



LICENSING SUB COMMITTEE

143 Bar
143 The Parade

Thursday, 7th April, 2016

10.00 am

Town Hall, Watford

Please note the start time of this meeting

Publication date: 30 March 2016

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 S Bolton, I Brown, J Brown, J Connal, K Crout, G Derbyshire, F Ewudo, M Haley, K Hastrick, M Hofman, M Mills, T Rogers, S Silver, M Watkin 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 TO VARY PREMISES LICENCE: 143 BAR, 143 THE PARADE, HIGH STREET, WATFORD, WD17 1NA** (Pages 5 - 40)

Report of the Head of Community and Customer Services.

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

PART A

Report to: Licensing Sub-Committee
Date of meeting: 7 April 2016
Report of: Head of Community and Customer Services
Title: Application to vary a Premises Licence
143 Bar, 143 The Parade, High Street, Watford WD17 1NA
16/00268/LAPRE

1.0 SUMMARY

1.1 An application has been received from Mr Martin White to vary the existing Premises Licence for 143 Bar. The application is seeking to:

- increase the permitted hours for alcohol sales and the provision of late night refreshment on Fridays and Saturdays;
- vary the permitted hours for alcohol sales on Sundays to allow alcohol to be served earlier;
- permit extended hours for bank holidays, Sundays prior to bank holidays, and Christmas Eve;
- vary a condition regarding access by children to the premises

Two representations have been received from, one from a local resident, and one from a residents' association.

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
Variation of Premises Licence.

3.2 Description of premises

The 143 Bar is a premises situated within the town centre as defined by Policy LP3. The premises operate as a 'public house, wine bar, or other drinking establishment' as defined by Policy LP2.

3.3 A map of the location of the premises is attached at appendix 1.
A plan showing the layout of the premises is attached at appendix 2.

3.4 Licensable activities

No additional licensable activities have been requested as part of this application.

The following activities are permitted by the existing licence:

Licensable activity	Permitted now
Plays	
Films	
Indoor sporting events	
Boxing or wrestling entertainment	
Live music	
Recorded music	✓
Performances of dance	
Entertainment of a similar description to live or recorded music, or dance	
Provision of late night refreshment	✓
Sale of alcohol for consumption on the premises	✓
Sale of alcohol for consumption off the premises	

3.5 Licensable hours

The existing and proposed hours for licensable activities are detailed in the following table:

	Existing hours for sale of alcohol	Proposed hours for sale of alcohol	Existing hours for late night refreshment	Proposed hours for late night refreshment
Monday	10:00 - 23:59	No change	23:00 - 00:00	No change
Tuesday	10:00 - 23:59	No change	23:00 - 00:00	No change
Wednesday	10:00 - 23:59	No change	23:00 - 00:00	No change
Thursday	10:00 - 23:59	No change	23:00 - 00:00	No change
Friday	10:00 - 23:59	10:00 - 01:00	23:00 - 00:00	23:00 - 01:00

Saturday	10:00 - 23:59	10:00 - 01:00	23:00 - 00:00	23:00 - 01:00
Sunday	12:00 - 23:30	11:00 - 23:30	23:00 - 23:30	No change
Good Friday	12:00 - 23:30	11:00 - 01:00	Not specified - normal hours apply	23:00 - 01:00
Christmas Day (if not a Sunday)	11:00 - 23:30	11:00 - 01:00	Not specified - normal hours apply	23:00 - 01:00
Christmas Day (if a Sunday)	11:00 - 23:59	11:00 - 01:00	Not specified - normal hours apply	23:00 - 01:00
Christmas Eve, bank holidays, and Sundays prior to bank holidays	Not specified - normal hours apply	11:00 - 01:00	Not specified - normal hours apply	23:00 - 01:00

3.6 The variation proposes that the premises closes 30 minutes after the end of the sale of alcohol and the provision of late night refreshment, meaning that there is a drinking-up time of 30 minutes.

3.7 The premises currently benefits from extensions on New Year's Eve and the ability to play recorded music 24 hours a day. These hours and activities are not subject to change.

3.8 A copy of the existing licence is attached at appendix 3.

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

Mr Martin White, since 10 December 2009.

