



LICENSING SUB COMMITTEE

Monday, 2nd March, 2015

10.30 am

Town Hall, Watford

Please note the start time of this meeting

Publication date: 20 February 2015

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 .

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, M Hofman, P Jeffree, A Khan, H Lynch, B Mauthoor, M Mills, G Saffery, D Scudder and S Williams

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. **APPLICATION FOR A NEW PREMISES LICENCE: WOODY EXPRESS, 103 THE PARADE, HIGH STREET, WATFORD (Pages 1 - 38)**

Report of the Head of Community and Customer Services

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

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PART A

Report to: Licensing Sub-Committee
Date of meeting: 2 March 2015
Report of: Head of Community and Customer Services
Title: Application for a new Premises Licence
Woody Express, 103 The Parade, High Street, Watford WD17 1LU
15/00061/LAPRE

1.0 SUMMARY

1.1 An application for a new Premises Licence has been received from Mr Cengiz Erpolat to licence the premises at 103 The Parade, High Street, Watford, for the provision of late night refreshment, Monday to Sunday.

Four representations have been received from responsible authorities, and one representation has been received from an interested party.

2.0 RECOMMENDATIONS

2.1 That the Licensing Sub-Committee determines whether to grant the application (amended as 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 telephone 01923 278474: email: 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
New Premises Licence.

3.2 Description of premises
Woody Express does not currently benefit from a licence. The premises is situated within the Town Centre as defined by Policy LP3. The premises intend to operate as a take-away, and will therefore fall under the definition of a take-away under Policy LP2.

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

3.4 A plan showing the layout of the premises is attached at appendix 2.

3.5 Licensable activities

Licensable activity	Applied for
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 late night refreshment	✓
Sale by retail of alcohol for consumption on the premises	
Sale by retail of alcohol for consumption off the premises	

3.6 Licensable hours

The requested hours are detailed in the table below.

	Late Night Refreshment	Opening Hours
Monday	23:00 – 04:00	11:00 – 04:00
Tuesday	23:00 – 04:00	11:00 – 04:00
Wednesday	23:00 – 04:00	11:00 – 04:00
Thursday	23:00 – 04:00	11:00 – 04:00
Friday	23:00 – 04:00	11:00 – 04:00
Saturday	23:00 – 04:00	11:00 – 04:00
Sunday	23:00 – 01:00	11:00 – 01:00

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

Not applicable as the premises have not applied to sell alcohol.

4.3 Current licences held

The premises is not currently licensed.

The premises was previously licensed for the provision of late night refreshment under a licence with reference 11/01411/LAPRE. This licence benefited from hours which pre-dated the existing licensing policy, and therefore was able to trade after 1am on most days. However, this licence was surrendered by the previous licence holder on 1 December 2014. Prior to this licence being surrendered, the premises had been licensed under the Licensing Act 2003 since November 2005 when the Act came into force. The premises was not licensed prior to November 2005.

4.4 Closing date for representations

8 February 2015

4.5 Public notice published in newspaper

23 January 2015

4.6 Visits and Enforcement action

There have been no visits or enforcement action against the premises since the licensing authority were made aware that Mr Erpolat had taken over this premises in early January 2015.

The former licence holders held the licence between September 2011 and December 2014. During this time, there were no complaints logged with the licensing authority, but there were two complaints logged with the Environmental Health team. One complaint was with regards to the rear yard and the amount of rubbish therein. It should be noted that no premises was named as the source of this rubbish, and the complaint did mention that passers-by threw their litter into the yard. This area is private land, and so it

is the landowner who has ultimate responsibility over this area. The second complaint was with regards to noise from the banging of pots and the emptying of rubbish. This was linked directly to the premises. The complainants did not supply any further information on the alleged nuisance, and so no further action was taken.

5.0 **PROMOTION OF LICENSING OBJECTIVES.**

5.1 The operating schedule that allows the applicant to describe any additional steps they intend to take to promote the four licensing objectives should this application be granted has been reproduced at appendix 3.

6.0 **RESPONSIBLE AUTHORITIES**

6.1 Licensing Authority

The licensing authority, in their role as a responsible authority, have submitted representations on the grounds of the prevention of crime and disorder and the prevention of public nuisance. These representations are attached at appendix 4.

6.2 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.

6.3 Environmental Health

Environmental Health have submitted representations on the grounds of the prevention of public nuisance. These representations are attached at appendix 6.

