

## PART A

**Report to:** Licensing Sub-Committee  
**Date of meeting:** 20 November 2014  
**Report of:** Head of Community and Customer Services  
**Title:** Variation of Premises Licence Application  
Woody Grill, 152-154 High Street, Watford WD17 2EN  
14/01281/LAPRE

### 1.0 SUMMARY

- 1.1 An application has been received from Mr Cengiz Erpolat to vary the existing Premises Licence which he holds for Woody Grill, 152-154 High Street, Watford WD17 2EN.

The application is to vary the licence as follows:

1. Extend the hours that the premises are permitted to open and offer licensable activities throughout the week.
2. Remove the sale of alcohol from the licence.
3. Vary the layout of the premises.

Four representations have been received from responsible authorities and interested parties and which have not been withdrawn.

### 2.0 RECOMMENDATIONS

- 2.1 That the Licensing Sub-Committee determines whether to grant the application (amended where appropriate for the promotion of the licensing objectives) as set out in the report.

#### **Contact Officer:**

For further information on this report please contact:  
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**Report approved by: Alan Gough, Head of Community and Customer Services**

### 3.0 APPLICATION

3.1 Type of authorisation applied for  
Variation of a Premises Licence.

3.2 Description of premises

Woody Grill is a premises which is situated within the Town Centre as defined by Policy LP3. The premises will operate as restaurant, as defined by Policy LP2, but also with take-away facilities. This application is seeking to remove the sale of alcohol from the licence so that there will be no alcohol sales.

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

3.4 The physical layout of the premises was altered prior to the opening of the premises. Approval for the change in the licence plan is also sought under this application. The proposed licence plan has been submitted with the application showing the new layout, and this is attached at appendix 2.

3.5 The existing plan of the premises is attached at appendix 3.

3.6 Licensable activities

| Licensable activity   | Permitted now | Proposed |
|---|---------------|----------|
| 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 facilities for making music                                    |               |          |
| Provision of facilities for dancing   |               |          |
| Provision of facilities of a similar description to making music or dancing |               |          |
| 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                  |               |          |

3.7 Licensable hours

The original application which was submitted was requesting permission to

open until 4am Monday to Sunday. However, the application has been amended since then to the following hours:

|           | Late Night Refreshment |               | Opening Times  |               |
|-----------|------------------------|---------------|----------------|---------------|
|           | Existing               | Proposed      | Existing       | Proposed      |
| Monday    | 23:00 - 00:00          | 23:00 - 02:00 | Not prescribed | 11:00 - 02:00 |
| Tuesday   | 23:00 - 00:00          | 23:00 - 02:00 |                | 11:00 - 02:00 |
| Wednesday | 23:00 - 00:00          | 23:00 - 02:00 |                | 11:00 - 02:00 |
| Thursday  | 23:00 - 00:00          | 23:00 - 02:00 |                | 11:00 - 02:00 |
| Friday    | 23:00 - 00:00          | 23:00 - 02:00 |                | 11:00 - 02:00 |
| Saturday  | 23:00 - 00:00          | 23:00 - 02:00 |                | 11:00 - 02:00 |
| Sunday    | 23:00 - 23:30          | 23:00 - 01:00 |                | 11:00 - 01:00 |

As part of the amendment to the application, it was also confirmed that there would be no take-aways available after 1am (the following day) on Monday through Saturday, and no take-aways available after Midnight on Sunday.

Recorded music is already permitted 24 hours a day under the licence, and this is not subject to change.

The premises is also already permitted to offer late night refreshment on New Year's Eve between the hours of 23:00 and 05:00.

3.8 A copy of the current licence is attached at appendix 4.

#### 4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor  
Mrs Miu Lan Yu since May 2009.

The application is seeking to remove the sale of alcohol as a licensable activity. If this aspect of the application is granted, there will be no requirement for a premises supervisor to be named on the licence.

4.3 Current licences held  
The current Premises Licence has reference 14/01159/LAPRE and was granted on 3 October 2014. This application was to transfer the licence to Mr Cengiz Erpolat, the applicant for this variation application. Prior to this, the premises has been licensed under the Licensing Act 2003 since November 2005 when the Act came into force, and was licensed prior to November 2005 under the Licensing Act 1964.

Before Mr Erpolat took over and refurbished the premises, it had been closed and empty since at least mid-2013.