4.3 Current licences held

The premises holds a current licence with reference 11/00197/LAPRE (see appendix 3). This licence has been in force since 14 April 2011, when it was varied to add the licensable activity of the provision of facilities for dancing. This activity was subsequently deregulated by the Live Music Act 2012, and is no longer a licensable activity and so does not appear on the existing licence. Mr White has been the licence holder here since 10 December 2009 when the licence was transferred to Mr White from the previous licence holders.

4.4 The premises have also regularly benefited from extended hours by using temporary event notices (TENs). The premises obtained 12 TENs in 2015, 11 TENs in 2014, 11 TENs in 2013, 8 TENs in 2012, and 10 TENs in 2011. Members are reminded that the maximum number of TENs that a premises could obtain prior to January 2016 was 12. This limit increased in January to 15. All bar one TEN has been to allow alcohol sales until 01:00. The exception was a TEN for 24 November 2013, which was to allow alcohol sales until 02:30.

4.5 Closing date for representations
11 March 2016

4.6 Public notice published in newspaper
12 February 2016

4.7 Visits and Enforcement action

There have been no complaints to the licensing authority about this premises since the last application which was considered in April 2011, and therefore there has been no need to visit the premises or undertake any enforcement action.

4.8 Environmental health did receive two separate complaints about this premises in September 2011 and December 2013. Both complaints were from local residents and related to noise nuisance. No formal action was taken against the premises in either case. There was insufficient evidence to warrant any action with regards to the complaint from September 2011. When notified of the complaint of December 2013, the premises worked with an environmental health officer to address this issue. There have been no other complaints. Neither resident who submitted these complaints have objected to this application, although only one still resides near to the premises.

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 as a result of the proposed variation is attached at appendix 4.

5.2 This operating schedule includes a request to amend an existing condition regarding children, to allow them to stay on the premises for longer. The request is that children under the age of 16 can access the premises until 22:00 (except when attending private functions where no restrictions apply).

5.3 The premises is already subject to conditions on their existing licence. The existing licence is attached at appendix 3.

6.0 **REPRESENTATIONS**

6.1 Responsible Authorities

No representations were received from any responsible authority.

6.2 Residents

Representations have been received from the residents listed below.

6.3

Reference	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective(s)

A	Central Town Residents' Association & Neighbourhood Watch	c/o 31 St Johns Road	Yes	Public nuisance
B	Mr Irfan Younas	141A The Parade, High Street	No	Public nuisance

6.4 These representations are attached at appendix 5.

6.5 The representations are both concerned with the potential of adding to the existing noise and nuisance experienced within The Parade, and how extended hours will mean more people going in and out of the premises, and keeping them in the town centre for longer. The Central Town Residents' Association also refer to previous noise complaints made by their residents.

7.0 **POLICY CONSIDERATIONS**

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

- Section 34 and 35 (Variation of licences):
Section 34 details how a licence holder can make an application. Section 35 details how determinations will be made when an application is made under section 34.
- 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 (March 2015) 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.
- 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 explain 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 public house, wine bar, or other drinking establishment.
- 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, and as such this policy states that public houses, wine bars, or other drinking establishments 'will generally be allowed alcohol sales to midnight only, and until 10:30pm on Sunday (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 1 of LP3 states that 'when we have received relevant representations to an application for a pub, night-club or bar (as defined in LP1) in this part of the town centre, our starting point will be to refuse the application'.

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'.

Paragraph 6 of LP3 states that 'where relevant representations have been received against the sale of alcohol after 10 pm and exceptions can be shown, we will consider whether premises shall be required to demonstrate they have an effective dispersal management plan in place; to install a closed-circuit television system that meets the reasonable requirements of Hertfordshire Constabulary; installing an

electronic identification entry system; and to have use of a Pubwatch radio’.

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.

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 LP8 (Prevention of Public Nuisance):
Under this policy the committee will consider any necessary measures to deal with the potential for public nuisance and/or anti-social behaviour where relevant representations have been received.
- Policy LP11 (Representations against 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 Sub-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 Sub-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, and 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 do not propose to attach any additional conditions from the applicant's operating schedule. This is with consideration to the history of the premises that there are existing conditions on the licence.