6.4 Planning

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

6.5 Fire and Rescue Service

No representations

6.6 Trading Standards

No representations

6.7 Child Protection

No representations

6.8 Interested Parties

Representations have been received from the interested parties below.

6.9

Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
Central Town Residents' Association	c/o 31 St Johns Road, Watford WD17 1QB	Yes	Public nuisance

6.10 These representations are attached at appendix 8.

6.11 The recurring theme throughout the representations is with regards to the concerns that, by allowing this premises to open until a latest time of 4am, there is a potential for an increase in anti-social behaviour and public nuisance. The representations refer to how it is believed that a late closing time will keep more people within the Town Centre for longer, not assisting in quick dispersal, potentially increasing any existing nuisance earlier into the morning.

7.0 **Policy considerations**

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

- Sections 17 and 18 (Application for premises licence):
Section 17 details the process which the applicant must have followed for the application to be considered valid. Section 18 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.

7.2 Statutory guidance

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 9.30 – 9.40:
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 9.41 – 9.43
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.

7.3 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 take-away.
- 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 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'. This paragraph is applicable because the premises have not requested alcohol as a licensable activity.

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.

7.4 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.

7.5 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.

8.0 **CONDITIONS**

8.1 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.

8.2 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.

8.3 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.

8.4 Conditions consistent with the operating schedule

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

1. All doors and windows shall be kept closed except for the immediate access and egress of persons
2. A notice shall be prominently displayed at the exit from the premises requesting patrons to respect the needs of local residents and leave the area quietly

8.5 Conditions proposed by the responsible authorities

As part of their representations, Environmental Health have proposed a number of conditions which they request be attached to any licence which is granted as a result of this application. These conditions are detailed in the representation which is attached at appendix 6. Officers have considered these proposals and would suggest that the following conditions are appropriate for the promotion of the licensing objectives:

1. No rubbish shall be moved, removed or placed in any external area between 23:00 and 07:00 on any day.
2. All litter, including food debris, which is associated with the use of the premises shall be cleared from within a 15 metre radius of the shop front at the close of business every day. All such rubbish to be disposed of as trade waste.
3. All customers shall be asked if they require a bag and serviettes for their food, and shall only be provided if required by the customer.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly, and to dispose of their waste responsibly
5. A bin shall be provided for public use within the public area of the premises.

8.6 Conditions proposed by interested parties

No conditions were proposed by the interested party.

8.7 Pool of Model Conditions

In additions to any conditions proposed by the responsible authorities or interested parties, 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 conditions from the pool of conditions (amended according to the representations and suggested conditions from responsible authorities) are appropriate to be attached to the licence:

1. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises whenever the premises is open to trade after 01:00. The door supervisor shall remain on duty until 30 minutes after the premises closes to the public.

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

- 8.8 It should be noted that officers have proposed this condition based upon the application as it has been put before them requesting a latest closing time of 4am, and the concerns raised in the representations against this application.

However, should Members choose not to depart from the licensing policy, and if the premises do not successfully argue that they should be considered to be an exception to Policy LP3, then it may not be appropriate to proceed with such a condition.

8.9 A draft Premises Licence which reflects this application and the conditions which are proposed in the preceding paragraphs is attached at appendix 9.

9.0 OFFICERS' OBSERVATIONS

9.1 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.

9.2 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.

9.3 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.

9.4 There is little evidence that this application does satisfy one of these tests. The requested hours of operation do not suggest that the premises will contribute as a family-friendly business. The premises is not replacing an alcohol led premises, and so tests (2) and (3) are not applicable. However, the onus of proving an exception still lies with the applicant.

9.5 The licensing authority and Environmental Health have both referred to the development of JSA House at 110 The Parade, High Street, Watford, within their representations. Officers can confirm that this building has been granted planning permission to be converted into 64 bedsits. Although the conversion has not yet been completed, officers do understand that preliminary works have commenced, and so it is anticipated that these properties will be completed and occupied at some time. However, the exact timescales are not known.

