



LICENSING SUB COMMITTEE

Thursday, 19th September, 2013

10.30 am

Town Hall, Watford

Please note the start time of this meeting

Publication date: 11 September 2013

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Sandra Hancock in Democracy and Governance on 01923 278377 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 M Meerabux and G Saffery

AGENDA

PART A - OPEN TO THE PUBLIC

1. COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR
2. DISCLOSURE OF INTERESTS (IF ANY)
3. TRANSFER OF PREMISES LICENCE: PAPARAZZI, 77 - 79 THE PARADE, WATFORD (13/00873/LAPRE) (Pages 1 - 18)

Report of the Head of Community and Customer Services

This report asks the Sub-Committee to consider an application to transfer the Premises Licence following the receipt of a representation.

Appendix 3 is available from Democratic Services,
legalanddemocratic@watford.gov.uk

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PART A

Report to: Licensing Sub-Committee
Date of meeting: 19 September 2013
Report of: Head of Community and Customer Services
Transfer of Premises Licence:
Paparazzi, 77 - 79 The Parade, Watford
13/00873/LAPRE

1.0 SUMMARY

- 1.1 An application has been made under the Licensing Act 2003 to transfer the premises licence for Paparazzi, 77 – 79 The Parade, Watford. Representations against the transfer have been made by Hertfordshire Constabulary on the grounds that the transfer would undermine the prevention of crime objective.

2.0 RECOMMENDATIONS

- 2.1 That the Licensing Sub-Committee decides whether to hear evidence from the police in the absence of the applicant and any other party.
- 2.1 That the Licensing Sub-Committee determines whether to allow or refuse the transfer of the premises licence for Paparazzi, 77 – 79 The Parade to Mr Neil Campbell, as set out in the report.

Contact Officer:

For further information on this report please contact Jeffrey Leib, Licensing Manager telephone 01923 278429: email: jeffrey.leib@watford.gov.uk

Report approved by: Alan Gough, Head of Community and Customer Services

3.0 **APPLICATION**

3.1 Type of authorisation applied for
Transfer of premises licence

3.2 Description of premises (as described in application)
Nightclub

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

3.4 Licensable activities

This application solely concerns the transfer of the premises licence. Although the question of licensable activities and hours is not directly relevant, the current premises licence is attached at appendix 2 for information.

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

The proposed designated premises supervisor is Mr Neil Campbell, (the proposed transferee).

The current premises supervisor is Ms Alison Brown.

4.3 Licence history

The premises were licensed for alcohol and entertainment prior to the introduction of the Licensing Act 2003 in November 2005.

They have been licensed since 8 June 2006 as below:

05/01286/LAPRE granted on 24 November 2005 (no connection to current application)

06/00605/LAPRE granted on 08 June 2006 to Opal Leisure UK Ltd

08/00759/LAPRE granted on 16 September 2008 to Neil Campbell

11/00263/LAPRE granted on 16 May 2011 to Evolve Consultants Limited

11/00692/LAPRE granted on 23 June 2011 to Komplete Hospitality Limited (varied on 1 May 2012)

4.4 Closing date for representations

26 August 2013

5.0 **TRANSFER APPLICATION.**

5.1 This application is to transfer the premises licence for Papparazzi, 77 – 79 The Parade, Watford from Komplete Hospitality Limited to Neil Campbell. The police have made representations (at appendix 3) that the transfer would

undermine the crime prevention objective.

- 5.2 The sub-committee will wish to know that Mr Campbell submitted a simultaneous application for the premises licence to be varied so that he is named as the designated premises supervisor. The police had not objected to that application, which has accordingly been granted.

6.0 LEGISLATIVE AND POLICY CONSIDERATIONS

- 6.1 The application is made under section 42 of the Licensing Act. This section provides that where a chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the licensing authority a notice stating the reasons why he is satisfied.

- 6.2 The statutory guidance to the Act states:

“8.93 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

“8.94 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder).

“8.95 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants’ backgrounds, it is expected that it would raise the matter immediately with the chief officer of police.”