8.5 However, officers do propose that condition 4 of annex 2 of the existing licence is amended to be consistent with the applicant's operating schedule as no concerns have been raised with regards to this element of the application. It is proposed that the condition read as follows:

"No children under the age of 16 can enter or remain on the premises after 22:00 on any day, unless they are attending a private function"

8.6 Conditions proposed by responsible authorities
There were no conditions proposed by any responsible authority.

8.7 Conditions proposed by objectors
There are no proposed conditions contained within the representations.

8.8 Pool of Model Conditions
In addition 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.

8.9 Officers do not believe that there are any conditions within the pool of model conditions which would be appropriate in this case. The representations do refer to previous issues with noise and nuisance from this premises, albeit historic incidents. The premises did work with the environmental health authority to implement measures to control the noise in response to the last complaint, and no further complaints have been received.

8.10 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.

8.11 A draft Premises Licence which reflects this application and the conditions which are proposed in the preceding paragraphs is attached at appendix 6.

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 sale of alcohol, and so the Sub-Committee's starting point ought to be to refuse the application unless the applicant can show they should be considered an exception.

9.2 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.

9.3 Members are able to depart from policy in circumstances where there are justifiable reasons for doing so, and after considering the individual merits of the application before them.

9.4 In considering whether to depart from policy, Members may wish to take account of the absence of any representations from the responsible authorities, and the fact that the operator has an established history, having been at the premises since 2009. It is unusual for a town centre venue to have such consistency in management and operation, and this has allowed the responsible authorities to have a greater understanding of the premises and identify any issues. The premises have also obtained numerous TENs for the hours requested by this application without incident and without any TEN being refused. The majority of these TENs are for private parties, allowing greater control over entry and management of the venue. The premises are primarily marketed at an older clientele than other venues within the town, bringing more diversity to the night-time economy, and as stated in their operating schedule, does not engage in pricing promotions.

9.5 The representations against this application makes reference to how there is existing noise nuisance from The Parade. There is no indication that this nuisance is from this particular premises. As The Parade is a public highway Members are also reminded of paragraph 2.20 of the statutory guidance, which states, in relation to nuisance (including noise nuisance):

"Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to

place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.”

- 9.6 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.
- 9.7 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.
- 9.8 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 – location plan

Appendix 2 – plan of premises

Appendix 3 – current licence (11/00197/LAPRE)

Appendix 4 – operating schedule

Appendix 5A – representation from Central Town Residents’ Association

Appendix 5B – representation from Mr Younas

Appendix 6 – draft licence (16/00268/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 March 2015)

