

LICENSING SUB COMMITTEE

23 JANUARY 2014

Present: Councillor G Derbyshire (Chair)
Councillors G Derbyshire, H Lynch and M Meerabux

Also present: Mr Ken Emmons, Residents' representative
Mr Tim Williams, Interested Party and Residents'
representative
Ms Mystica Caruso, Applicant's representative

Officers: Head of Democracy and Governance
Licensing Officer (AY)
Committee and Scrutiny Support Officer (JK)

31 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors G Derbyshire, H Lynch and M Meerabux.

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

RESOLVED –

that Councillor G Derbyshire be elected Chair for this Hearing.

32 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

33 APPLICATION FOR VARIATION OF PREMISES LICENCE: HOLLYWOOD BOWL, WOODSIDE LEISURE PARK, NORTH ORBITAL ROAD, WATFORD WD25 7JZ (13/01475/LAPRE)

The Sub-Committee received a report of the Head of Community and Customer Services setting out details of an application to vary the premises licence at the above premises and also of the representations received.

The Licensing Officer introduced the report. He explained that the application had been made by The Original Bowling Company Ltd to vary the licence at the above premises. The hours and activities requested were set out at paragraph 3.5 of the report. There had been 16 representations from interested parties, resident in Lamb Close and St Michael's Drive. Mr and Mrs Osborn (representation I) were being represented by Mr Ken Emmons of the Kingswood

Residents' Association. Mr and Mrs Brown (representation H) were being represented by Mr Tim Williams who was also an interested party. Mr and Mrs Walker (representation D) had indicated that they wished their representation to stand in their absence. No other interested parties had withdrawn their representations and they would therefore stand for consideration by the Sub-Committee. Members were reminded that it was for the Sub-Committee to decide which action available to them would be most appropriate for the promotion of the licensing objectives. The Sub-Committee was also asked to state whether they considered the representations to be part of a petition or individual representations.

Following a question from the Chair, the Licensing Officer confirmed that there had been no representations from responsible authorities.

Mr Williams referred to paragraph 11.6 of the report and asked if the officers had considered that Lamb Close backed on to the North Orbital Road where patrons walked after leaving the complex. The disturbances referred to by the interested parties were often at the rear of the properties rather than in Lamb Close itself. The Licensing Officer advised that the paragraph was questioning the likelihood of people walking down the North Orbital Road which was a dual carriageway in places. Mr Williams noted that there was a gap of 15 metres between the rear of the properties and the pavement. This was the source of the noise.

Mr Williams presented his representation as an interested party.

Mr Williams explained that he was concerned by the application which requested extending the hours of opening and for the sale of alcohol until 0100 the following day on Thursdays, Fridays and Saturdays. The representations were based on the public nuisance which was already caused by patrons leaving the site. He referred to a number of issues on the site which caused noise, including external music and loud cars. He also listed other nuisance experienced in the locality such as litter, damaged cars and damaged trees. He described an incident a few years previously where he and his wife had had stones thrown at them by young people in the leisure park. He recounted a further incident in summer 2013 where eight people came into Lamb Close and were shouting, swearing and behaving in a threatening way. They said that they had been in Hollywood Bowl. He explained that he regularly cleared Lamb Close of litter including broken cans and glass. He reported regular damage to vehicles parked at the Sheepcot Lane end of Lamb Close. The local residents also reported regular damage to trees and wooden railings. It was felt that this was caused by patrons leaving the leisure complex.

Mr Williams noted that antisocial behaviour had been reported by a member of the public (paragraph 4.6 of the report). He outlined the history of the site and its previous use as a golf driving range. He explained that there had been opposition from residents to the leisure complex from the start. No other unit on the site had permission to sell alcohol after midnight. He noted that when the complex first opened regular meetings were supposed to take place with residents to discuss issues. He felt it was a shame that Hollywood Bowl had not

approached residents to discuss this application. He described the relationship he had had with another operator on the site.

Mr Williams noted that the complex was considered to be a leisure/shopping area in the report. Residents, however, felt it was located in a residential area. It was a suburban, residential area of Watford, with houses predominantly built in the 1930s and 1950s. He did agree with officers that the complex was a leisure area, but that special consideration should be given to residents due to its location. He referred to the Council's Statement of Licensing Policy of creating a family-friendly town. He felt that this application did not contribute to the aim of this policy. He added that residents needed to understand that the leisure complex would remain, but on the other hand the leisure units there needed to understand their residential location. He suggested that the cut-off time for alcohol sales on the site should be midnight, with opening hours limited to 0030.

The Chair referred to paragraph 11.9 and asked for Mr Williams' view. Mr Williams responded that he felt they represented 16 individual households who objected to the application.

Following a further question from the Chair regarding the location of Lamb Close in relation to the site, Mr Williams suggested that people may walk down Lamb Close if they were lost or inebriated.

Councillor Meerabux asked about the link between the disturbances experienced and Hollywood Bowl, rather than the complex itself. Mr Williams said that the late-night venues on the complex comprised the cinema, the restaurants and Hollywood Bowl. The other venues were not primarily drinking venues and Hollywood Bowl had the highest footfall.

