

## **LICENSING SUB COMMITTEE**

**24 NOVEMBER 2014**

Present: Councillor J Brown (Chair)  
Councillors J Connal and G Derbyshire

Also present: Mr Mark Molton, Applicant, Luminar Group  
Mr Alex O'Reilly, Applicant, Oceana  
Inspector Nick Lillitou, Hertfordshire Constabulary  
Ms Jo Tomkins, Hertfordshire Constabulary  
Councillor I Brown, Observer

Officers: Solicitor  
Licensing Officer  
Committee and Scrutiny Support Officer (JK)

### **1 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR**

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors J Brown, G Derbyshire and J Connal.

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

RESOLVED –

that Councillor J Brown be elected Chair for this Hearing.

### **2 DISCLOSURE OF INTERESTS (IF ANY)**

There were no disclosures of interest.

### **3 APPLICATION FOR TEMPORARY EVENT NOTICE: OCEANA, 127 THE PARADE, WATFORD, WD17 1NA**

The Sub-Committee received a report from the Head of Community and Customer Services setting out details of an application for a Temporary Event Notice (TEN) in respect of the Disco bar at Oceana.

The Licensing Officer introduced the report. He explained that the application was to permit the sale of alcohol, regulated entertainment

and late-night refreshments from 0300 to 0600 on 21 December 2014 in the Disco bar. The bar would then close at 0630. One representation had been received from Hertfordshire Constabulary on the basis of the prevention of crime and disorder and this was set out at Appendix 1. A mediation meeting had taken place during the previous week but no agreement had been reached. He outlined the options available to be Sub-Committee and noted that as the Applicant was proposing to adhere to the conditions already on his licence, no additional conditions could be imposed.

Inspector Lillitou introduced his representation on behalf of Hertfordshire Constabulary. He explained that the Police were concerned about the TEN ending at 0600. The premises had had previous TENs which had presented few issues. However, these had been on Sunday evening to Monday morning rather than a Saturday evening to Sunday morning as in this case. There would be more people in the town centre on a Saturday night. He noted that the premises was already open until 0400 on these nights. There would be an impact on local residents as patrons left the premises at a later time. An application had been launched to establish a Public Spaces Protection Order (PSPO) in the Albert Road South area in order to reduce levels of nuisance overnight. He did not wish to imply a link with Oceana but it was an area where people congregated and the Police were seeking to reduce nuisance and antisocial behaviour.

Inspector Lillitou stated that his second area of concern related to dispersal. People tended to leave the town centre from midnight and Oceana was the last to close. The Policing operation was stood down around 0430. There had never been an application like this before and the impact on public order was difficult to predict. It was not clear what level of policing operation might be required. He was concerned that customers would have had the opportunity to consume alcohol for the entire night. He noted that the routes out of the town centre were predominantly residential. Public transport at this time was limited; there were no trains in either direction until after 0700 and the bus provision was similar. Resources would need to be found to Police the extended time which could be costly.

Inspector Lillitou added that crime has risen in town between 1 April 2014 and 21 November 2014 compared to the same period in 2013. There had been more assaults and more incidents of criminal damage. He was concerned that there was the potential to increase crime levels. He would be reluctant to leave the town without a Police presence, as was sometimes the case on Sunday/Monday nights when it was slightly quieter and the premises closed at 0300.

Councillor Derbyshire asked for more information about the potential impact on crime. Inspector Lillitou responded that it was difficult to predict. For extensions on Sunday nights there were fewer people in the town as many people worked on Mondays. The TEN provided the

opportunity for people to consume more and the Police regularly experienced disorder in the town centre. It was fair to assume that there could be some disorder at that time of the early morning.

Following a question from Councillor Derbyshire about Policing resources, Inspector Lillitou outlined how the timing of the shifts worked. The teams which normally policed the night time economy tended to finish between 0430 and 0500. He would have to consider whether the night turn officers would be available to come into the town centre. If the TEN were granted, he would work with Mr O'Reilly to establish the number of customers present and the atmosphere in the venue to determine the policing requirements. Any operation would be costly to the taxpayer. The proposed end time of the TEN was when the Police shift handover took place.

In response to a question from Councillor Connal, Inspector Lillitou confirmed that the town centre was well lit at night. However some of the residential areas of the town were not. He added that he was mindful that local residents already experienced disturbances on busy weekend nights.

Mr O'Reilly asked whether the crime statistics which had been mentioned pertained only to the night time economy. Inspector Lillitou explained that the statistics used were taken from the application for the PSPO and were based around the night time economy. He noted that assaults were up by 129 incidents, but this figure was not specific to the night time economy period. The crime figures were going up but they were not all related to one establishment. The crime figures for Oceana had not changed significantly in the last two years.

Mr Molton asked whether the way that crimes were reported had changed. Inspector Lillitou confirmed that reporting had changed but the impact on the statistics quoted would be minimal.

Mr O'Reilly commented that Watford's night time economy was quieter than it had been with the demise of another large venue in the town. The Chair noted that the period leading up to Christmas would be noticeably busier. Inspector Lillitou advised that of the 196 assaults which had taken place within the Town Centre, 128 were related to the night time economy.

Mr O'Reilly noted that there would be a maximum of 450 additional customers and observed that there were often no police on duty on Monday nights where there were usually 1000 people in the premises. Inspector Lillitou advised that the policing style for those nights was slightly different, he was aware that the town centre would be busier running up to Christmas. This night would also run until 0600 rather than 0300 and people would have had the opportunity to consume alcohol over a longer period.

