

LICENSING SUB COMMITTEE

7 APRIL 2016

Present: Councillor G Derbyshire (Chair)

Councillors T Rogers and M Watkin

Also present: Mr Martin White, Applicant

Officers: Head of Democracy and Governance
Senior Licensing Officer
Committee and Scrutiny Support Officer (AG)

40 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

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

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

RESOLVED –

that Councillor Derbyshire be elected Chair for this Hearing.

41 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

42 APPLICATION TO VARY PREMISES LICENCE: 143 BAR, 143 THE PARADE, HIGH STREET, WATFORD, WD17 1NA

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

The Senior Licensing Officer introduced the report. He explained that the premises was a bar in the town centre. He referred members to the table on pages 6 – 7 of the agenda that outlined the proposed revised hours for licensable activities being requested by the applicant. The Applicant was seeking an extension of hours on Fridays and Saturdays, on bank holidays and on Sundays that fell prior to bank holidays - and also in relation to the period the premises could be accessed by children. Representations had been received concerning late night noise (but not in relation to the selling of alcohol an hour later or the access by children). The representations were detailed in

Appendices '5A' and '5B' on pages 29-31 of the agenda; these suggested that the application would add to the existing noise nuisance. No other representations had been received. Members were asked to consider the representations and attach what weight they saw fit to these. Although the individuals making the representations were not attending the hearing; their representations stood as they were not required to attend.

The Senior Licensing Officer drew the Sub-Committee's attention to Annex 3 on page 39 of the agenda (relating to the existing premises licence) requiring the applicant to have a sound limiting device fitted to the music system on the premises. He then explained that the application fell within Policy LP3 of the council's statement of licensing policy and advised Members that they were not bound by the policy as it could not cover all eventualities. Applications had to be dealt with on a case by case basis. Members had the discretion to depart from the policy but were required to outline the reasons in the Determination Notice if they decided to so exercise their discretion.

The Chair asked if Members had any questions of the Senior Licensing Officer.

Councillor Watkin asked, in relation to the existing licence, why permitted hours on Christmas Day (when falling on a Sunday) were longer than when Christmas Day fell on any other day. The Senior Licensing Officer explained that this was most likely an error on the premises licence from an historic application. The Applicant explained that he did not open the premises on Christmas Day.

The Chair asked the Applicant if he had any questions of the Senior Licensing Officer. He had no questions but advised the Sub-Committee that children would normally not be allowed to stay late on the premises. Exception to this would only be in attendance at functions. Patrons would be advised when the children had to leave and a detailed guest list was maintained during functions.

In the absence of any parties making oral representations, the Sub-Committee considered the written representation on pages 29-31 of the agenda.

The Chair asked the Applicant to address the Sub-Committee.

The Applicant explained that he had started the business in 2009, and advised Members:

- The business targeted an older age group and did not encourage younger patrons.
- There were no discounts for drinks and no other encouragements for people to consume alcohol.
- Alcohol was priced sensibly – he did not want to deal with people who had consumed too much alcohol.
- His premises was a small bar (holding up to 100 people); normally with 50-60 people at functions and 40 people in attendance during weekends.
- The premises was predominantly a function venue – he outlined the various types of events held.

- There were no other premises in the town centre to cater for older clientele between midnight and 0200; customers would prefer to remain in his premises after midnight if possible. His premises was a place older people could attend without harassment. Only night club type venues were available as an alternative.
- His alcohol prices were more expensive than local night clubs thereby discouraging younger patrons - they did not attend the venue.
- Crime on his premises was at zero – as confirmed on a monthly basis with Watford police.
- Patrons leaving his premises at midnight tended to go on to other venues in the town centre but would be likely to go home if his permitted hours were extended.

The Applicant explained that he had to pay town centre business rates and was an experienced licensee. He wanted 'quality' as opposed to 'quantity' in terms of customers. Whilst he appreciated the representations made against the application; these were not specific to the venue. Furthermore, only 20 or so people would be leaving the venue at closing – not hundreds as in the case of night clubs. He suggested that the town needed a venue such as his to attract more clientele and he asserted that his premises was an exception to the council's licensing policy and required the extra hour of licensable activities. At present, he lost customers due to the limited hours; with his business being somewhat precarious.

He advised the Sub-Committee that his premises had been granted a significant number of Temporary Event Notices; all taking place without complaint. The police were content with how the premises was managed. He concluded that door staff were not needed unless a function was being held and that his premises did not attract large numbers. He re-emphasised that the premises was an exception to the Council policy.

The Chair asked whether the Applicant was seeking to persuade the Sub-Committee that extending the licensing hours would make a contribution to a family friendly town centre. The applicant explained that he was and that other venues in the town were simply night clubs; whereas he tailored events for the customer.

In response to a further question from the Chair, the Applicant explained that a high proportion of his business related to private parties – with approximately 75% on a Saturday and 10% on a Friday. However, there could be a gap between events on occasion.

Councillor Rogers commented that the Applicant had demonstrated a good business model with a sound degree of planning. However, staying open to enable people to have a last drink did not seem to demonstrate such effective planning. The Applicant explained that customers often wanted to go in to the premises to have a final drink after being to a restaurant. Also, the extra hour would enable people already in the bar to remain longer. When closing at midnight, people just passed by and were forced to attend night clubs which they may not want to frequent.

Councillor Rogers asked why the premises did not supply food late in the evening. The Applicant explained that supplying a full food menu would not represent a sensible business model having regard to the number of restaurants already in the locality.

Councillor Watkin asked why the Applicant had made reference to the hours between midnight and 2.00 a.m. in his submission when he was seeking to close at 1.00 a.m. The Applicant explained he was simply referring to the fact that most other premises closed at 2.00 a.m. or later - but his customers would not want such a late closure.

Councillor Watkin made reference to the representations against the application, commenting that these could imply that there were constant problems with noise. He asked whether representations had been made directly to him previously. The Applicant said that the letter (at Appendix '5B' on page 31 of the agenda) was ambiguous and that no complaints had been made directly to him – he took his responsibilities seriously. He then went on to explain how a complaint of noise made in December 2013 had been resolved working with Watford Borough Council Environmental Health.

The Chair asked whether the Senior Licensing Officer had any questions of the Applicant. He had none.

The Chair asked the Applicant if he wished to add anything in conclusion. The Applicant explained that he wanted to be successful and to have a sound business. He explained that he encouraged relaxed drinking in his establishment (with people seated as opposed to standing) and responsible customers.

The Sub-Committee retired to consider their decision.

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

RESOLVED –

Having taken in to account the provisions of the Licensing Act 2003 and the guidance thereon, the Councils Statement of Licensing Policy of November 2013 and the representations made on the application, the Sub-Committee resolves that the application for extended hours for the applicant premises, as described in Section 3.5 of the Licensing Officer's report, be approved. The Sub-Committee considers that an exception to Policy LP3 of the Council's Licensing Policy applies in this case; on the grounds that the premises contribute to the family-friendly development of the town centre.

Chair
Licensing Sub-Committee

The meeting started at 10.00 a.m.
and finished at 11.05 a.m.