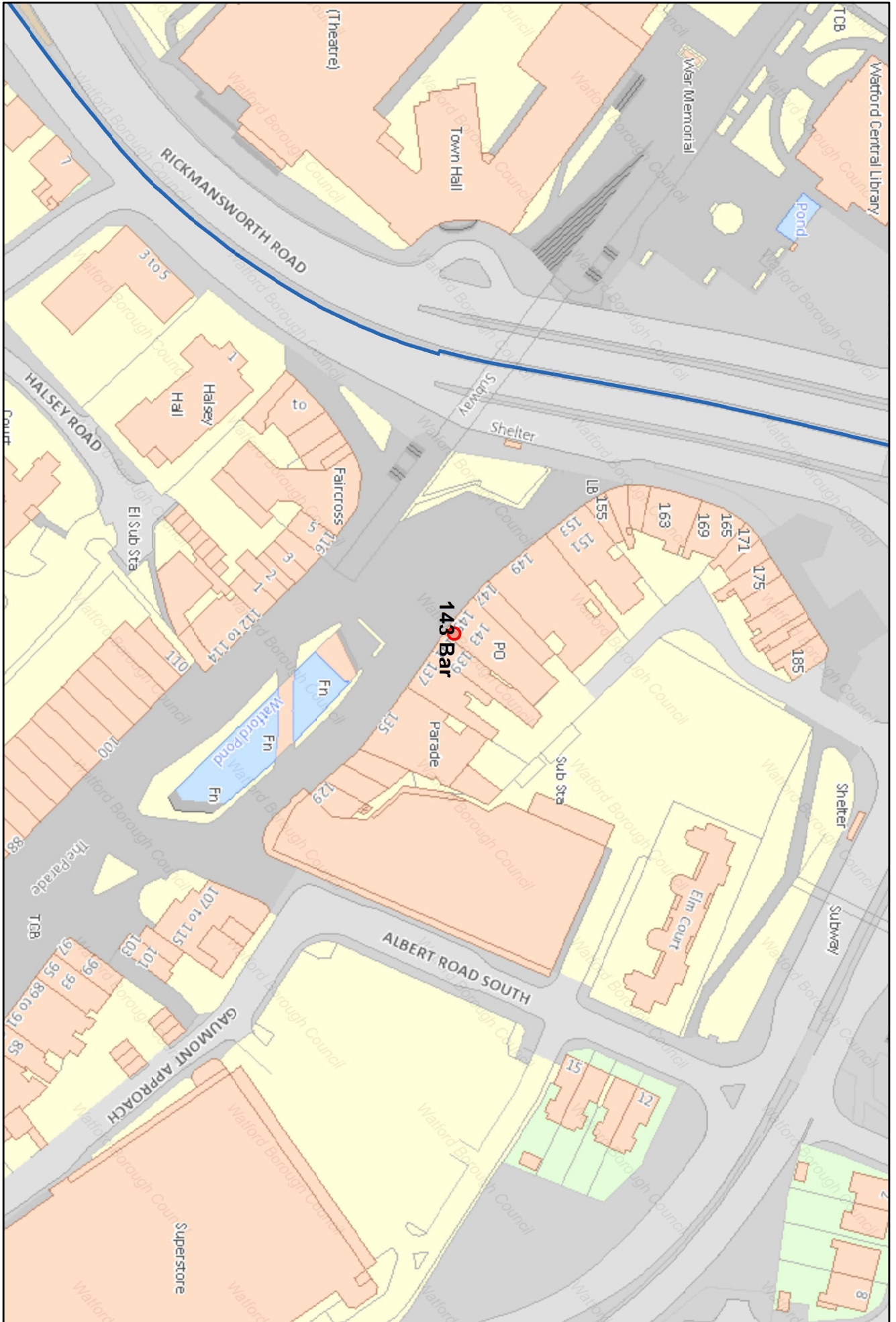
Licensing Act (Hearings) Regulations 2005

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

Watford Borough Council Pool of Model Conditions (March 2013)