- 6.3 This is the first application for a transfer to be considered by a sub-committee since the Act was introduced in November 2005. The sub-committee can therefore be confident that the police believe that there are truly exceptional circumstances which justify the need for the representation.

7.0 Statement of licensing policy

Policy LP6 sets out some considerations that will particularly be taken into account where relevant representations have been made. These include :

- (1) management attitudes and practises;
- (2) measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- (3) the likelihood of any anti-social behaviour, violence, public order or policing problem if the licence is granted.

7.1 Part of the police representation contains intelligence material which they would not wish to be made known to the applicant or to the general public. For this reason, that part of the representation is not included within the committee report. The general presumption is that licensing hearings should be heard in public. Under regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the sub-committee may exclude all parties including the applicant from all or part of the hearing where it considers the public interest in so doing outweighs the public interest in the hearing (or part of it) taking place in public. The sub-committee should allow both the police and Mr Campbell the opportunity to comment on whether the material should be considered in Mr Campbell's absence. Once the sub-committee has decided whether or not it is in the public interest to exclude Mr Campbell (and other members of the public or press then present), it may then consider the intelligence material.

7.2 The sub-committee is reminded of its 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.

7.3 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 OFFICERS' OBSERVATIONS

8.1 The police are the only organisation that is empowered to make representations about the transfer of a premises licence.

8.2 Three premises licences have been granted for 77 – 79 The Parade since June 2006. Applications have been made to vary those licences at various times. Mr Campbell has been involved with and indeed been an applicant for a number of those licences, although he is not named in any way on the current permission. Mr Campbell is a previous Chairman of the town centre Pubwatch, having also managed other venues in Watford town centre.

8.3 The police representation contains a significant amount of evidence from the freehold owners of 77-79 The Parade detailing their concerns about the impact that businesses operated by Richard Valentine and/or Neil Campbell have on their properties in The Parade. It may be that the sub-committee recognises those concerns do not have any relevance to crime prevention,

although at paragraph 4 of the email from Daniel Pfeffer (dated 20 August 2013 at 08:46) he raises concerns that their tenant's financial position leads him to question whether matters of security, health and safety etc may be compromised. The sub-committee is explicitly asked to state in its decision how much weight it puts on Mr Pfeffer's evidence.

- 8.4 The sub-committee will see considerable correspondence between the police and Mr Campbell's solicitors, and later on in the material with the licensing authority, about an audio recorded interview at Watford police station and Mr Campbell's rights under the Data Protection Act 1998. Officers are satisfied that regardless of Mr Campbell's right to a copy of the audio record from the police under the 1998 Act, the police are entitled to share this information with the licensing authority under section 185 of the Licensing Act which permits the sharing of information relating to the licensing regime.
- 8.5 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.

Appendices

Appendix 1 – map of the premises' location

Appendix 2 – current premises licence 11/00692/LAPRE

Appendix 3 – police representations

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 June 2013)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2011)

File Reference

Paparazzi

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Location map - Paparazzi, 77-79 The Parade



GIS by ESRI (UK)



Legend

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Organisation	Not Set
Department	Not Set
Comments	
Date	03 September 2013
SLA Number	Not Set

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**Licensing Act 2003
Schedule 12
Part A**

Regulation 33,34

Premises Licence

Premises Licence Number

11/00692/LAPRE

Part 1 – Premises Details

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

Paparazzi
77-79 / 77A The Parade High Street
Watford
WD17 1LN

Telephone number 01923 237777

Where the licence is time limited the dates

From 1 May 2012

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

On and off-premises alcohol sales	Mon, Tues, Wed, Thurs, Fri, Sat Sunday	11:00 - 02:00 11:00 - 00:00
Exhibition of a Film	Mon, Tues, Wed, Thurs, Fri, Sat Sunday	11:00 - 03:00 11:00 - 01:00
Performance of Live Music	Mon, Tues, Wed, Thurs, Fri, Sat Sunday	11:00 - 03:00 11:00 - 01:00
Performance of Recorded Music	Mon, Tues, Weds, Thurs, Fri, Sat Sunday	11:00 - 03:00 11:00 - 01:00
Performance of Dance	Mon, Tues, Wed, Thurs, Fri, Sat Sunday	11:00 - 03:00 11:00 - 01:00
Other Entertainment falling within Act	Mon, Tues, Wed, Thurs, Fri, Sat Sunday	11:00 - 03:00 11:00 - 01:00