4.4 Closing date for representations  
3 November 2014.

4.5 Public notice published in newspaper  
10 October 2014.

4.6 Visits and Enforcement action  
None recorded.

## 5.0 **PROMOTION OF LICENSING OBJECTIVES**

5.1 The existing licence and conditions which apply to this premises are attached at appendix 4.

5.2 The applicant has also submitted an operating schedule with this application to describe the steps that they intend to take to promote the four licensing objectives. This operating schedule is reproduced directly from the application form.

### General – all four licensing objectives

Our main objectives are protect the public and prevent the nuisance during the any licensable activities.

### 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

### 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

### Prevention of public nuisance

- Staff will be trained to ensure the prevention of public nuisance
- Ensure to have the sound system applied to the premise according to the current regulations

### Protection of children from harm

- Refuse book to be kept and used
- Staff to be trained for the extra care and attention of children

5.3 The operating schedule has also been amended in response to the representations which have been received against this application and to clarify and expand upon the details of the application. These amendments are reproduced directly from correspondence to the licensing authority.

- There is going to be a comprehensive CCTV system which will cover all the entrance and exit points to the premise which will also have a digital record of last 60 days of period in store to be available at any time requested.

- As we have stated in our application there is not going to be supply or sell of alcohol in the premises.
- As there is no sell of alcohol the premises will be only serving food to be dine in the restaurant which we strongly believe that all the customer will enter to the restaurant is for dining only not cause any noise or any anti-social behaviour.
- All the staff to be trained to prevent people from any noise or any anti-social behaviour nuisance, there is no people who is drank, under effect of any alcohol or similar will not be allowed in to the premises.
- The deliveries will be on weekdays during the day from the back of the premise, rubbish collections all have been set up already, we will ensure that the outside of the premises to be kept clean and no dumping of any rubbish.
- All the Managers and staff to be trained as we ensure all the customer to leave the premise quietly and respectfully to the others.
- We are proposing a nice and quality dining restaurant aiming to serve a quality food only to ensure a relax environment to our customers, we believe that there is no going to any additional noise nuisance or any anti-social behaviour to the area.
- There is no recorded music are playing 24 hours and we are not proposing to apply for playing of recorded music at any time.
- There is going to be posters and warning posters on display explain to the customers that "All the customers to leave the premises quietly and to be respectful to the neighbourhood people"
- There is going to be Litters and in and outside of the premises for the customers for dispose of the waste.
- We are happy to keep clear of the 15m radius of outside of the premise as we believe that its essential for our business too.
- We do sell all the take away food with the bag at anytime opening hours too.

5.4 The detail contained within the operating schedule will need to be considered in conjunction with any conditions contained within the existing licence. Where it is felt that it is appropriate for the promotion of the licensing objectives, the Sub-Committee may choose to adopt conditions which are consistent with the operating schedule.

## 6.0 RESPONSIBLE AUTHORITIES

6.1 The following representations have been received from the Responsible Authorities:

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.

Licensing Authority

The Licensing Authority has submitted representations on the grounds of the prevention of crime and disorder and the prevention of public nuisance. These representations are attached at appendix 6.

Environmental Health

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

Public Health

No representations

Fire

No representations

Planning

No representations

Safeguarding Children Board

No representations

Trading Standards

No representations

6.2 It should be noted that the representations from the licensing authority and the Police were submitted before the application was amended to the hours detailed in paragraph 3.7. The responsible authorities have been made aware that the application has been amended but have not withdrawn their representations.

7.0 **INTERESTED PARTIES**

7.1 One representation has been received from an interested party:

| Reference letter | Name                                | Address               | Representative Body (Yes/No) | Relevance to which licensing objective |
|------------------|-------------------------------------|-----------------------|------------------------------|--|
| A                | Central Town Residents' Association | c/o 31 St John's Road | Yes                          | Public nuisance and crime and disorder |

This representation is attached at appendix 8.

7.2 The theme of this representation concerns the potential noise and nuisance which arises from the movement of people through residential roads early in the morning. There is also a concern over the premises being granted a licence to permit opening into the early hours of the morning on seven days of the week.

7.3 This representation was submitted before the application was amended to the hours detailed in paragraph 3.7. The Central Town Residents' Association have been made aware that the application has been amended but have not withdrawn their representations.

## 8.0 POLICY CONSIDERATIONS

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

- Sections 34 and 35 (Application to vary premises licence):  
Section 34 details the process which the applicant must have followed for the application to be considered valid. Section 35 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.