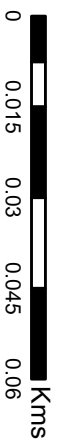
File Reference

143

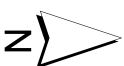


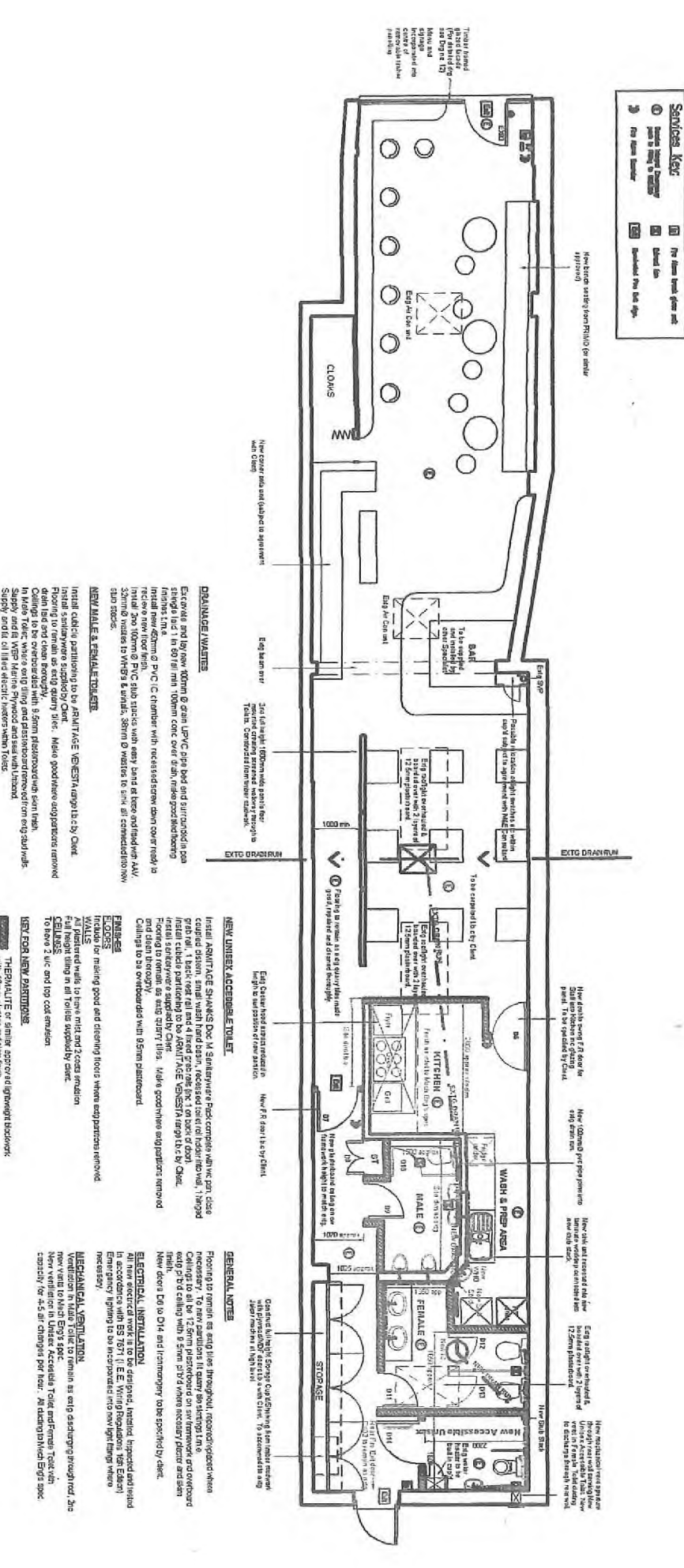
Appendix 1

Date: 22/03/2016



Scale 1:1,250





Services Key

1	For items used from other projects
2	Material to be specified
3	Item from supplier

DRAINAGE/WASTES

Excavate and lay new 100mm Ø drain UPVC pipe bed and surrounded in pea aggregate laid in 50mm 10mm conc. cover drain, make good/bring level to existing floor level. **Install new 45mm Ø PVC C-Channel** with recessed down drain over fresh receive new floor finish. **Install new 100mm Ø PVC stub stacks** with easy band at knee and 1/2" down AW. **Scrimed wastes to vitrola & vitrola, storm D wastes** to sink at conveniently. **Sanp scodes.**

NEW MALE & FEMALE TOILETS

Install cabinet partition to be **ADAPFACE VENTURA** up to 1.9m. **Install integral toilet brush holder, 100mm Ø, 100mm Ø, 100mm Ø. Floor to remain as set quantity tiles. Make good where and partitions removed. Change to be counter-topped with 3mm stainless steel seam finish. Supply and install 100mm Ø copper and stainless steel wash pan. Supply and install ceiling electric heaters with towel supply and ceiling electric heaters with towel supply.**

NEW UNisex ACCESSIBLE TOILET

Install **ADAPFACE SHAKES DOOR** M stainless steel pocket complete with PVC pan, close coupled piston, stop wash and door, recessed set off inside removal. **Install integral toilet partition to be ADAPFACE VENTURA** up to 1.9m. **Change to remain as set quantity tiles. Make good where and partitions removed. Change to be counter-topped with 3mm stainless steel seam finish.**

GENERAL NOTES

Flooring to remain as set quantity tiles throughout, reworked/replace when necessary. **10mm stainless steel** in every doorway (not necessary for set quantity tiles). **10mm stainless steel** in every doorway (not necessary for set quantity tiles). **10mm stainless steel** in every doorway (not necessary for set quantity tiles).