9.6 In paragraph 8.3, officers have not reproduced all conditions proposed by Environmental Health. It is not felt that it is appropriate to restrict delivery times or to apply conditions regarding music at this time. This application is to be treated on its own merits, but it must be noted that this premises has

operated as a take-away previously, albeit under different owners with a different management style. There are no recorded complaints regarding noise from deliveries, and so it is not felt that it is appropriate to include this as a condition because this has not proven to be an issue at this location. The applicant has not requested permission to play recorded music as a licensable activity, and so it is not felt that it is justifiable to attach conditions regarding music. The applicant has mentioned how they will ensure to have a sound system applied to the premises in accordance with current regulations within their operating schedule, potentially causing confusion, but they are allowed to play incidental background music without a licence, or to relay live radio broadcasts without a licence. Should these activities become a nuisance, then they can be investigated under the Environmental Protection Act 1990 and other noise and anti-social behaviour related legislation, and, if required, enforcement action can taken under the relevant legislation.

- 9.7 Members will have noted that their representations from Planning, attached at appendix 7, and that the permitted hours for this premises have been included with these representations. 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.
- 9.8 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.
- 9.9 The officers' observations and the comments regarding the representations are in no way meant to bind Members. They are for guidance only and Members may attach whatever weight they see fit.
- 9.10 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.
- 9.11 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

Appendix 3 – applicants operating schedule

Appendix 4 – representations from licensing authority

Appendix 5 – representations from Police

Appendix 6 – representations from Environmental Health

Appendix 7 – representations from Planning

Appendix 8 – representations from Central Town Residents' Association

Appendix 9 – draft licence (reference 15/00061/LAPRE)

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
(Home Office October 2014)

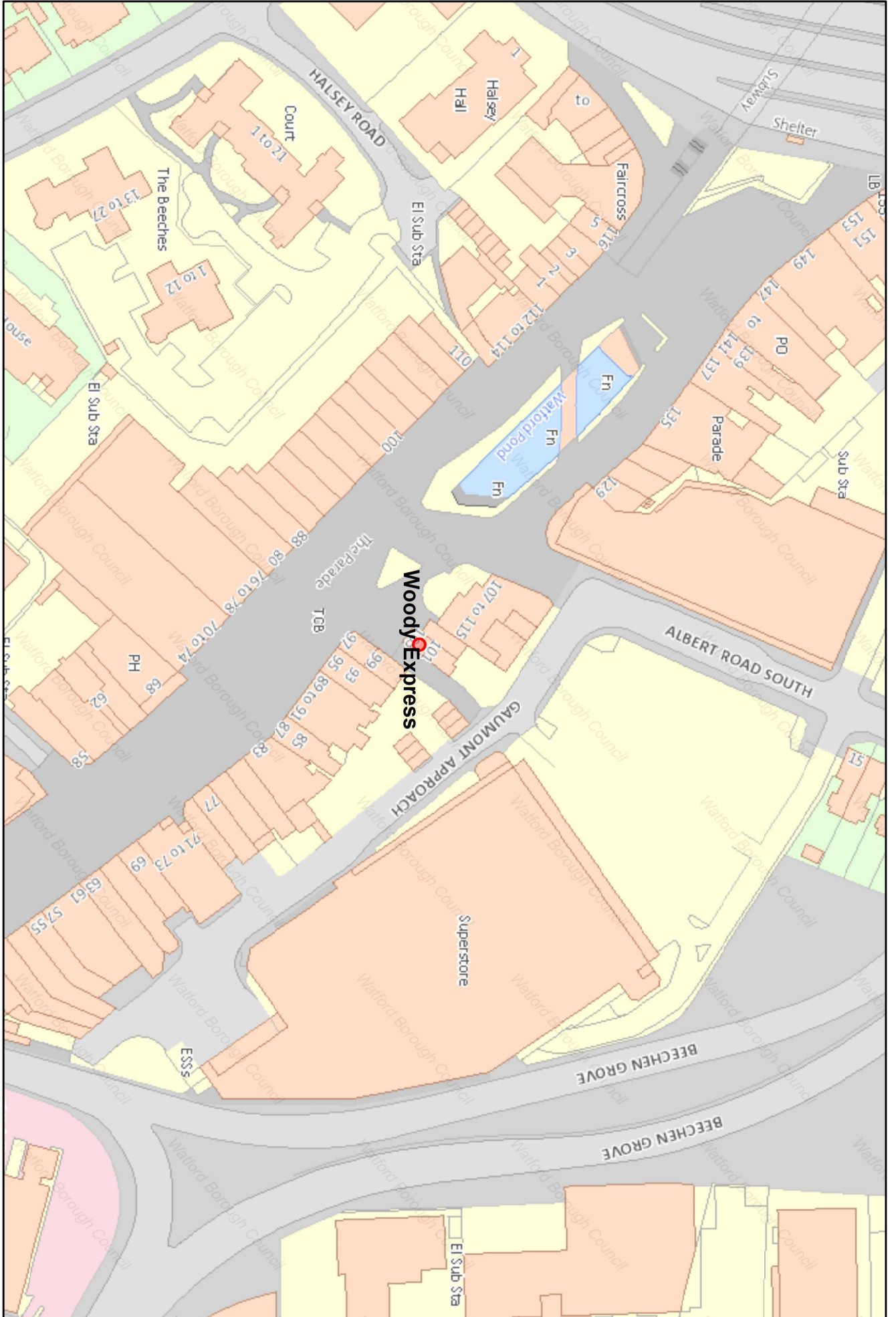
Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (November 2013 – November 2018)

