

LICENSING SUB COMMITTEE

28 APRIL 2014

Present: Councillor G Derbyshire (Chair)
Councillors P Jeffree and M Meerabux

Also present: Mr Denis Cook, Applicant
Mr Neil Higgins, Applicant

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

37 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors Derbyshire, Jeffree and Meerabux.

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

RESOLVED –

that Councillor Derbyshire be elected Chair for this Hearing.

38 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

39 APPLICATION FOR A VARIATION OF PREMISES LICENCE: THE FLAMINGO (WATFORD) LTD, 135 THE PARADE, WATFORD (14/00274/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. She outlined the proposed amendments to the hours for various licensable activities. Three representations had been received from interested parties on the basis of public nuisance. She advised that the applicant wished to remove a condition which prevented customers from taking food or drink into the smoking area. In addition, the application also sought to amend a condition which only allowed those over 25 to be in the premises after 20.00. If approved, the age limit would be reduced to

over 21s after 20.00. The applicant had agreed to the conditions suggested by Environmental Health. She underlined that only the variation applied for was subject to the Sub-Committee's determination.

The Chair noted that in paragraph 3.2 of the report the premises had been defined as a bar/other entertainment venue and he asked how this definition had been determined. The Licensing Officer said this had been the decision of a previous Licensing Sub-Committee and suggested the applicant be asked for comment on this.

In response to a question from the Head of Democracy and Governance, the Licensing Officer confirmed that on page 13 of the agenda there was the proposed plan of the premises and page 15 showed the plan attached to the original licence.

The Chair invited to the applicant, Mr Denis Cook, to present his application.

Mr Cook explained that he had previously run a different premises in Watford and he had wanted to open a more adult and mature venue to enhance the town centre offer. He explained that he could not give the technical reasons for the premises' definition.

He had consulted with Licensing and Police when applying for his original licence for the Flamingo. The previous operators of the venue had had a licence until 0300 but he had only applied for 0200. As a resident of the town, he felt this was the correct decision. The Police had suggested at the time that if the venue was well-run he could apply to vary his licence in future. He underlined that he had operated the venue well and prior to this variation had consulted with Licensing, the Police and councillors.

He had spoken to Mr Young, one of the interested parties, about the application and he would continue to work with and respect the residents. He referred to the letter from Mr T White and indicated that Mr White had never been to speak to staff about his concerns. He reported that every week he and the venue manager, Mr Higgins, walked to Faircross House to check the noise levels from the venue. There was little noise from the venue audible from there. He added that a ward councillor had spoken to three local residents to ask for their feedback on the venue and they had had no complaints. He referred to the representation of Mr M White and noted that the representation mostly referred to issues at 143 Bar.

Mr Cook said that his intention had always been to open an entertainment-led venue for adults. He was looking forward to being involved with the new look of the Parade and wanted to contribute to the continental cafe-style environment. When the regeneration was complete, the venue would be open from 10.00 serving coffees and snacks. Data from Scan Net, which scanned the identification documents of customers, showed that on Friday nights customers were typically aged between 30 and 35 and on Saturday nights were aged between 40 and 45. There were approximately 200 people in the venue on these nights. The venue attracted a wide range of people and this had a calming

effect on the atmosphere the town centre. The premises had a pavement licence until 23.00, in line with all the other premises locally, but he anticipated that the furniture would be brought inside around 21.00.

Mr Cook advised that customers often did not arrive at the Flamingo until 23.00 after having eaten at a restaurant locally. He described the music acts which performed at the venue. Many of the customers went to another venue after the Flamingo closed at 01.30. Extending the opening hours would mean customers were more likely to go straight home at the end of the night.

Mr Cook read aloud excerpts from two letters from customers. The letters expressed their thanks for the welcome and level of service they received at the Flamingo.

Mr Cook closed by saying that he was pleased to be participating in the Town Centre Partnership. The venue wanted to be part of the success of the Parade and he hoped that the variation would be agreed.

The Chair asked why the application sought to amend the condition relating to age limits after 20.00 when the target customers were older. Mr Cook explained that this would give the venue more flexibility, for example to allow relatives of those celebrating birthdays at the venue to attend. He underlined that the attitude of customers would have the greatest impact on whether they would be allowed to enter.

