operating Schedule.</p> <p>11. The premises owner/PLH shall make arrangements to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.</p>
<p><b>To protect children from harm</b></p>	<p>No</p>	

<p><b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b></p>	
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Signed: Sgt 1952 Simon Mason

Date: 15/10/14

Please return this form along with any additional sheets to: Watford Licensing Authority, Town Hall, Watford, Herts WD17 3EX, or email to [envhealth@watford.gov.uk](mailto:envhealth@watford.gov.uk)

**This form must be returned within the Statutory Period. For more details please check with the Licensing Unit on 01923 278503**



**From:** Parminder Seyan  
**Sent:** 15 October 2014 09:48  
**To:** Austen Young  
**Cc:** Jeffrey Leib  
**Subject:** RE: Licence Variation - 152-154 High Street, Watford WD17 2EN

Dear Austen

Thank you for your email.

As a Responsible Authority under the Licensing Act 2003, I am in receipt of a copy of an application to vary the existing premises licence for Woody Grill of 152 - 154 High Street, Watford.

Having reviewed the application and taking into consideration Licensing policies LP2, LP3 and sharing our Ward Councillors concerns would like to make the representations as follows:

The premises is located in the Town Centre and the policy LP2 clearly states that food outlets in the town centre would generally be allowed late night refreshments until 2am only unless the exceptions to LP3 can be shown. I am concerned about food outlets opening till late as any extension of hours will only add towards crime and anti social behaviour and hinder safe dispersal.

I have strongly taken into consideration the Council's policy LP3 which clearly states that the main aim is to provide a family friendly town centre. By extending the trading hours any later than the permitted hours will lead to an increase in anti social behaviour, congregation of clientele in and out of the premises will increase thus resulting in customers leaving the premises even later, thereby causing disturbance to residents later in the morning and this would be contrary to our policy. Granting later opening hours will only extend this form of behaviour and would undermine our LP3 policy which is aimed at reducing late night conflicts, crime and public nuisance.

Furthermore due to the premises being in close proximity to the residents of Smith Street, Dyson Court, Granville Road and The Crescent and to reduce the impact of late night clientele being drawn to your premises would suggest the following:

1. That the late hours for late night refreshment are only granted until 02:00 hours as specified in our policy.
2. The last new admission to the premises shall be 01:00 hours.
3. All reservations for table bookings for the hours of 00:00 to 02:00 on any day must be made no later than 23:59 hours before the relevant day.

Taking into account the Council's Licensing Policy and sharing the Ward Councillors concerns I would object to the extension of Late Night Refreshment hours as this would have a detrimental impact on the licensing objectives and the Council's ambition of creating a Family Friendly Town Centre.

I hope the above will be taken into consideration in granting the extension.

Kind Regards

P Seyan  
Licensing Officer  
Community and Customer Services  
Watford Borough Council  
WD17 3EX  
01923 278476

[licensing@watford.gov.uk](mailto:licensing@watford.gov.uk)

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**From:** Austen Young

**Sent:** 07 October 2014 12:24

**To:** Env Health; Jo Tomkins; 'admin.lscb@hertfordshire.gov.uk';  
'administration.cfs@hertfordshire.gov.uk'; 'tradingstandards@hertfordshire.gov.uk';  
Development Control; 'publichealth@hertfordshire.gov.uk'

**Cc:** 'Susan.Franklin@Herts.pnn.police.uk'; Liam Fitzgerald; Parminder Seyan

**Subject:** Licence Variation - 152-154 High Street, Watford WD17 2EN

Dear all

Please note that the licensing team at Watford Borough Council have received an application under the Licensing Act 2003 from Mr Cengiz Erpolat to vary the existing Premises Licence for the premises at 152-154 High Street, Watford. The premises used to be called 'Flame', but will now trade under the name of 'Woody Flame Grill'

As this application was submitted to the licensing authority online, please find attached your copy of the application and the plan which accompanies this application. This application was validated yesterday.

The application is now deemed to have been served on you as responsible authorities as required under the Licensing Act.

The consultation period for this application closes on **3 November 2014**. Any comments on this application must be submitted to the licensing authority by this date. Comments received after this date can not be accepted.

Please do not hesitate to contact me should you have any queries regarding this application.