THE LOUNGE
PROPOSED G.A PLAN

Scale	1:50
Date	OCT 97
Drawn by	JW
Check by	
App'd by	101

**Licensing Act 2003
Schedule 12
Part A**

Regulation 33,34

Premises Licence

Premises Licence Number

11/00197LAPRE

Part 1 – Premises Details

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

143 Bar
143 The Parade
High Street
Watford
WD1 1NA

Telephone number 01923 211283

Where the licence is time limited the dates

From 14 April 2011

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

The opening hours of the premises

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Premises Licence page 1

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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 Martin Frederick White
14 Kent Drive
Cockfosters
Barnet
EN4 0AP

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 for the supply of alcohol

Mr Martin Frederick White
14 Kent Drive
Cockfosters
Barnet
EN4 0AP

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: 05/00599/LAPER
Licensing Authority: London Borough of Newham

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.

(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

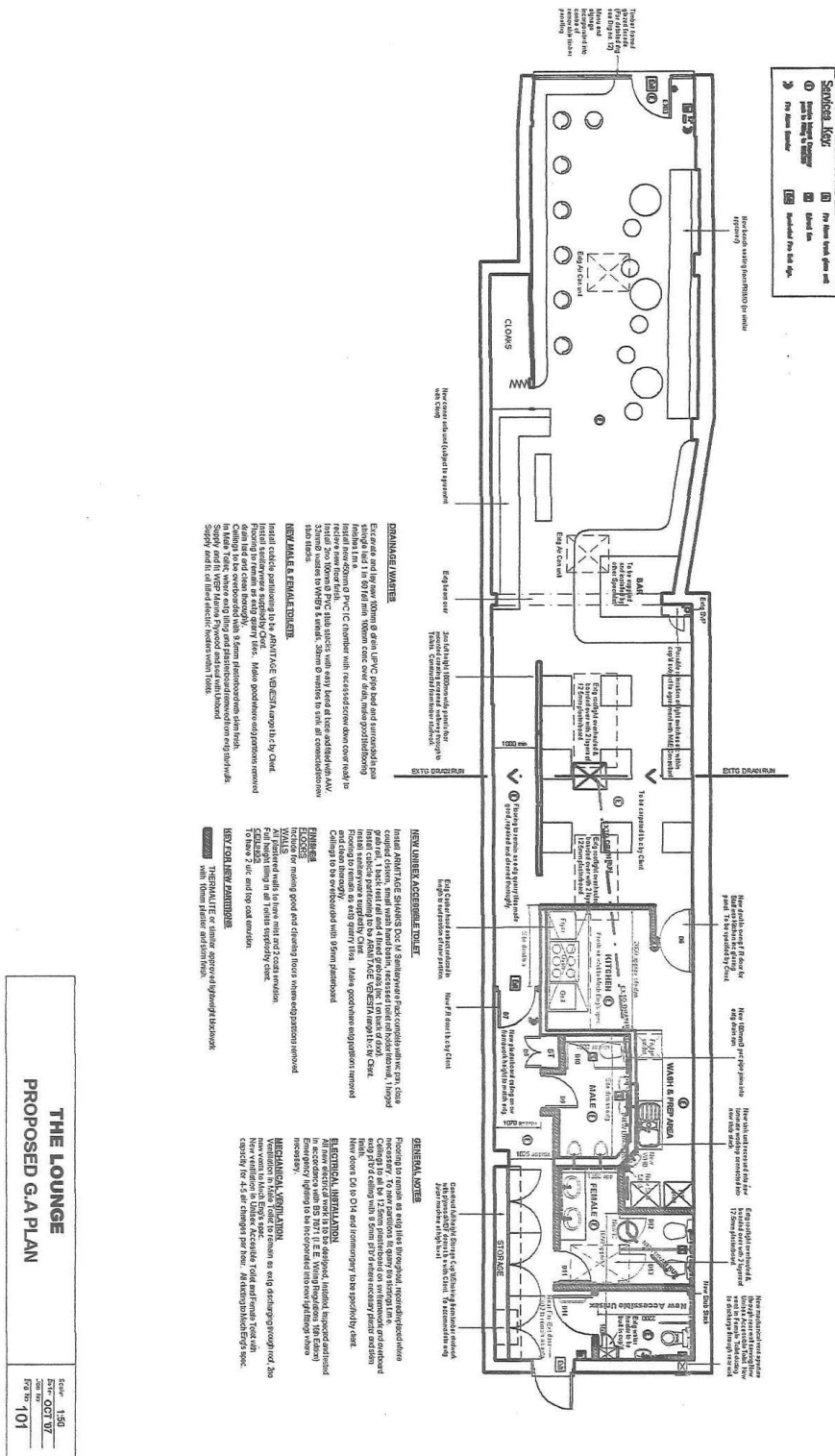
1. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
 - (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
 - (c) to a canteen or mess.
2. Food should be available at all times.
3. No children under the age of 16 are allowed on the premises unless accompanied by a parent.
4. No children under the age of 16 can enter or remain on the premises after 20:00 on any day unless attending a private function.

