

LICENSING SUB COMMITTEE

7 OCTOBER 2013

Present: Councillor J Brown (Chair)
Councillors M Meerabux and G Saffery

Also present: Jeremy Phillips, Counsel for Hertfordshire Constabulary
Chief Inspector Dave Wheatley, Hertfordshire Constabulary
Inspector Deirdre Dent, Hertfordshire Constabulary
Sergeant Mark Bilsdon, Hertfordshire Constabulary
John Corkett, Hertfordshire Constabulary
Julian Skeens, Solicitor for Applicant
Robert Sutherland, Solicitor for Applicant
Alastair Weatherstone, Representative for Applicant
John Caulfield, Consultant to Applicant
Ausch Kamiskaite, Trainee Solicitor
Jack Connah, on behalf of Punch Taverns
Councillor Ian Brown, as Observer
Adam Binnie, Watford Observer

Officers: Head of Community and Customer Services
Solicitor
Licensing Manager
Committee and Scrutiny Support Officer (JK)

16 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors J Brown, M Meerabux and G Saffery.

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

RESOLVED –

that Councillor J Brown be elected Chair for this Hearing.

17 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

18 APPLICATION FOR RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE: BEAVERS, 9 MARKET STREET, WATFORD, WD18 0PA (13/00928/SEX)

The Sub-Committee received a report of the Head of Community and Customer Services setting out details of an objection received from Hertfordshire

Constabulary against the renewal of the Sexual Entertainment Venue (SEV) licence at Beavers, 9 Market Street.

All parties present introduced themselves.

The Chair underlined that the application would be considered on its own merits.

Mr Julian Skeens advised the Sub-Committee that he wished to raise preliminary points in relation to what evidence should be considered. He referred to the CCTV evidence and informed the Sub-Committee that he objected to some of it. His clients had not yet had the opportunity to see it all.

The Licensing Manager noted that the Police had been reluctant to allow the footage in question to leave their possession; the Applicant had been given the opportunity to view the footage either at the Police Station or at the Town Hall.

The Chair noted that in the interest of fairness, the Applicant should be permitted to view the CCTV in question.

Mr Jeremy Phillips advised that he had no objection to the Applicant viewing the footage, but he had anticipated that they had already done so.

The Sub-Committee adjourned to allow the Applicant to view the footage in an adjacent room.

Mr Skeens advised that he would wish to make his submissions in private and he wished to inform the Sub-Committee of changes that related to information in the officer's report to the Sub-Committee.

The Licensing Manager introduced the report. The Sub-Committee was there to consider the renewal of the SEV licence which had been applied for by Wizard Sleeve Bars Ltd. The Police were the only statutory consultees and they had submitted an objection. He explained what the licence covered which was set out in paragraph 3.4 report. There was no proposal to change the hours of the licence. The Applicant had proposed two conditions for their licence. The Premises also had a licence under the Licensing Act 2003 which would not be under consideration by the Sub-Committee. A representative of Punch Taverns, the Licensing Act 2003 Premises Licence Holder, was present at the hearing as an observer. Routine inspections had been undertaken, the last being in August 2010 without anything adverse being found. The Police objection was based on two grounds:

- that the Applicant is unsuitable to hold a licence following a conviction for a relevant offence or for any other reason
- the refusal of a licence if the business to which it relates will be managed by or carried on for the benefit of a person, other than the Applicant, who would themselves be refused a licence if they made the application.

He highlighted that the Sub-Committee had a wide discretion and could take into account anything that they felt was relevant to the application but should disregard anything that was irrelevant.

There was a large amount of evidence from the Police as well as evidence from the Applicant for the Sub-Committee to consider. Some material before the Sub-Committee was confidential and when representations about this were received from the parties, it would be for the Sub-Committee to consider whether to exclude the press and public.

Mr Skeens referred to the licensable activities and the 'relevant entertainment' which was covered by the licence as set out in paragraph 3.4 of the report. He asked whether the conditions on the licence would apply when a performance was not taking place. The Licensing Manager responded that it would apply to activities which were taking place under the terms of the SEV licence. Following a further question from Mr Skeens, he confirmed that evidence relating to conversations at tables fell within the context of the entertainment offered within the venue. It was his view that the purpose of the licence was to control the entertainment as a whole.

In response to a question from Mr Skeens, the Licensing Manager stated that the Sub-Committee did not have the power to deal with the premises alcohol licence.

Mr Skeens reported that there were changes since the report had been written. He highlighted that Zoe Turpin had resigned as a director, Sharon Weatherstone had retired as director and Alastair Weatherstone had been appointed as a director of Wizard Sleeve Bars Ltd. The Chair confirmed that the Sub-Committee were aware of the changes.

Mr Skeens referred to paragraph 6.3 of the report; the Applicant would not challenge these breaches of the SEV licence including the statements of the two undercover Police officers.

He asked why a distinction was drawn between the SEV licence and the premises licence. The Licensing Manager responded that these licenses were governed by two separate regimes.

There were no further questions for the Licensing Manager.

The Chair moved that:

the public and press be excluded from the meeting for the following item of business as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of the item there would be disclosure to them of exempt information as defined in Section 100(4) of the LGA Act 1972 for the reasons stated in the report.

Members of the press and public left the meeting.

The Sub-Committee heard evidence from Mr Phillips on behalf of Hertfordshire Constabulary. The Sub-Committee asked questions relating to the evidence presented.

Mr Skeens gave evidence on behalf of the Applicant. Members asked questions related to this evidence.

The Sub-Committee adjourned the meeting and agreed to reconvene the following day to consider their decision.

RESOLVED –

Having considered the evidence and the representations of the Police and the Applicant, the Committee is minded to refuse the application. In coming to this decision, the Committee has taken into account the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. The Committee has also had regard to Article 10 and Article 1 Protocol 1 of the Human Rights Act 1986, the Committee is satisfied that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of Mr. A, a person other than the Applicant who would be refused the grant, renewal or transfer of such a licence if he made the application himself.

Chair

The Meeting started at 10.30 am
and finished at 5.00 pm