Regards

Austen

Austen Young  
Licensing Officer  
Licensing Team  
Community and Customer Services  
Watford Borough Council  
Town Hall, Watford, Hertfordshire WD17 3EX  
Phone: (01923) 278476 Fax: (01923) 278627  
Email: [austen.young@watford.gov.uk](mailto:austen.young@watford.gov.uk) or [licensing@watford.gov.uk](mailto:licensing@watford.gov.uk)  
Visit the Watford Borough Council website at [www.watford.gov.uk](http://www.watford.gov.uk)

You can now apply for most licences online via our website (apart from hackney carriage/private hire, gambling and personal alcohol licences)



## Memo

### Community and Customer Services

#### Memo to Licensing - representation

to Licensing Authority

cc Cengiz Erpolat; Ali Kosele c/o [email address redacted for this report]  
Catherine Trollope, Environmental Health Officer, Community and Customer Services, Watford Borough Council

from

ext. 01923 278582

email Catherine.trollope@watford.gov.uk

date 29<sup>th</sup> October 2014

re Woody Grill, 152-154 High Street, Watford, Herts, WD17 2EN

As a Responsible Authority under the Licensing Act 2003, the Environmental Health Section has been consulted about the above application.

The original application was to vary opening hours until 4am every morning. I am aware that the application has been amended and this representation relates to the application of Woody Grill (which is a restaurant and takeaway business) to operate until 2am (Monday to Saturday trading) and 1am (Sunday trading).

Environmental Health wish to make the following representation in relation to this application on the grounds of **prevention of public nuisance**;

Environmental Health do not believe that the application should be granted due to the fact that public nuisance in the form of noise and litter will be caused if the business is operated as requested in the application.

The premises is in close proximity to a substantial number of residential dwellings, including flats above commercial premises in the High Street and as stand alone residential properties in Smith Street, Dyson Court, Granville Road and The Crescent.

This means that there is the potential for a substantial number of residents to be affected by public nuisance caused by noise from:

- within the premises itself;

- noise breakout as the door opens and closes with takeaway and restaurant customers entering and exiting the property;
- takeaway customers congregating in the area, socialising whilst eating their food outside etc.;
- customers waiting for taxis outside the premises;
- customers walking away from the premises down the adjoining residential streets.

It is also likely that customers will still be in the area shortly after the premises closes meaning that the potential for noise and public nuisance extends beyond 2am

The premises is situated towards to bottom end of the High Street where other premises (licensed and non-licensed) close at 11.30pm and 12pm. The trains from the High Street station at that end of the town stop running at 12pm and the buses reduce in frequency. The result of this is that the locality quiets down around midnight. If open until 2am this premises would be a lone noise source and out of character with the nature of the locality. The premises has the potential to become a focus point for people to congregate resulting in a concentration of noise and public nuisance.

There are other High Street premises with later licences however, these are situated at the top end of the town on the other side of the flyover where there is a dispersal policy in place in which customers leaving clubs and using takeaways are managed by the Police and Taxi Marshals to quickly and effectively leave the area with minimum disruption. There are no Taxi Marshals or Police managing dispersal in the area of the High Street where Woody Grill is situated and with infrequent buses, and no trains after 12pm there is the potential for people to remain in the area making noise and causing a public nuisance to residents.

Watford Council Environmental Health Service has no history of this applicant or property as it is new. We are aware however, that the Police have information about the applicant's management of other premises (including exceeding capacity and over-running on hours of operation) that gives them concerns about his ability to comply with Local Authority requirements. This increases the potential for noise from within the premises if there are larger numbers of customers and from people outside even later than 2am, causing public nuisance.

The current licence has recorded music 24 hours a day with no associated conditions in place. As this is already part of the licence it is not possible for Environmental Health to request conditions to control recorded music (volume, hours of operation, speaker location etc.) as part of this application. Therefore, if the premises is open until 2am there is the potential for uncontrolled recorded music to be played until then, thus increasing the likelihood of public nuisance.