Watford Borough Council Pool of Model Conditions (March 2013)

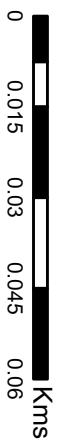
File Reference

Woody Express



Appendix 1

Date: 18/02/2015

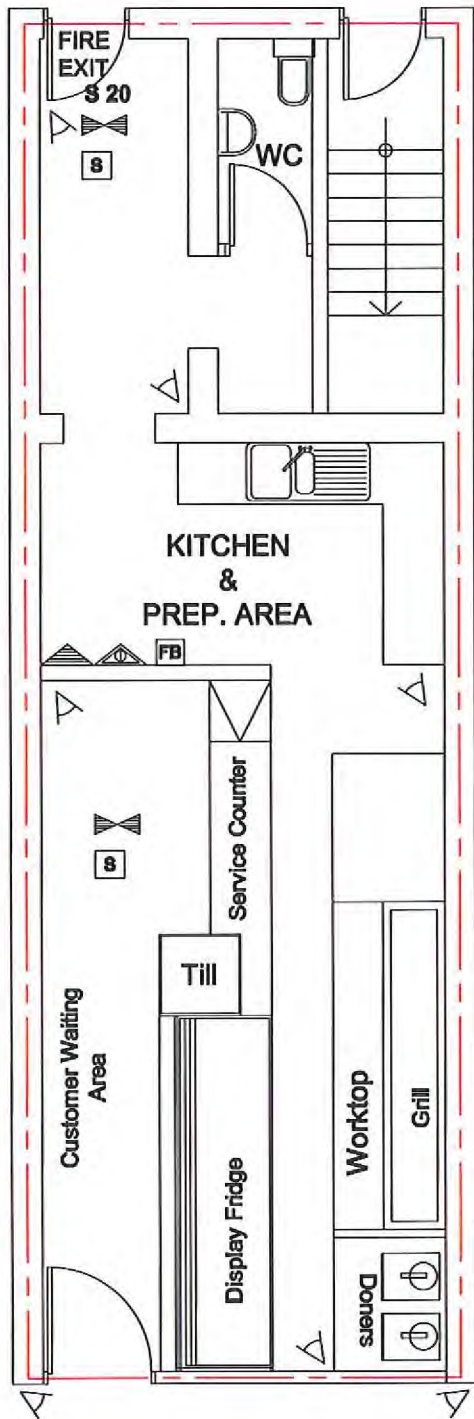


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









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APPENDIX 2



LEGEND

-  WC AREA
-  FRIDGE
-  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 6lt/s
-  FIRE ALARM BELL
-  FIRE DOOR
-  FIRE SWITCH PANEL

THE PARADE
HIGH STREET



 ARCHITECTURAL & ENGINEERING DESIGN 2 CHEAPSIDE, NORTH CIRCULAR ROAD LONDON, N13 5ED T: 0772 333 1891, 020 3213 0192 e-mail: akosele@alkogroup.co.uk www.alkogroup.co.uk	PROJECT : Premises Licence Application
	DRAWING TITLE: Floor Plan
	PROJECT ADDRESS : 103-105 The Parade, High Street Hertford, WD17 1LU
	SCALE : 1:50 @ A4 DATE : Dec./2014
	PROJECT No : CE14-01

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Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

OUR MAIN OBJECTIVES ARE PROTECT THE PUBLIC AND PREVENT THE NUISANCE DURING THE ANY LICENSABLE ACTIVITIES.

b) The 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.

c) 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

d) The prevention of public nuisance

- STAFF WILL BE TRAINED TO ENSURE THE PREVENTION OF THE PUBLIC NUISANCE.
- ENSURE TO HAVE THE SOUND SYSTEM APPLIED TO THE PREMISE ACCORDING TO THE CURRENT REGULATIONS.

e) The protection of children from harm

- REFUSE BOOK TO BE KEPT AND USED
- STAFF TO BE TRAINED FOR THE EXTRA CARE AND ATTENTION OF CHILDREN

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

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As a Responsible Authority under the Licensing Act 2003 we have been consulted about the above premises licence application for Woody Express of 103 The Parade, Watford.