Following a question from Councillor Jeffree, Mr Cook outlined how the venue operated throughout the day. It started with coffees and snacks from 10.00 as a café-bar and then offered coffee and alcoholic drinks to customers in the early evening. The venue provided evening entertainment indoors from 21.00 including live bands and recorded music. Light snacks continued to be available throughout the evening. After 00.00, the live bands finished and recorded music was played.

Mr Cook addressed a question from Councillor Jeffree advising that internally there were tables and chairs to seat 50 to 60 people. The stage was located at the rear of the premises, away from the Parade.

Mr Neil Higgins, the Manager of the Flamingo, confirmed that after 00.00 there was a disco; however what made the premises different from others in the town centre was the age of the customers and the types of music played. Mr Cook stated that the options in the town centre were limited and that the premises offered live music at a reasonable cost.

Councillor Jeffree referred to the outside area which was the smoking area and was proposed to be licensed. He asked what measures were proposed to mitigate the impact on residents. Mr Cook responded that the problem this sought to address was that customers left the venue as they did not want to leave their drinks while they were outside. He added that conditions had been agreed with Environmental Health to alter the fencing. The variation did not

increase the number of people permitted in the area. Mr Higgins added that he checked the noise levels behind the premises as well.

Councillor Jeffree asked for more details about the premises' dispersal policy. Mr Higgins advised that the venue employed door supervisors and there was always someone outside to ensure customers did not remain outside the venue creating a disturbance. His view was that the clientele of the Flamingo were less likely to cause problems on leaving than those of other premises. Mr Cook underlined that the attitude of customers was important and the door staff were proactive and would not let anyone in who they felt would cause trouble. This was facilitated by Scan Net.

In response to a question from Councillor Meerabux about the nature of the premises, Mr Cook advised that during the day it would be a venue for everyone visiting the Parade. Live bands played at the premises on Saturday nights and it was not competing with the venues which targeted young adults. Mr Higgins added that he was pleased that the new pavement licence would allow families to come during the day and sit near the Pond.

Councillor Meerabux expressed his concern about the licensing of the outside area. Mr Cook informed the Sub-Committee that he would not have made the application if he believed there would be an adverse impact on residents. Although the Flamingo was a live music venue, the noise was not audible outside. Mr Higgins confirmed that under the application, the outside area would close when the bar finished serving alcohol.

The Chair noted that when customers had been drinking, the noise levels outside would increase. Mr Cook agreed that this was true. The numbers in the outdoor area would still be restricted to 50 people. He suggested that the removal of this condition could be granted on a trial basis. The staff would be diligent in ensuring that customers did not cause a nuisance.

The Chair asked for more details about how the level of sound at the back of the premises would be controlled. Mr Cook explained the layout of the premises. There was a member of the door staff stationed near the rear doors.

Mr Cook underlined that the premises was not part of a conglomerate and he was seeking to be part of the improvement of the Parade.

The Sub Committee retired to consider their decision.

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

RESOLVED –

Having considered the application in the light of the Licensing Act 2003, the guidance thereon, the Council's Statement of Licensing Policy November 2013 to November 2018 and the representations received. The Committee decides as follows:

The existing hours for licensable activities shall be amended as follows:

Sale of Alcohol

Monday to Wednesday: 12:00 – 00:00

Friday: 12:00 – 01:30

Saturday: 12:00 – 01:30

Recorded music

Thursday: 12:00 – 01:30

Friday: 12:00 – 02:00

Saturday: 12:00 – 02:00

Opening hours of the premises

Monday to Wednesday: 08:00 – 00:30

Thursday: 08:00 – 01:30

Friday and Saturday: 08:00 – 02:00

Sunday: 08:00 – 23:00

Performance of dance

Thursday: 12:00 – 01:30

Friday and Saturday: 12:00 - 02:00

Sunday: 12:00 – 23:00

Where the hours have not been amended, the existing hours remain.

The Committee agrees to the removal of condition 31 in respect of the enlarged smoking area.

The Committee agrees to amend condition 1 subsection 2 to read - "all ages up to 20:00 hours and over 21s only after 20:00 hours."

Chair

The Meeting started at 10.30 am
and finished at 12.25 pm