

LICENSING SUB COMMITTEE

16 MARCH 2015

Present: Councillor P Jeffree (Chair)
Councillors G Derbyshire and D Scudder

Also present: Detective Sergeant Rachel Brown, Hertfordshire
Constabulary
Ms Joanne Tomkins, Hertfordshire Constabulary
Mr Manuel Rocha, Applicant's Agent
Mr Lindmar Silva, Applicant

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

22 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors Derbyshire, Jeffree and Scudder.

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

RESOLVED –

that Councillor Jeffree be elected Chair for this Hearing.

23 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

24 APPLICATION FOR NEW PREMISES LICENSE; SEU CAFE, 26 VICARAGE ROAD, WATFORD, WD18 0EH

The Sub-Committee received a report of the Head of Community and Customer Services setting out details of an application for a new licence at the above premises.

The Licensing Manager introduced the report. The application was for on and off- sales of alcohol at a small cafe with 16 chairs and four tables. The original application had been for 1000 to 2230 but had been amended to 1200 to 2230. The application for a pavement licence would not be proceeded with. The

premises had not previously benefited from a licence but had had Temporary Event Notices (TENs). There had been no enforcement action against the premises but officers had undertaken advisory visits. The Police's concerns centred around the street drinkers in the vicinity, the Licensing Manager noted that the premises was located in a Designated Public Places Order zone. Two representations had been received from interested parties and their concerns related particularly to match days and street drinkers. He referred to the witness statement from the Police Community Support Officer which set out the concerns in detail. Suggested conditions were contained in paragraph 9.6 of the report but the applicant's operating schedule did not fully address the additional risks related to the locality. These conditions were similar to those used for other premises in the area. The Statutory Guidance asked applicants to take into account local risks. The Licensing Manager noted that a representation had been submitted by Mr Blasi who owned a cafe in the area. His cafe was not licensed and he made no reference to competition.

Councillor Derbyshire referred to the suggested conditions in 9.6 and 9.7 of the report which had been used for local off-licences. He asked whether they were appropriate for this application which was for a restaurant. The Licensing Manager confirmed that they had been used for nearby off-licences and that this application was for both on and off-sales of alcohol. The Sub-Committee could, if they wished, modify the conditions as they considered appropriate to promote the licensing objectives.

Councillor Scudder noted the suggested condition in paragraph 9.6 relating to timings on match days. He questioned whether the suggested times were logical as he felt that they were times when it was least likely that football fans would buy alcohol. The Licensing Manager reiterated that the Sub-Committee could amend conditions as they felt appropriate.

Detective Sergeant Brown presented the representation for Hertfordshire Constabulary. She read the representation at page 17. She highlighted the additional information which had been circulated to support the representation. This contained details of incidents in the area. Personal details had been removed but the context was unchanged. Many of the incidents in the area related to the off- sale of alcohol. The Police wished to support local business and the on-sales of alcohol was quite acceptable. However, off-sales were opposed. She advised that the Police undertook a strict risk assessment for football matches and they worked closely with the local pubs. Some match days were considered very high risk. She summarised that this was the reason that the Police opposed off-sales on match days.

Mr Manuel Rocha noted that the premises was also a delicatessen and had recently had TENs; he asked whether any problems had been experienced at the premises. Detective Sergeant Brown responded that she was not aware of any incidents. However the Police did have intelligence that alcohol had been sold without any licence. This had raised some concerns about trust.

Mr Rocha noted that one of the concerns held by the Police related to the outside trade with the pavement licence. The applicant had worked with the

authorities as he recognised that this was an issue and the application for pavement licence had been withdrawn. The premises specialised in Brazilian and Portuguese products and not other types of alcohol. He asked whether the Police were aware of this. Detective Sergeant Brown responded that she was.

In response to a question from Councillor Derbyshire, Detective Sergeant Brown replied that she would not think it necessary to add conditions related to match days if the premises were only granted a licence for on-sales of alcohol.

Councillor Scudder asked Detective Sergeant Brown for her view on the suggested times when the sale of alcohol should be restricted on match days. She replied that the conditions in question had been in operation at certain premises for a while. She noted that some football supporters did become inebriated before matches began. The purpose was to discourage people from consuming alcohol immediately before a match.

The Chair suggested that an option may be to exclude off-sales of alcohol on match days. He asked how the issues with street drinkers could be tackled and asked if the sale of alcohol would need to be with other deli products. Detective Sergeant Brown responded that the problem with this approach was that very low-cost items could be purchased to accompany alcohol.

Mr Rocha presented the application on behalf of the applicant.

Mr Rocha described the premises as a small cafe which had been open for a few months specialising in Portuguese and Brazilian products. The applicant wished to meet the needs of the Portuguese and Brazilian communities locally. The sale of alcohol been applied for as it would assist the business financially. He understood the concerns which had been expressed that alcohol was also available at other premises in the vicinity. He underlined that the premises was not a bar and the alcohol sales were designed to complement the food.

Mr Rocha underlined that the application for a pavement licence would not be proceeded with. There had been a number of TENs at Christmas which had been without incident. The premises would operate a CCTV system and the Challenge 25 procedure. There would also be signage asking customers to respect their neighbours. He did not think the premises should be penalised for the street drinkers in the area. It was a small business and they would not be purchasing large quantities of alcohol for sale through promotions. He advised that Portuguese wine was very expensive and not what the street drinkers would prefer. The beers were generally 5.1 to 5.2% alcohol by volume. He did not believe that the sale of alcohol with food would increase the problems with street drinkers.

He concluded by saying that the applicant was happy to cooperate with the authorities to improve the area. He outlined his experience in licensing and that the higher prices had prevented problems with street drinkers elsewhere.

The Licensing Manager asked about the applicant's view of the suggestion of no off-sales of alcohol on match days. Mr Rocha confirmed that they would be

happy with this. He added that the applicant wanted to feel that the premises was being treated equally and so the condition should be applied to other similar premises.

The Chair asked for more details about the products which would be available and the pricing structure. Mr Rocha replied that 99% of the products would be Portuguese or Brazilian. The premises would have a small stock and both the food and the alcohol was more expensive than other shops. A typical bottle of wine would cost £9-£10 as there was £2 duty applied.

In response to a question from Councillor Derbyshire, Mr Rocha said that the balance of the business between cafe sales and delicatessen sales would be approximately 50:50 or 60:40.

The Sub-Committee retired to consider their decision.

On the Sub-Committee's return, the Chair announced the decision.

RESOLVED –

Having read the representations of the Interested Parties and having heard the oral evidence of the applicant and the representations of the Responsible Authority, the Licensing Sub-Committee has decided the following:

On-sales of alcohol will be allowed in accordance with the amended hours set out in paragraph 3.8 of the report. In respect of off-sales of alcohol, the same hours apply, except that there shall be no off-sales of alcohol on football match days at Vicarage Road stadium (except where Hertfordshire Constabulary state such restriction need not apply).

In addition, the Committee agrees to apply the conditions set out in paragraphs 14, 15 and 16 on page 41 of the report as well as those set out in the applicant's operating schedule at page 40.

In making this decision, the Committee has taken into account the Licensing Act 2003, the Secretary of State's Guidance on the Licensing Act and the Council's Statement of Licensing Policy November 2013-November 2018.

ADVISORY

The Chair added that the decision had been made taking into account that no pavement licence was being applied for.

Chair

The Meeting started at 10.30 am
and finished at 12.00 pm