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

Conditions attached following the Hearing held on 14 April 2011:

1. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an Environmental Health Officer to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an Environmental Health Officer or Licensing Authority authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Environmental Health Officer.
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. All windows and external doors shall be kept closed between 21:00 hours and 08:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Annex 4 – Plans



THE LOUNGE
PROPOSED G.A. PLAN

Scale: 1:50
 Date: OCT 07
 Page: 101

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Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

1/ THE TYPES OF PRIVATE FUNCTIONS AND BUSINESS CARRIED OUT RE-INSTATE AND THEN ENHANCE THE LOCAL FACILITIES FOR SOCIAL ENTERTAINMENT AND REDUCE THE FOCUS ON ALCOHOL.
 2/ THE ENVIRONMENT PRICING AND THE 'NO PROMOTIONS' POLICY GIVES AN OLDER AGE DEMOGRAPHIC AND LESSENS THE CHANCE OF DISORDER AND UNDER AGE DRINKING

b) The prevention of crime and disorder

PROVIDING A 30 MINUTE EXTENSION OF OPENING HOURS AFTER THE END OF THE SALE OF ALCOHOL WILL PROMOTE THIS OBJECTIVE AS THE LAST DRINK WILL BE CONSUMED LESS QUICKLY WITH ACCESS TO THE BARS TOILETS + FACILITIES.

c) Public safety

1/ PRIVATE FUNCTIONS ARE RISK ASSESSED AND WILL BE CONTROLLED BY INVITATION ONLY OR BY GUEST LIST
 2/ FIRST AID BOX'S THROUGHOUT THE PREMISES
 3/ SIA DOOR SUPERVISOR PRESENT AT EVENTS

d) The prevention of public nuisance

CUSTOMERS WILL BE MADE AWARE OF TAXI RANK AND 2X MINI CAB OFFICES ALL WITHIN 100YDS OF PREMISES.

e) The protection of children from harm

1/ NO CHILDREN UNDER THE AGE OF 16 WITH THEIR PARENTS TO BE ALLOWED ON PREMISES AFTER 22.00PM EXCEPT PRIVATE FUNCTIONS
 2/ THE RESTRICTIONS SET OUT IN THE LICENSING ACT 2003 WILL APPLY
 3/ NO UNUSUAL RISK OF HARM TO CHILDREN HAVE BEEN IDENTIFIED

APPENDIX 5A

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	143 Bar, 143 The Parade, The High Street, Watford.
Application reference (if known)	
Address of the premises you are making a representation about.	143 Bar, 143 The Parade, The Parade, High Street, Watford.

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

<i>Licensing Objective</i>	Yes Or No	<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 extension in operating hours as it affects their quality of life. 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: 8th March 2016

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.

8th March 2016

The Licensing Authority,
Watford Borough Council,

143 Bar, 143 The Parade, The High Street, Watford.
Application for an extension of their 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 extensions to the operating times and the sale of alcohol. 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. We have been trying to reduce the problems of disturbance we residents suffer and I am instructed to object to any extension in operation. Extending operating hours will delay the homeward rift of their clientele and, although 143 Bar is not the last to close, delaying the departure detrimentally reduces our residents' quality of life.

Some of our residents have at earlier times had problems with this bar, albeit it concerned noise problems. The result of that is that we are very down on any extensions to their premises licence.