Although alcohol is not going to be served at the premises it is likely that takeaway customers visiting the premises (particularly the early hours of the morning) will have consumed alcohol, resulting in the potential for customers to be careless in how they dispose of litter related to the takeaways that they purchase (both in the immediate area

and along any route that they walk away from the premises eating their food.) The cumulative effects of litter can cause public nuisance, although litter bins are already provided and emptied by the local council in the vicinity of the premises it is requested that if the licence is granted that the following conditions are placed on the licence:

1. Customers shall be encouraged to dispose of waste responsibly, a notice / poster shall be displayed in the public area of the premises promoting this.
2. The public footpath area within a 15metre radius of the shop front shall be cleared of litter that is identifiable as coming from the premises at the close of business every day.
3. After 22:00, all customers will be asked if they need a bag for the food.
4. A bin shall be provided for public use within the public area of the premises.

Please contact me if you have any queries.

Yours sincerely

Catherine Trollope  
Environmental Health Officer

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## REPRESENTATION FORM FROM INTERESTED PARTIES

This representation is made by an Interested Party in the vicinity of the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	P G C Young
Organisation name/name of body you represent (if appropriate) (see note 3)	Central Town Residents' Association and Neighbourhood Watch
Postal and email address	31, St John's Road, Watford, Herts., WD17 1QB
Contact telephone number	[redacted for this report] (answerphone)

Name of the premises you are making a representation about	Woody Flame Grill, 152-154 High Street, Watford.
Application reference (if known)	
Address of the premises you are making a representation about.	Woody Flame Grill, 152-154 High Street, Watford.

Your representation must relate to one of the four Licensing Objectives (see note 4)

<i>Licensing Objective</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	No	(Covered by prevention of public nuisance)
Public safety	No	(Covered by prevention of public nuisance)
To prevent public nuisance	Yes	Our residents object to any increase in any increase in the times that they operate. Please see the attached letter as to what we have to put up with.
To protect children from harm	No	(Covered by prevention of public nuisance)
Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **		

Signed:

Date: 7<sup>th</sup> October 2014

Please see notes on reverse



**CENTRAL TOWN RESIDENTS' ASSOCIATION**  
**AND NEIGHBOURHOOD WATCH GROUP 57**

Secretary  
Tel.: [redacted for this report]  
[Answerphone]  
E-mail: [redacted for this report]

31, St John's Road,  
Watford,  
Hertfordshire,  
WD17 1QB.

7<sup>th</sup> October 2014

The Licensing Authority,  
Watford Borough Council,

**Woody Flame Grill,  
152-154 High Street, Watford.  
Application for an Extension to their Premises Licence**

This application is for a variation of licence to permit:

- 1) Provision of late night refreshment, Monday to Sunday 23:00- 04:00
- 2) Opening hours, Monday to Sunday 11:00-04:00

Our residents have had a lot of trouble with the movement of the late night clientele as they arrive and leave through our residential roads. We recognise that this establishment is some distance from the Parade which has the greater effect on us, but we are concerned that it seeks to apply such late conditions on all weekdays equally. It is our contention that residents, wherever they are, are entitled to one day in the week when such disturbance is lessened.

We also are concerned about food establishments open after 3 am any day of the week. Again by the time the clientele return home it is effectively morning and residents will have lost all their sleep.

If this application is granted, it will be used by other operators as justification for later Sunday opening hours or later opening hours throughout the week. We want to avoid this potential snowball effect and therefore request you to register our objection to this application.

Yours faithfully,

**P G C Young**  
(for and on behalf of the Central Town Residents' Association  
and Neighbourhood Watch)



**Licensing Act 2003  
Schedule 12  
Part A**

Regulation 33,34

**Premises Licence**

Premises Licence Number

14/01281/LAPRE

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Woody Grill  
152 - 154 High Street  
Watford  
WD17 2EN

**Telephone number**

**Where the licence is time limited the dates**

From 20 November 2014

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Late night refreshment	Monday to Saturday	23:00 – 02:00
	Sunday	23:00 – 01:00
Late night refreshment	New Year's Eve	23:00 – 05:00 next day
Recorded music		24 hours a day

**The opening hours of the premises**

Monday to Saturday	11:00 – 02:00
Sunday	11:00 – 01:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Not applicable

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Cengiz Erpolat  
152-154 High Street  
Watford  
WD17 2EN

**Registered number of holder, for example company number, charity number (where applicable)**

Not applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Not applicable

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence Number: Not applicable  
Licensing Authority: Not applicable

DRAFT

**Annex 1 – Mandatory conditions**

DRAFT

## **Annex 2 – Conditions consistent with the Operating Schedule**

1. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.