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Provision of facilities for making music	Mon, Tues, Wed, Thurs, Fri, Sat Sunday	11:00 - 03:00 11:00 - 01:00
Provision of facilities for dancing	Mon, Tues, Wed, Thurs, Fri, Sat Sunday	11:00 - 03:00 11:00 - 01:00
Late Night Refreshment	Mon, Tues, Wed, Thurs, Fri, Sat Sunday	23:00 - 03:00 23:00 - 01:00
An additional hour to the standard times on the day when British Summer Time commences.		
New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

The opening hours of the premises		
Opening hours of the premises	Mon, Tues, Wed, Thurs, Fri, Sat	11:00 - 03:00
Opening hours of the premises	Sunday	11:00 - 01:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies		
Alcohol may be supplied for consumption on and off the premises		

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Komplete Hospitality Ltd
44 Newnham Avenue
Eastcote
Middlesex
HA4 9RN

Registered number of holder, for example company number, charity number (where applicable)

7665563

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Miss Alison Brown
13 St Michaels Road
Shepperton
Surrey
TW15 2AE

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: 08/00350/LAPRE
Licensing Authority: Spelthorne Borough Council

Annex 1 – Mandatory conditions

- 1 (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 premises 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.
- 2 The admission of children under 18 to any film exhibition must be restricted in accordance with any recommendation made by the film classification body specified in section 4, Video Recordings Act 1984 unless the licensing authority notifies the holder of the premises licence that recommendations made by the licensing authority must be followed instead.
- 3 Any individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
- 4 (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
- 5 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

- 6 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 7 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
- 8 The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

Crime and Disorder

- 1 PubWatch text/radio pagers shall be provided linked to Hertfordshire Police. This equipment to be maintained in working order, monitored by the designated premises supervisor or a responsible member of staff. All instances of crime and disorder are to be reported via this equipment by the designated premises supervisor or member of staff to an agreed Police contact.
- 2 Minimum of two door supervisors to be provided at the premises after 21:00 at a ratio of 1 – 100 customers.
- 3 CCTV recording equipment shall be installed at the premises, used during operating hours and recordings kept for 31 days. The CCTV shall be maintained in good working order and any repairs carried out within 3 working days.
- 4 An ID scan system to be installed and used to ensure details of all customers are recorded.
- 5 A refusal log to be used at the premises.
- 6 The designated premises supervisor or another personal licence holder will be present when the premises are open.
- 7 A contribution to the taxi marshalling scheme in the agreed terms to be made to Watford Borough Council.

Prevention of Public Nuisance

- 8 The licence holder will ensure that prominent, clear and legible notices are displayed at all exits requesting that all patrons respect the needs of local residents and leave the premises and the area quietly.
- 9 Prior to the close of trading the DJ will make announcements requesting customers to leave the venue in a quiet and orderly manner to given consideration to our local residents.
- 10 Regular communication between the designated premises supervisor and the residents in order to re-assure local residents. A 24 hour mobile contact number will be notified to local residents.
- 11 The amplified sound equipment shall be governed by a sound limiting device set at a level approved by the Environmental Health Officer.
- 12 The premises licence holder will ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.
- 13 The premises licence shall ensure that the placing of refuse, bottles etc. into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- 14 Customers will not be allowed to leave with a glass, bottle or alcoholic drink.
- 15 Any litter emanating from and deposited in the vicinity of the premises must be cleared by the end of trading.

The Protection of Children from Harm

- 16 Children under 18 will not be permitted on the premises after 20:00.
- 17 Challenge 25 proof of age scheme will be implemented from 20:00 hours daily and only approved/recommended forms of photographic ID will be accepted.

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

No hearing was held in relation to this application.

Annex 4 – Plans

Paparazzi Grd Floor Proposed Layout, dated 28/01/11

Paparazzi 1st + Penthouse Suite 1st Floor Proposed Layout, dated 28/01/11

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