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)

APPENDIX 5B

From: Irfan
Sent: 10 March 2016 23:04
To: Licensing
Subject: Ref: 16/00268/LAPRE (143 Bar, 143 The Parade, High Street, Watford)

Dear Mr Austen Young

I have received the letter from Watford Borough Council that they have received an application from 143 Bar to extend the business hours of the Bar beyond midnight.

So I would like to make an objection regarding this change in the opening hours of the bar as I live in one of the flats above the bar in 141A The Parade, High Street. And I live with my wife and two daughters aged three and a half years and the other one is only three months old.

I would like to let you know that me and my family are already suffering from the late night noise on The Parade specially on Fridays, Saturdays, Mondays, Bank Holidays and Sundays prior to Bank Holiday Mondays and I believe that this change in the opening hours of the bar will make it worst as there will be more noise of the people going in and out of the bar. Therefore me and my family specially my daughters will be directly effected because of this noise.

So I would like the Watford Borough Council to consider this request of not extending the opening hours of the bar so that my family doesn't effect from the noise.

Yours faithfully

Irfan Younas
141A The Parade
High Street
Watford
WD17 1NA

**Licensing Act 2003
Schedule 12
Part A**

Regulation 33,34

Premises Licence

Premises Licence Number

16/00268/LAPRE

Part 1 – Premises Details

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

143 Bar
143 The Parade
High Street
Watford
WD1 1NA

Telephone number 01923 211283

Where the licence is time limited the dates

From 7 April 2016

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 Thursday	10:00 – 23:59
	Friday & Saturday	10:00 – 01:00
	Sunday	11:00 – 23:30
	Christmas Eve	11:00 – 01:00
	Bank Holidays	11:00 – 01:00
	Sunday prior to a Bank Holiday Monday	11:00 – 01:00
	New Year's Eve	10:00 – 23:00 next day (or 22:30 if next day is Sunday)
	New Year's Eve (if a Sunday)	11:00 – 23:00 next day
Late night refreshment	Monday to Thursday	23:00 – 00:00
	Friday & Saturday	23:00 – 01:00
	Sunday	23:00 – 23:30
	Christmas Eve	23:00 – 01:00
	Bank Holidays	23:00 – 01:00
	Sunday prior to a Bank Holiday Monday	23:00 – 01:00
	New Year's Eve	23:00 – 05:00 next day
Recorded music	Monday to Sunday	24 hours a day

Premises Licence page 1

G:\COMMITTEE REPORTS (Part A only)\Licensing Sub-Committee\2015-16\143 Bar\Draft Licence.doc

The opening hours of the premises

Monday to Thursday	10:00 – 00:30
Friday & Saturday	10:00 – 01:30
Sunday	11:00 – 00:00
Christmas Eve	11:00 – 01:30
Bank Holidays	11:00 – 01:30
Sunday prior to a Bank Holiday Monday	11:00 – 01:30

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 Martin Frederick White
14 Kent Drive
Cockfosters
Barnet
EN4 0AP

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 for the supply of alcohol

Mr Martin Frederick White
14 Kent Drive
Cockfosters
Barnet
EN4 0AP

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: 05/00599/LAPER
Licensing Authority: London Borough of Newham

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.

(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.

Premises Licence page 4

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Annex 2 – Conditions consistent with the Operating Schedule

1. 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.
2. Food should be available at all times.
3. No children under the age of 16 are allowed on the premises unless accompanied by a parent.

The following condition is considered by officers to be consistent with the operating schedule submitted with this application, reference 16/00268/LAPRE. This condition will replace condition 4 of the existing licence, reference 11/00197/LAPRE, which was also in relation to a terminal hour for children:

4. No children under the age of 16 can enter or remain on the premises after 22:00 on any day (except when attending private functions where no restrictions apply).

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

Conditions attached following the Hearing held on 14 April 2011:

1. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an Environmental Health Officer to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an Environmental Health Officer or Licensing Authority authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Environmental Health Officer.
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. All windows and external doors shall be kept closed between 21:00 hours and 08:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

There have not been any additional conditions proposed to be attached in response to the representations against this application.

However, this 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.

Annex 4 – Plans