### **The following conditions are considered by officers to be consistent with the Operating Schedule submitted with this application, reference 14/01281/LAPRE:**

2. All staff are to receive induction training in the promotion of the licensing objectives, and refresher training at prescribed intervals. Such training records are to be maintained and made available upon reasonable request to officers of the licensing authority, or other authorised officers.
3. No customers shall be permitted to remove from the premises any foodstuff for consumption or disposal outside of the premises after 1am (the following morning) on Mondays to Saturdays, and after Midnight on Sundays.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. A bin shall be provided for public use within the public area of the premises.
6. A CCTV system shall be installed and maintained within the premises. The CCTV system shall continually record whilst the premises are open for licensable activities and when members of the public are on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

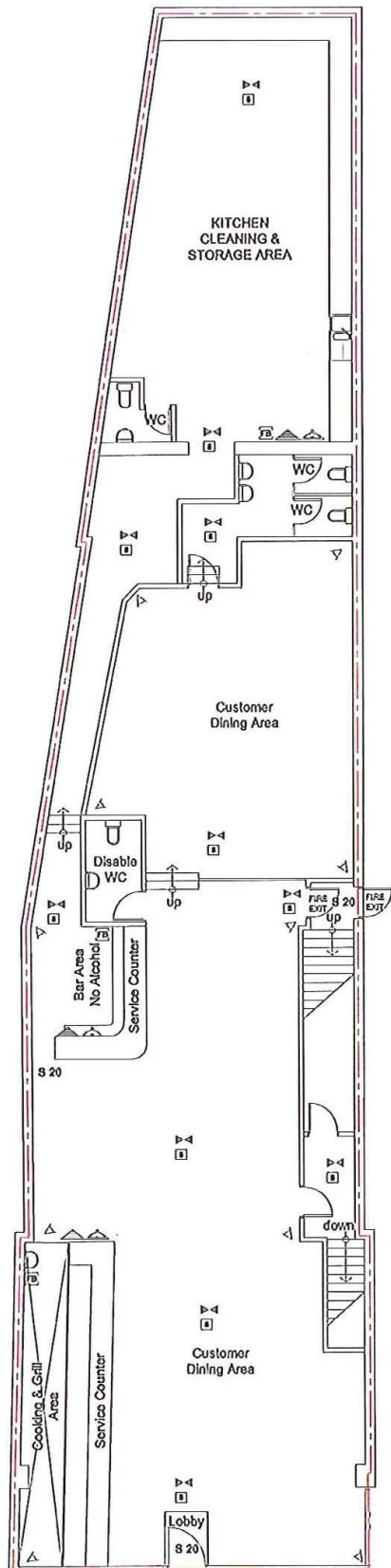
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

**The following condition has been proposed in response to representations regarding this application. The inclusion of this condition does not restrict the Sub-Committee’s power to attach conditions from the licensing authority’s pool of conditions (amended or otherwise) or to compose their own conditions if they consider that they are appropriate, proportionate, justifiable, and within the applicant’s power to comply with.**

1. There shall be no new admittance to the premises on Mondays to Saturdays after 1am (the following morning) until the premises closes to the public, or after Midnight on Sundays until the premises closes to the public.

DRAFT

Annex 4 – Plans



**LEGEND**

- WC AREA
- BAR AREA
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 L.T. WATER FIRE EXTINGUISHER
- FIRE ESCAPE KEEP CLEAR
- CCTV
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- FIRE BLANKET
- FAN GIUs
- FIRE ALARM BELL
- FIRE DOOR
- FIRE SWITCH PANEL

GROUND FLOOR PREMISES PLAN



 <b>Design &amp; Build Ltd</b>	PROJECT : Premises Licence Application DRAWING TITLE: Proposed Ground Floor Plan PROJECT ADDRESS : 152-154 High Street Hertford, WD17 2EN SCALE : 1:100 @ A3      DATE : Sep/2014 PROJECT No : CE14-01
ARCHITECTURAL & ENGINEERING DESIGN 2 CHEFFSIDE, NORTH CIRCULAR ROAD LONDON, N13 5ED T: 0772 333 1831, 020 3213 0192 e-mail: <a href="mailto:info@designandbuild.co.uk">info@designandbuild.co.uk</a> <a href="http://www.dnbgroup.co.uk">www.dnbgroup.co.uk</a>	