Having reviewed the application and taking into consideration the Council's Statement of Licensing Policy (November 2013) LP2 and LP3, we wish to make the following representation.

The premises are located in the Town Centre for the purposes of policy LP2, which states that any take-away outlets in the town centre will generally be allowed until 1 am only unless the exception to policy LP3 can be shown. The policy is designed to prevent late-night crime and anti social behaviour and to improve safe dispersal at night.

Having taken into consideration the Council's licensing policy LP3 which is aimed at providing a family friendly environment, we would object to this application as by granting a licence for the requested hours would be against the general principles of the Council's policy and specifically the prevention of crime and disorder, and public nuisance.

Taxi marshals are considered valuable in tackling the complex issues surrounding queue jumping, crime and disorderly behaviour and increasing people's feeling of safety. There is no taxi marshal service after 4am and with the exception of Oceana other alcohol-licensed premises in The Parade close by 3am at the latest. If these premises remained open until 4am and without a dispersal policy, there is the potential to become a focus point for large groups of customers to congregate and hinder rapid and safe dispersal. Therefore we do not want to increase the options for people to stay in town after 3am preventing safe dispersal and potentially increasing anti-social behaviour.

Although as the applicant has mentioned that there will be no provision of alcohol at the premises, the Council has concerns about the likelihood of crime and disorder that can occur outside fast food premises late at night due to alcohol fuelled behaviour and the opportunities for crime by the gathering of patrons, nearly all of whom would have been consuming alcohol during the preceding hours. The consumption of food outside the premises is likely to result in litter on the pavements not only in the immediate vicinity but also as the patrons pass through nearby residential areas and alleyways.

In addition to the above, this premises is in close proximity and opposite to JSA House which has been granted planning permission for change of use and is currently being converted to 65 bedsits. It will be quite a large residential development in the area and if the proposed hours are granted this premises will have a big impact on the community in terms of public nuisance and crime and disorder. There are no other 'takeaways' in the area which have these hours. Under such circumstances I am seriously concerned that granting the application would result in:

- Increased and unacceptable levels of noise from customers.
- Increased anti social behaviour, congregation of clientele which would disturb nearby residents especially those living above the premises.
- The premises will generate a great deal of litter from its clientele.
- The premises will attract people under the influence of alcohol at this time of night
- Potential risks of crime and disorder where people congregate under the influence of alcohol during the early hours.

In other words will generally reduce the quality of life of those living nearby. Neighbourhood Groups, trade, Councillors, Police and working groups have worked hard to rebuild the area and make it a safer environment.

Taking into account the Council's Licensing Policy and sharing the residents' concerns I would object to the 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.

Kind Regards

P Seyan
Licensing Officer
Community and Customer Services
Watford Borough Council
WD17 3EX
01923 278476
licensing@watford.gov.uk

WATFORD LICENSING AUTHORITY
Licensing Act 2003.

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police - On behalf of The Chief Constable

Your Name	Rachel Brown
Job Title	Police Licensing Sergeant 2006
Postal and email address	Community Safety Unit, Watford Police Station, Watford, Herts WD17 1DD
Contact telephone number	01923 472040

Name of the premises you are making a representation about	Watford Town Kebab
Address of the premises you are making a representation about	103 The Parade, High Street, Watford, WD17 1LU