## 8.2 Statutory guidance

This application was validated on 6 October 2014, before the most recent statutory guidance was issued on 13 October 2014. Therefore, the guidance which applies to this application is the version issued in June 2014.

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 9.27 – 9.37:  
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 9.38 – 9.40  
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.

### 8.3 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 restaurant.
- 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 restaurants 'will generally be allowed licensable activities to 2am only (other than for special occasions)'. The applicant has also expressed an interest in operating a take-away element. This policy also 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’.

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.

8.4 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.

8.5 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.

#### 9.0 **CONDITIONS**

9.1 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.

9.2 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.

9.3 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.

#### 9.4 Conditions Consistent with the operating schedule

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

- All staff are to receive induction training in the promotion of the licensing objectives, and refresher training at prescribed intervals. Such training records are to be maintained and made available upon reasonable request to officers of the licensing authority, or other authorised officers.

9.5 Following amendments to the application, officers also propose that the following conditions are consistent with the amended operating schedule and are appropriate for the promotion of the licensing objectives.

- No customers shall be permitted to remove from the premises any foodstuff for consumption or disposal outside of the premises after 01:30 hours (the following morning) on Mondays to Saturdays, and after 00:30 hours (the following morning) on Sundays.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- A bin shall be provided for public use within the public area of the premises.
- A CCTV system shall be installed and maintained within the premises. The CCTV system shall continually record whilst the premises are open for licensable activities and when members of the public are on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

9.6 Conditions proposed by the Responsible Authorities

The licensing authority has proposed the following conditions as part of their representations.

- The last new admission to the premises shall be 01:00 hours.
- All reservations for table bookings for the hours of 00:00 to 02:00 on any day must be made no later than 23:59 hours before the relevant day.

9.7 The Police have proposed the following conditions as part of their representations (amended by officers to remove irrelevant references to alcohol and the duties of the Designated Premises Supervisor).

- The Premises Licence Holder shall install and maintain a comprehensive CCTV system to the satisfaction of an authorised employee of Hertfordshire Constabulary. All entry and exit points must be covered enabling frontal identification of every person entering.
- The Premises Licence Holder shall ensure that the CCTV system shall continually record whilst the Premises is open for licensable activities and during all times when customers remain on the Premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of the Police or authorised officer of the Licensing Authority providing such requests are in connection with the prevention or detection of crime. Recordings are to be supplied to in the form of digital download burned onto a DVD or CD disc.
- A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises are open to the public. This staff member shall be able to show Police or an authorised officer to the licensing authority recent

data or footage with the minimum delay when so requested.

- All faults/defects in the CCTV system must be reported to Hertfordshire Constabulary immediately the fault is discovered. The notification must be made to the Herts Police non-Emergency number and a log number obtained from the police and recorded in the incident book. The Watford Police Licensing Unit must also be notified as soon as reasonably practicable.
- All faults with the CCTV system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place without the agreement of Watford Police Licensing Officer and licensing authority until the fault is rectified.
- The Premises Licence Holder shall co-operate with reasonable requests made by authorised officers of responsible authorities under the Licensing Act 2003 to ensure the licensing objectives are not undermined, providing such requests do not involve additional expenditure.
- All requests/communications made by Licensing Authority or Watford Licensing Officer to be dealt with by the owner in a timely and efficient manner, namely 10 working days (unless agreed in writing in advance with the Police Licensing Officer responsible for the Watford area).
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- The premises owner shall comply with all reasonable crime prevention and /or public safety measures that may be required by the licensing Authority and/or the Environmental Health Officer and /or Hertfordshire Constabulary and which are consistent with the premises' operating Schedule.
- The premises owner shall make arrangements to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.

#### 9.8 Conditions proposed by Interested Parties

No conditions were proposed by the interested party

#### 9.9 Pool of Model Conditions

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 condition from the pool of conditions (amended according to the representations and suggested conditions from responsible authorities) is appropriate to be attached to the licence:

- There shall be no new admittance to the premises on Mondays to Saturdays after 01:00 hours (the following morning), or after Midnight on Sundays.

This condition is based upon the condition proposed by the licensing authority, and takes into account the amended operating times.

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

#### 9.10 Alcohol Conditions

This application is seeking to remove the sale of alcohol from the licence. Therefore the mandatory conditions relating to the sale of alcohol will not apply to the licence should the sale of alcohol be removed. It is also proposed that the existing conditions which are consistent with the operating schedule and which relate to alcohol are also removed from the licence as they will no longer be relevant.