Councillor Meerabux noted there had been no representations from Responsible Authorities. Mr Williams replied that the incidents often passed quickly and residents therefore did not report them.

Councillor Lynch noted that the premises were able to operate to non-standard timings and until 0200 on certain days in the year. She asked whether those events had had a negative impact on residents. Mr Williams referred to paragraph 11.8 and questioned whether these hours had been utilised. The Licensing Officer explained that the Licensing Authority would not be aware whether or not these hours had been used.

Following a further question from Councillor Lynch, Mr Williams added that he considered that an additional hour and a half for the sale of alcohol would increase the problems experienced in the neighbourhood. He confirmed that the external speakers on the complex were only outside the restaurants.

Ms Mystica Caruso questioned whether the people involved in the incident which Mr Williams referred to in Lamb Close had been in Hollywood Bowl as they did not allow customers to take alcohol off the premises. She noted that a number of the examples cited had been from a few years ago and the current operators had only taken on the premises in 2010. The venue was family-orientated and

also regularly hosted corporate events. There were a lot of pre-booked packages of bowling and drinks and therefore the application for later hours was to provide more flexibility for those bookings. The cinema on the leisure park was open until 0300 and customers arriving at the premises late in the evening had often come from other premises on the complex. Hollywood Bowl generally closed between 0030 and 0100. It was not intended that the premises would open later Thursdays to Saturdays as a matter of course, but would provide the Applicant with flexibility.

Mr Williams said he understood that off-sales were not permitted but the people in question had said they had been at Hollywood Bowl. He stated that they may have hidden the bottles and retrieved them upon leaving the premises.

Mr Ken Emmons presented the representation on behalf of Mr and Mrs Osborn. He asked why the application had been made now and noted that if granted, the premises would have 167 nights per year where extended timings would be permitted, including the current notable days. He underlined the close proximity of Lamb Close to the complex, which suffered from nuisance and noise. He advised that he lived about 300 yards from Lamb Close and as Chair of the Kingswood Residents' Association was well aware of the problems caused by the leisure complex. He understood that Hollywood Bowl had no direct control over patrons after they left the premises. However later hours would mean there was potential for later noise disturbances. He felt that midnight should be the 'norm'. He described an incident where trees had been uprooted and residents had felt it was not worthwhile calling the Police as the disturbance had passed. He felt that a meeting with residents would have been good practice to agree a compromise. The cinema on the site allowed two drinks per person and he wondered whether a similar system would work. He asked the Sub-Committee to reject the application.

The Chair noted that the licensable activities could have different hours and he asked whether Mr Emmons could see a distinction. Mr Emmons said that he considered Hollywood Bowl to be a bar. It was his view that most of the trouble came from there. Extra hours would put extra pressure on the residents, no matter which licensable activity they applied to.

Councillor Meerabux referred to antisocial behaviour and asked how it was reported. Mr Emmons noted that incidents were over by the time the Police arrived. Councillor Meerabux highlighted paragraph 4.6 of the report and the action and findings of the Licensing Enforcement Officer and the Antisocial Behaviour Action Group. Councillor Meerabux was concerned that if incidents were not reported, the licensing authority and the Police were in an awkward position. Mr Emmons said that the only reason for the hours was to increase profits.

Councillor Lynch noted that there had been a change in management in 2010. She asked whether the problems had improved. Mr Emmons said he had not noticed a change. He felt there was not much Hollywood Bowl could do about it. Following a further question from Councillor Lynch regarding why he considered that Hollywood Bowl caused problems, Mr Emmons responded that these

premises were the only ones which operated as a bar and that people went in to use the bar and not bowl.

Ms Caruso noted that both restaurants on the complex had an open bar. She asked whether Mr Emmons was aware of this. Mr Emmons said that he felt Hollywood Bowl was a bar and customers were less likely to have food with their drinks.

The Licensing Officer clarified that bowling in itself was not a licensable activity; 'indoor sporting events' referred only to competitions. The Head of Democracy and Governance confirmed that the leisure activity of bowling was not licensable and Hollywood Bowl could open 24 hours a day for this activity if they so wished.

The Licensing Officer advised that he had the licenses for the other premises on the complex and neither of the restaurants had a condition stating that alcohol could only be sold with food. He added that food was available at Hollywood Bowl and the intention was to extend the provision of late night refreshment which would allow food to be sold during the extended hours.

Following a question from Councillor Lynch, the Licensing Officer listed the hours for the sale of alcohol at the other premises on the complex.

Councillor Meerabux asked about how premises' hours were set and the effect of the location. The Licensing Officer explained that the Statement of Licensing Policy had definitions of areas. Most premises on the complex had transferred their old licences from the previous licensing regime and had not varied their licence since that time. Therefore they had not been tested under the policy.

Ms Caruso presented the case for the Applicant.