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	<p>An application has been received from Mr Cengiz Erpolat for 103 The Parade, High Street (in the old Watford Town Kebab premises) regarding a new premises licence.</p> <p>Mr Erpolat wishes to serve Late Night Refreshments from 23:00hrs until 04:00hrs Monday to Saturday and 23:00 until 01:00hrs on Sundays. The premises is to be called Woodys Express.</p> <p>Our concerns relate to the late night operating hours and the problems this would generate increasing crime and disorder.</p> <p>There are residential properties above the premises and the surrounding area. Opening until 04:00hrs will definitely have a negative effect for those residents. This can be evidenced with historic and current crime statistics of late night food venues in the Town Centre. Some crimes being of a very violent or sexual nature due to the vulnerabilities of intoxicated patrons in the early hours of the morning.</p> <p>We look to prevent public nuisance and keep the public safe by also preventing crime and disorder.</p> <p>The late opening until 04:00 matches that of Oceana and will enable members of the public leaving the Night Time Economy venues to potentially congregate inside and outside the premises, which in turn will increase ASB and criminality.</p> <p>Policing this extended NTE venue is beyond our current and projected resourcing capabilities.</p> <p>In summary we feel if this were to be granted it would be detrimental to policing in Safer Watford and the community in its</p>
To prevent public nuisance	Yes	
Public safety	Yes	

	<p>entirety.</p> <p>This therefore raises strong concerns of how this would impact the wider community in terms of increased Anti-Social Behaviour, Crime and Disorder.</p> <p>The Constabulary have concerns regarding this application and accordingly on behalf of the Chief Constable I represent against it.</p>
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<p>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.</p>	
--	--

Signed: DS 2006 Brown

Date: 20th Jan 2014

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

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



Memo

Community and Customer Services

Memo to Licensing - representation

to Licensing Authority

cc Catherine Trollope, Environmental Health Officer, Community and Customer Services, Watford Borough Council

from

ext. 01923 278582

email Catherine.trollope@watford.gov.uk

date 30th January 2015

re Woody Express, 103 The Parade, High Street, Watford, Herts, WD17 1LU

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

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 number of residential dwellings, including flats above the commercial premises in which Woody Express is located; other commercial premises in the Parade and as stand alone residential properties in Albert Road South, Halsey Road and Roslyn Road. Planning permission has just been granted for 64 residential units on the opposite side of the parade to Woody Express, meaning that the potential number of people that may be affected by noise/nuisance will increase.

The above 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 customers entering and exiting the property;

- takeaway customers congregating in the area, socialising whilst eating their food outside etc.
- customers walking up to the taxi ranks at the top of The Parade after purchasing/eating their food;
- customers walking away from the premises down the adjoining residential streets.

It is also likely that customers will still be in the area after the premises closes meaning that the potential for noise and public nuisance extends well beyond 4am.

Clubs and bars in The Parade close between 23:00 and 03:00 with one exception that closes at 4:00 on 2 nights of the week. The bar adjacent to Woody Express (Yates) has a latest closing time of 02:00 (Thursday, Friday and Saturday only)

Takeaway premises on The Parade with Licenses have hours between 00:00 and 02:30 Monday to Thursday and Sunday with later times of 03:00; 03:15 and 03:30 on Friday and Saturday. The premises with times of 03:00; and 03:30 are further down The Parade away from the residential dwellings.

If Woody Express is the sole takeaway premises open every night until 04:00 then, the premises has the potential to become a focus point for people to congregate resulting in a concentration of noise and public nuisance. This is of particular concern for the residents of the flats above the takeaway. The residents of these flats have complained about the negative effect of noise on them from both Yates; Ego hairdressers and the previous takeaway at 103 – 6 complaints between 2012 and 2014. These late night customers of Woody Express are also likely to walk up The Parade to the taxi rank, with the potential to disturb the residential occupiers of dwellings further up The Parade.

Bearing the above in mind, it is the opinion of Environmental Health that the potential for public nuisance from noise associated with this application could be reduced by having earlier closing times and different closing times on different nights of the week, possibly varying between 00:00 and 02:30.

On the application form the applicant has said that he will not be providing music, however, in the section 18d the applicant states that he will be ensuring that the sound system applied to the premises will be in accordance with the current regulations. If there is to be music in the premises then it is requested that if the licence is granted that the following conditions are placed on the licence:

1. No music from the premises shall be audible outside the boundary of the premises between the hours of 22:00 and when the premises closes on any day. Outside of these times the music from the premises shall not cause a noise nuisance.