#### 10.0 **OFFICERS' OBSERVATIONS**

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 There is evidence that this application does satisfy one of these tests. The outcome of this application will be a reduction in alcohol sales because the application is removing the sale of alcohol from the licence. The general approach of Policy LP3 is also to discourage alcohol-led premises and

encourage more family-friendly operators, such as restaurants. However, the onus of proving an exception still lies with the applicant.

- 10.5 No representations have been received with regards to removing the sale of alcohol from this licence and so this aspect of the application should be granted as requested.
- 10.6 There have also been no representations received with regards to varying the layout of the premises. The physical layout of the premises has already been altered and was altered prior to the premises opening. No complaints have been received with regards to the layout of the premises since the premises opened. As with the removal of alcohol from the licence, this aspect of the application should be granted as requested.
- 10.7 Due to the fact that the physical layout of the premises has been altered before these alterations have been approved under the licence, if the premises have been offering licensable activities the Sub-Committee may wish to consider issuing a formal warning to the licence holder. Under section 136 of the Licensing Act 2003, a person commits an offence if they carry on, or attempt to carry on, a licensable activity on or from any premises otherwise than under and in accordance with a licence. The licence plan forms part of the licence, and to offer licensable activities when the physical layout of the premises does not match the licence plan is considered to be a breach of the licence.
- 10.8 Members are reminded that, with the exception of the representation from Environmental Health, the representations were received before the application was amended. However, these representations have not been withdrawn, and the representations may still list concerns which the responsible authorities and interested party feel may have not been addressed by amending the opening hours. Members will need to consider the application as it is put to them, and the representations attached to this report, and attach such weight as they see fit.
- 10.9 With regards to the representations from the Police, Members may disregard all issues mentioned with regards to alcohol sales and the role of the Designated Premises Supervisor, because the sale of alcohol is being removed from the licence.
- 10.10 The Police have also mentioned concerns regarding other premises operated by the applicant outside of the Borough of Watford, particularly allegations of trading outside of licensed hours and overcrowding. As no further information has been made available to officers at the time of writing this report, and officers are not able to verify such concerns due to the premises not being within the borough, Members are advised to seek clarification of the Police's concerns and to request any evidence to justify these concerns. Members are reminded to consider the application put before them and to be wary of drawing inference from allegations regarding other properties.
- 10.11 The Fire authority has not submitted formal representations against this

application, but they do advise that they consider that the permitted capacity of the premises should not exceed 60 persons (including staff) due to the configuration of the fire exit doors. However, this figure is only a suggestion.

- 10.12 It may not be appropriate to attach a condition to the licence limiting the capacity of the premises because this would be a duplication of an existing legislative process. The Regulatory Reform (Fire Safety) Order 2005 places a legal duty on businesses to complete a fire risk assessment and to calculate a capacity limit as a result of this assessment. To operate other than in accordance with a risk assessment can lead to enforcement action being taken against the premises by the Fire authority. Paragraph 1.16 of the statutory guidance advises that conditions 'should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation'. Fire risk assessments can also be subject to frequent revision should certain factors change, such as the layout of furniture, and to vary the licence each time the occupancy limit changed would place unnecessary burdens on the licence holder.
- 10.13 The representations from the Central Town Residents' Association and the Police both make reference to how granting this application will result in other operators applying for later opening hours. Members are reminded that each application is to be treated on its own merits, and therefore can not take into account whether the grant of this application may result in other premises submitting applications to vary their existing licences.
- 10.14 The Planning authority has not submitted formal representations against this application, but they do advise that the planning permission for this property (ref 00/00572/COU) is subject to the following condition with regards to the opening hours of the premises:
- 2 No members of the public or customers are to be permitted within the premises before 0800 hours or after 23.30 hours Sunday to Thursday or before 0800 hours or after midnight Friday or Saturday.
- 10.15 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.
- 10.16 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.
- 10.17 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.

10.18 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 showing alterations

Appendix 3 - plan of the premises currently attached to the licence

Appendix 4 - current premises licence

Appendix 5 - representations from the Police

Appendix 6 - representations from the licensing authority

Appendix 7 - representations from Environmental Health

Appendix 8 - representations from the interested party

Appendix 9 - draft premises licence

#### 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 (June 2014)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2013-18)

Watford Borough Council Pool of Model Conditions (March 2013)

#### File Reference

Woody Grill