She said that the premises were primarily a family-oriented venue and this was where revenue was concentrated. The evenings were for adults to socialise and most customers would bowl and/or eat as well as drink. The main reason for the application was the flexibility to sell alcohol for longer if needed. Some customers arrived late, often from the cinema, and the extension would allow them to be served when they had pre-booked drinks. There was no intention to be open for longer on a regular basis. It would provide a better customer experience and it was hoped they may start bowling earlier. She reported that there was very good security at the weekends and the security staff stood on the door as well as checking ID in the bar. They dealt with any issues and called the Police if needed, rather than just escorting people off the premises. They were able to identify those customers that only intended to cause problems. She referred to paragraph 10.3 with regard to notices and she confirmed that they would be happy to display such notices. She had worked at the premises for 18 months and there had been no trouble during that time. Generally, customers left by car or by taxi rather than on foot.

Following a question from Councillor Meerabux, Ms Caruso advised that the full rate was charged at weekends. Under 18s were generally not in the premises late at night.

Ms Caruso confirmed, in response to a question from Councillor Meerabux that there was an incident report process and there had not been any complaints.

Councillor Lynch asked why the residents had not been consulted about the application. Ms Caruso advised that this was not something she had thought of doing. It was something she would think about for the future.

Mr Williams asked whether Ms Caruso understood the residential location of Hollywood Bowl. Ms Caruso said that she understood this and would be willing to work with residents in the future.

In response to a question from Mr Williams about the mitigation of the impact on residents, Ms Caruso referred to the security in place at the entrance. They monitored the noise levels and ensured there was no antisocial behaviour.

Mr Williams highlighted the larger scale of Hollywood Bowl and Ms Caruso agreed that the premises had a higher footfall than the restaurants but did not know what the comparison would be with the cinema.

Mr Williams suggested that if the licensed hours for alcohol sales were extended it might encourage customers who were leaving the other premises to come into the bar. Ms Caruso said this was not the intention; the hours would not be advertised and that was not what she would want as a manager.

Councillor Meerabux highlighted that with later hours came the potential for more disturbance. Ms Caruso reiterated that this was not the intention and the current situation was that there was an hour where customers could bowl but could not purchase alcohol.

Councillor Meerabux said that staff in other establishments were trained to be aware of potential impact on local residents. Ms Caruso advised that other premises in the chain sold alcohol until 0100 and the company was aware of the issues. Additional training could be implemented if required. Hollywood Bowl was not looking to be a late-night alcohol venue. This could be controlled by having bookings later in the evening.

In response to a question from Councillor Lynch, Ms Caruso estimated that 80% of the bar revenue came from customers who were bowling. Many of the remaining 20% were regulars who lived locally.

The Licensing Officer noted that the intention was to use the requested extension on an ad hoc basis and asked how often this might be. Ms Caruso said this was difficult to measure. Alcohol sales ended at 2330 and the premises tended to close between midnight and 0030.

The Licensing Officer outlined the possibility of using Temporary Event Notices and asked whether they would be a viable alternative. Ms Caruso felt that TENS lacked the flexibility that a variation would allow.

Responding to a question from Councillor Lynch, Ms Caruso confirmed that the only time that the premises had closed at 0200 was on New Year's Eve.

Mr Williams noted the difference between public nuisance and crime and disorder, and that residents would be unlikely to call the Police to report nuisance.

Ms Caruso reiterated that Hollywood Bowl was a family orientated venue and she was happy to work with residents.

Mr Emmons referred to the Statement of Licensing Policy and LP2 and noted that premises which were considered to be located in residential areas may have their hours limited to midnight. He then drew the Sub-Committee's attention to point 10 of LP6.

The Licensing Officer advised that the number of representations received as well as the timing of the consultation period, which ended between Christmas and New Year, meant that officers had felt that the usual mediation process had been impractical.

The Sub-Committee retired.

The Sub-Committee reconvened to hear a condition offered by the applicant.

Ms Caruso suggested that after 2330 the premises could serve alcohol only to those who were bowling using the lane service. She confirmed that the bar would be closed to other customers.

Mr Emmons' view was that this would not make much difference. He did recognise the distinction between bowlers and those who used the premises as a drinking establishment.

Mr Williams said that he still felt reluctant and residents would still experience public nuisance. He would prefer midnight as the terminal hour.

The Sub-Committee retired to consider its decision.

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

RESOLVED –

Having taken into account the provisions of the Licensing Act 2003, the government guidance thereon, the representations of the interested parties, the representations of the applicant and the Council's Licensing Policy 2013-2018, the Committee has decided as follows:

The Committee takes a different view from the officer's report. The Committee considers the applicant's premises to be part of a larger leisure complex which is itself located in a residential area and which particularly has impact on the back gardens of Lamb Close on the other side of the A405, and that therefore the

licensable activities of the applicant's premises may be limited to midnight under Licensing Policy LP2.

The Committee considers that the written representations of the interested parties should be viewed as individual representations rather than a simple petition, notwithstanding that the majority are based on the draft of one interested party.

The Committee recognises the potential for nuisance to residents late at night occurring when customers disperse from premises with alcohol licences.

The Committee agrees that the terminal hour for the sale of alcohol at the licensed premises be extended to midnight on Thursday, Friday and Saturday and that the terminal hour for other licensable activities on the same days be extended to 0100.

The following new condition is also placed on the licence:

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

Chair

The Meeting started at 10.30 am
and finished at 1.30 pm