2. Loudspeakers, or any other sound amplification equipment, shall not be installed externally to the premises.

In order to reduce the potential for noise nuisance to local residents from the premises it is requested that if the licence is granted that the following conditions are placed on the licence:

- 1. No rubbish, including bottles, shall be moved, removed or placed in any external area between 23:00 and 07:00 on any day.*
- 2. Deliveries to the premises shall not take place before 07:00 or after 23:00 on Monday to Saturday, and not before 08:00 or after 22:00 on Sunday.*

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. All litter, including food debris, which is associated with the use of the premises shall be cleared from within a 15 metre radius of the shop front at the close of business every day. All such rubbish to be disposed of as trade waste.*
- 2. All customers who order food to take-away after 23:00, shall be asked if they require a bag and serviettes for their food and serviettes, and shall only be provided if required by the customer.*
- 3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly, and to dispose of their waste responsibly*
- 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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WATFORD LICENSING AUTHORITY
Licensing Act 2003

APPENDIX 7

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority : Planning Authority

Your Name	David Noble
Job Title	Development Control Manager
Postal and email address	Town Hall, Watford, Herts., WD17 3EX David.noble@watford.gov.uk
Contact telephone number	01923 278283

Name of the premises you are making a representation about	Formally Express Foods
Address of the premises you are making a representation about	103 The Parade Watford, Herts. WD17 1LU

<i>Which of the four licensing Objectives does your representation relate to?</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	Yes	See attached
Public safety		
To prevent public nuisance	Yes	See attached
To protect children from harm		

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.	None
--	------

Signed:

Date: 29/1/2015

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

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

P:\DEV\CON\Lisa\front page lice 103 the parade.doc

**Comments on behalf of the Local Planning Authority to the Licensing Application
103 the Parade, Watford, Herts.**

History:

Planning application 9/226/94 full planning permission granted, for the continued use Class A3 without compliance with planning permission 9/327/93 to permit opening between 8am and 3am the following day, Monday to Friday, and 8am and 4am on the following day Saturdays and Sundays.

Planning use class of premises: Class A5

Planning restrictions/conditions

The premises shall not be open to the public between the hours of 0300 and 0800 the same day, Monday to Fridays and 0400 and 0800 on the same day on Saturdays and Sundays..

Comments:

The license application seeks to amend the hours of opening until 0400 Monday to Fridays. The proposed hours Monday to Friday exceed those permitted by condition 1 of 9/226/94, by one hour, therefore the Local Planning Authority objects to the licence, on those grounds, however, please note the objection only applies to the Monday to Friday opening times, the proposed Saturday and Sunday opening times do not exceed the granted planning permission condition, therefore for the Saturday and Sunday opening times the Local Planning Authority has no objection.



Town Planning 9/226/94
Ref. No.....

Other
Ref. No.

TOWN AND COUNTRY PLANNING ACT 1990

To Mr. Mazhar-Ul-Haque
Express Food Take Away
103 The Parade
High Street
Watford
Herts WD1 1LU

Continued use for Class A3 (Food and Drink) without compliance with planning permission 9/327/93 to permit opening between 8am and 3am the following day Monday to Friday and 8am and 4am on the following day on Saturdays and Sundays.

AT: 103 The Parade, Watford, Herts.

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby permit the development proposed by you in your application dated 31st May 1994 and received with sufficient particulars on 1st June 1994 and shown on the plan(s) accompanying such application, subject to the following condition:-

- (1) The premises shall not be open to the public between the hours of 0300 and 0800 the same day Mondays to Fridays and 0400 and 0800 on the same day on Saturdays and Sundays.

The reason for the Council's decision to grant permission for the development subject to the above condition is:-

- (1) In the interests of the amenities of the occupiers of adjacent residential properties.

SEVENTH SEPTEMBER
Dated day of 1994

Signed
Acting Director for the Environment
Designation

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**Watford Licensing Authority
Licensing Act 2003**

Ref No:
Reg 7:

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]

Name of the premises you are making a representation about	Woody Express, 103, The Parade, High Street, Watford.
Application reference (if known)	
Address of the premises you are making a representation about.	Woody Express, 103, The Parade, High Street, Watford.

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
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 new establishment operating and especially when it proposes an increase in the times take-aways 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: 20th January 2015

Please see notes on reverse



CENTRAL TOWN RESIDENTS' ASSOCIATION
AND NEIGHBOURHOOD WATCH GROUP 57

Secretary
Tel.: [Redacted]
E-mail: [Redacted]

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

20th January 2015

The Licensing Authority,
Watford Borough Council,

Woody Express Application for a new Premises Licence

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. This has been established at law and with the Planning Inspectorate.