Mr O'Reilly highlighted that on Mondays many of the customers would leave the premises at the same time, whereas for this TEN the dispersal would be more staggered. Inspector Lillitou responded that although the dispersal would be staggered, it would also be extended and the risks would need to be managed.

Mr Molton noted that there had been a number of TENs which had taken place without incident. Inspector Lillitou noted that these were not on Saturday nights but on Sunday nights. He was concerned that if it were widely advertised there would be a significant increase in the number of people in the town, even if they could not all gain entry to Oceana. Mr O'Reilly underlined that this event would be managed in the same way as previous events. He added that he was trying to bring people into town and to raise the profile of Watford.

Mr O'Reilly presented his application to the Sub-Committee.

Mr O'Reilly stated that he understood that the hours were outside the Council's Licensing Policy. However he wished to underline that the town was quieter than in the past. He felt it was important to vary the offer to ensure that the night time economy was not lost and footfall was maintained. He suggested that the event could be run so that only those customers already in the venue would be able to gain entry. He proposed that wristbands could be sold in the venue. It would be marketed as an After Party Disco. The venue had a disco theme and would not be playing urban or dance music.

He explained that at 0300 Disco would be cleared and only those with a wristband would be able to re-enter through one particular door. Disco had its own bar and facilities. He referred to the plans of the premises and explained where the different entrances and exits were located.

Mr O'Reilly described the atmosphere of Disco and emphasised that it would be a fun event. He explained that at the end of the night customers would be encouraged to use taxis. He added that he had spoken to some taxi drivers who indicated that they would be willing to be available for the event. There would be no discounts on drinks so excessive drinking would not be encouraged.

Mr Molton informed the Sub-Committee that he oversaw 11 clubs and three of them ran similar events on a regular basis. The Leicester club ran this event weekly until 0600 and there had been no issues. The dispersal was staggered as people ran out of steam.

Councillor Derbyshire noted that it was likely that Oceana as a whole would be full on the night in question with a capacity of 2000. He asked how he would deal with those who were disappointed that they could not buy one of the 500 wristbands. Mr O'Reilly responded that the venue was never at peak capacity by the end of the night.

Normally, at least 1000 people left before the regular closing time. He would manage any disappointed customers in the same way as he did those who were unable to access the club on other nights.

Following a question from Councillor Connal, Mr Molton explained that the bulk of the profits came from entry charges. Nationally, the club sold 2.6 drinks per person. Mr O'Reilly added that entrance to Disco would be based on the same policies as the main door. Those who were intoxicated would not be permitted to gain entry.

Councillor Connal outlined her concerns about the event and that it had never been done before. She noted that people may well leave the premises in an intoxicated state. Mr O'Reilly underlined the effects of the staggered dispersal which would limit any disorder. He reassured the Sub-Committee that the premises was confident that they could manage the event well and that there would be no cause for concern. He advised that there would be six door supervisors present at the event.

Councillor Connal asked how customers who were causing trouble would be dealt with. Mr O'Reilly explained that the usual procedures would be followed and highlighted the different roles in the team. The Police were called when required.

The Chair noted Mr O'Reilly's comments about dispersal and asked whether the event would be worthwhile. Mr Molton responded that if fewer people left at 0300 the risk of disorder would be lower.

The Chair asked why the taxpayer should have to subsidise the policing for the event. Mr O'Reilly responded that he would prefer the Police to be in the town centre on Monday nights. The event in question would have a relaxed feel and he did not feel that a Police presence was required.

Following a question from the Chair, Mr O'Reilly advised that their figures showed that custom had dropped since the closure of the other big venue in Watford.

Mr O'Reilly confirmed, following a question from the Chair, that he had not consulted the Safety Advisory Group, as recommended in the policy.

The Chair asked whether the Applicants would consider ending the event at 0500 as a compromise. Mr O'Reilly confirmed that this has been offered and Inspector Lillitou explained that this would still present problems for policing due to shift handovers and transport connections.

Inspector Lillitou asked whether this would be a one-off event and whether opportunities had been explored to increase customer earlier

in the night. Mr O'Reilly responded that if successful this event could be run at key periods. It was not clear how they could increase custom earlier in the evening.

The Licensing Officer asked whether the company had a policy on these events. Mr Molton replied that there was no policy and the event would run to fulfil the licensing objectives. The Chair noted that Mr O'Reilly was a very responsible operator.

Following a further question from the Licensing Officer, Mr O'Reilly confirmed that the taxi drivers that he had spoken to had been on the rank.

The Licensing Officer noted that when the whole premises was being used, 20 door staff were on duty. Mr O'Reilly confirmed that the usual ratio was 1:100 and it was proposed that six door staff would be on duty for the event at Disco.

The Sub-Committee retired to consider their decision

The Chair then announced the decision.

#### RESOLVED

Having heard from the applicant and the Police, the Sub-Committee issues a counter notice in respect of this application. The Committee has also heard the evidence that the Police stand down at 0430. This would have a considerable impact on policing and would therefore undermine the crime and disorder objective of the Licensing Act.

In reaching this decision, the Sub-Committee has taken into account the provisions of the Licensing Act 2003, the Secretary of State's guidance and the Council's Statement of Licensing Policy.

Committee

Chair  
Licensing Sub-

The meeting started at 10.40 a.m. and finished at 12.20 p.m.

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Chair