

LICENSING SUB COMMITTEE

25 NOVEMBER 2013

Present: Councillor K Crout
Councillors H Lynch and M Mills

Also present: Mr Leighton Davies, Applicant
Mrs Dorothy Davies, The Villiers Arms

Officers: Licensing Manager
Solicitor
Licensing Officer (PS)
Committee and Scrutiny Support Officer (JK)

22 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors K Crout, H Lynch and M Mills

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

RESOLVED –

that Councillor K Crout be elected Chair for this Hearing.

23 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

24 VARIATION OF PREMISES LICENCE APPLICATION: THE VILLIERS ARMS, 108 VILLIERS ROAD, WATFORD, WD19 4AJ

The Sub-Committee received a report of the Head of Community and Customer Services setting out details of an application for a variation to a premises licence by the Villiers Arms and details of the representations received.

The Licensing Officer introduced the report. The application was to extend the hours for the sale of alcohol on and off the premises on Friday and Saturday nights and to extend the opening hours on these nights. She outlined the hours sought. The premises had had a justices' licence under the old regime which had been transferred under the Licensing Act. She noted that four valid representations have been received from interested parties. These representations related to public nuisance. The Applicant had also submitted 33 letters of support and a petition signed by 134 people. Some of the letters and

signatories were from non-residents of the Borough and it was for the Sub-Committee to decide what weight to attach to these documents. The Applicant needed to satisfy the Sub-Committee that he would take necessary steps to address any concerns. She referred the Sub-Committee to the licensing objectives and the Council's Statement of Licensing Policy.

Following a question from the Chair, the Licensing Officer explained that the conditions listed on page 7 had been agreed with the Police.

Mr Leighton Davies asked whether the Licensing Authority was representing against the application. The Licensing Officer responded that the Licensing Authority had not made representations, but the Applicant was asked to consider what steps would be taken to address any concerns.

Mr Davies was asked to present his application to the Sub-Committee.

He explained his history at the premises which he had taken on in December 1989. There were seldom many customers in his pub after 10 pm during the week. Friday and Saturday nights were the most important for business. He described the premises and the clientele, most of whom lived within walking distance. He showed the Sub-Committee a photograph of the premises. Mrs Dorothy Davies explained that the premises did not have Sky TV or other facilities which would appeal to young people.

Mr Davies highlighted that there had never been any problems at the pub, and the Police had never been called. He had been surprised that representations had been received from neighbours. There had been a decline in the number of customers in recent years. Mrs Davies described the relationship they had with those who had objected to the variation. She referred to the representations and noted it was not possible to determine where those creating a disturbance had been during the evening.

Mr Davies explained that the reason for this application was that his customers often wished to return to his pub after eating out and this was not possible with the current closing times. Other licensed premises in the vicinity were able to remain open later. He reiterated that on the whole the customers lived locally and were responsible. He confirmed to the Sub-Committee that he was a responsible person and there had not been any complaints before. The premises only ever had approximately 2 Temporary Event Notices per year. The premises was too small for larger events.

The Chair asked about the use of the garden during the evenings. Mr Davies estimated that the garden was used on approximately 14 occasions during the year when the weather was good. He knew that the smoke from the garden was mentioned in one of the representations. He was prepared to say that customers would not be permitted in the garden during the additional hour requested under the application. Mrs Davies showed the Sub-Committee the plan of the premises and where neighbours were located.

The Licensing Manager noted that if local residents experienced most disturbances on Sunday afternoons, this was not relevant to the application before the Sub-Committee.

The Chair asked whether Mr Davies would be prepared to accept a condition that customers would not be permitted in the garden after 10.30 pm. Mr Davies said that he felt that he could accept that condition from 11 pm.

In response to a question from Councillor Mills, Mr Davies said that food was not served at the premises. This was due to the limited parking available in the vicinity.

Mrs Davies underlined that it was a small premises which had had few problems, she felt it was a shame to impose many additional restrictions on the customers. It was a pub for the community.

Councillor Lynch said that her concern was that the good relationships with their neighbours could be upset by the grant of an additional hour. Customers would open speak more loudly after they had consumed alcohol. She asked what steps, other than the pre-existing sign on the door, could alleviate this. Mr Davies responded that his customers would know that he had worked hard to get the additional hour, and he would emphasise the need to respect the neighbours. There were not a large number of customers in the pub later in the evening. He referred to 26 October, mentioned in the representation from Councillor Counter, and noted that there had been numerous Halloween parties in the area that night where revellers had come from. He would do everything in his power to ensure that there would be no public nuisance.

Councillor Lynch advised that neighbours could feel awkward about discussing the premises with Mr and Mrs Davies. She counselled that it was important to remain in contact with local residents. Mr Davies reported that one of the interested parties had spoken to Mrs Davies about the application. He added that he had spoken to a number of neighbours when he made the application.

The Licensing Manager asked what the capacity of the premises was. Mr Davies replied that it could comfortably fit 60 standing.

In response to a question from the Licensing Manager about numbers of customers, Mr Davies outlined how many people were in the premises at different points during the evening. Should the variation be granted, he hoped to attract customers returning from evenings out.

Councillor Lynch asked whether the additional hour would increase trade. Mr Davies said it might encourage customers to stay longer. He did not feel there would be much value in opening longer on only one evening per week.

Mr Davies described some of the conversations he had had with local residents.

Councillor Lynch asked what the wording at the top of the petition had been. Mrs Davies responded that she had spoken to customers and explained about

the application to vary the licence. They had then signed their names and support. The vast majority of the letters of support has come from residents who lived locally.

The Sub-Committee retired to consider its decision.

On the Sub-Committee's return, the Licensing Manager advised that there was another issue which should be considered before the decision was announced.

The Licensing Manager referred the Sub-Committee to conditions 1 to 6 on paragraph 10.1 of the report. The conditions related to the installation of CCTV. The premises did not currently have a CCTV system and these conditions had been included following a conversation with the Police who wished to see them included. Mr and Mrs Davies had said that these conditions were a result of one incident in 2012. This was over the Jubilee weekend, where all premises were given a dispensation to open for longer. The Police had believed that there had been a lock in, however the premises had been closed and had had the right to open longer if they had so wished. This had been an error by the Police.

Mr and Mrs Davies felt that this was an additional expense and the Licensing Manager said he felt the conditions were contrary to the advice of the Information Commissioner. This was because CCTV conditions needed to be proportionate and only where there was a history of problems at the premises. This was not the case with this premises. The Statutory Code of Practice also said that they needed to be proportionate, but condition 1 would mean CCTV would film Mr and Mrs Davies in their own home after the closure of the premises.

The Chair asked whether this had been raised with the Police. It was confirmed that it had, but the requests for the conditions still stood.

The Sub-Committee retired to consider the issue.

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

RESOLVED –

Having heard from the Applicants and taken into account the representations of the Interested Parties, the Committee is minded to grant the application as requested. The Committee imposes the following conditions:

1. All customers must vacate the premises at the time shown on the premises licence for operating hours of the premises. Only family and staff may remain after this time.
2. The licence holder must clearly and prominently display signs advising customers to leave quietly and to park vehicles in a legal way,

The Committee is not imposing conditions 1 to 6 as set out on page 7 of the report.

In reaching this decision, the Committee has taken into account the provisions of the Licensing Act 2003, the Secretary of State's Guidance and the Council's Statement of Licensing Policy 2011

Chair

The Meeting started at 10.30 am
and finished at 11.25 am