This application concerns a take-away, they have applied to operate throughout the week (excepting Sundays) to 4:00 in the morning. The problems our residents have is concerned with noise and anti-social behaviour caused by the clientele going to and especially from the Café Quarter. Take-aways operating late have the effect of delaying the return home of the Cafe Quarter clientele and therefore extending the nuisance effect we residents have to suffer.

We believe that further ruination of our quality of life, which would result in the granting of this application, is not acceptable. We would prefer not to have a new take-away at all, but if we have to suffer it then we plead that its opening hours be limited to 1:00 am (Monday to Saturday) and 12:00 pm on Sunday.

Please register our strong 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

15/00061/LAPRE

Part 1 – Premises Details

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

Woody Express
103 The Parade
High Street
Watford
WD17 1LU

Telephone number

Where the licence is time limited the dates

From 2 March 2015

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 – 04:00
	Sunday	23:00 – 01:00

The opening hours of the premises

Monday to Saturday	11:00 – 04:00
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
103 The Parade
High Street
Watford
WD17 1LU

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

The following mandatory condition is only applicable should there be any condition attached to the licence which requires a member of door staff to be present at any time. If there are no such conditions attached to the licence, then there will be no mandatory conditions applicable:

1. Any individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.

DRAFT

Annex 2 – Conditions consistent with the Operating Schedule

The following conditions are considered by officers to be consistent with the Operating Schedule submitted with this application, reference 15/00061/LAPRE:

1. All doors and windows shall be kept closed except for the immediate access and egress of persons
2. A notice shall be prominently displayed at the exit from the premises requesting patrons to respect the needs of local residents and leave the area quietly

DRAFT

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

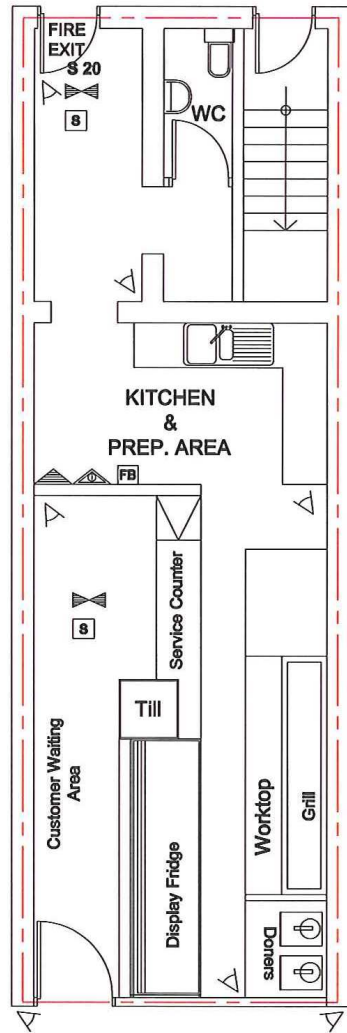
The following conditions have been proposed in response to representations regarding this application, and have also been suggested by a responsible authority.

The inclusion of these conditions 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. No rubbish shall be moved, removed or placed in any external area between 23:00 and 07:00 on any day.
2. All litter, including food debris, which is associated with the use of the premises shall be cleared from within a 15 metre radius of the shop front at the close of business every day. All such rubbish to be disposed of as trade waste.
3. All customers shall be asked if they require a bag and serviettes for their food, and shall only be provided if required by the customer.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly, and to dispose of their waste responsibly
5. A bin shall be provided for public use within the public area of the premises.
6. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises whenever the premises is open to trade after 01:00. The door supervisor shall remain on duty until 30 minutes after the premises closes to the public.

DRAFT

Annex 4 – Plans



LEGEND

- WC AREA
- FRIDGE
- 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 6lt/s
- FIRE ALARM BELL
- FIRE DOOR
- FIRE SWITCH PANEL

THE PARADE
HIGH STREET



Alto
Design & Build Ltd

ARCHITECTURAL & ENGINEERING DESIGN
2 CHEAPSIDE, NORTH CIRCULAR ROAD
LONDON, N13 5ED
T: 0772 333 1891, 020 3213 0192
e-mail: akosete@altogroup.co.uk
www.altogroup.co.uk

PROJECT : Premises Licence Application
DRAWING TITLE: Floor Plan
PROJECT ADDRESS : 103-105 The Parade,
High Street
Hertford, WD17 1LU
SCALE : 1:50 @ A4 DATE : Dec./2014
PROJECT No : CE14-01