

LICENSING SUB COMMITTEE

29 JUNE 2015

Present: Councillors G Derbyshire (Chair), S Bolton and F Ewudo

Also present: Mr Manuel Rocha, Applicant's Agent
Mr Lindomar Silva, Applicant
Councillor Jackie Connal

Officers: Solicitor
Licensing Manager
Committee and Scrutiny Support Officer (RC)
Committee and Scrutiny Support Officer (IM)

31 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

The Committee and Scrutiny Support Officer confirmed that the Sub Committee would comprise of Councillors Bolton, Derbyshire and Ewudo.

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

RESOLVED –

that Councillor Derbyshire be elected Chair for this Hearing.

32 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

33 APPLICATION FOR A NEW PREMISES LICENCE: SEU CAFE, 30 VICARAGE ROAD, WATFORD, WD18 0EH

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

The Licensing Manager introduced the report. It was noted that the application was for a new premises licence at 30 Vicarage Road, Watford, WD18 0EH to allow the sale of alcohol for consumption on and off the premises between 10:00hrs and 23:00hrs Monday to Saturday and between 10:00hrs and 22:30hrs on Sundays; and for late night refreshment between 23:00 hrs and 23:30hrs. The premises had not previously had a licence.

The Licensing Manager stated that although the Applicant had a licence for a similar premises at 26 Vicarage Road, Watford, WD18 0EH, the Sub-Committee

needed to consider this application on its own merits. However as the other licensed premises was of a similar nature in a similar area, it was considered relevant that the premises at 26 Vicarage Road had not received any complaints.

It was noted that a representation had initially been made by Environmental Health Officers. However these had been withdrawn following a modification of the operating schedule.

One representation signed by two people had been received from interested parties, which was found at page 29 of the agenda. However no parties attended the meeting to give an oral representation. The Licensing Manager advised that it was for the Sub-Committee to decide how much weight to give such a representation. He noted that parts of that representation related to the licensing objectives 'to prevent crime and disorder' and 'public safety'. However no representations had been made by the police.

The Licensing Manager highlighted that the Applicant had discussed appropriate conditions with the police and also Environmental Health Officers. The Parking Service had also been consulted regarding the representation from interested parties and it was noted that there was no history of complaints concerning motorcyclists. Despite this, it was noted the Applicant had sought to remedy concerns through the use of additional conditions set out in Annex 2 of the officer's report.

The Sub-Committee took the opportunity to question the Licensing Manager and clarify aspects of his report. It was noted that Annex 1 of the report set out the mandatory conditions and Annex 2 of the report set out supplementary conditions which had been derived from the Applicant's operating schedule.

It was understood that the conditions set out in paragraphs 9.3 and 9.4 of the officer's report had been incorporated into the conditions set out in Annex 2. The method of identifying the minimum price for selling alcohol was noted at condition 6 of Annex 2.

The Sub-Committee noted that the motorcyclists mentioned by the interested parties in their representation might not be customers of the Applicant's establishment but members of the public.

The Applicant and his Agent were given the opportunity to put questions to the Licensing Manager. However they did not wish to ask any questions.

In the absence of any parties making oral representations, the Sub-Committee could only consider the written representation at page 29 of the agenda.

The Chair invited the Applicant and the Applicant's Agent to address the Sub-Committee.

The Applicant's Agent stated that the Seu Café was a café-restaurant looking to expand their business. The Applicant was described as experienced and professional. The focus of the business was on cooking and light meals. The

alcohol that would be sold if the licence was successfully obtained would be to complement the food. There was no intention to turn the business into a bar.

The Applicant would seek to address concerns regarding noise by monitoring and limiting the number of people outside the establishment smoking, and also introduce signage.

The Sub-Committee questioned the Applicant's Agent regarding the application.

The Applicant's Agent clarified that the minimum price referred to at paragraph 9.3(2) of the officer's report was due to supermarkets buying in bulk and being able to sell products cheaper than they bought them. However the Applicant would not be carrying out any irresponsible promotions as they needed to make a minimum of 30% gross profit (usually 60%) to improve the business.

The Sub-Committee noted that paragraph 4 of Annex 2 limited the sale of beers, ciders and lagers to those of 6% ABV and below. The Applicant's Agent noted that this was in keeping with the style of the café, as such drinks in Brazil and Portugal were around 5.1-5.2% ABV.

It was noted that the police were satisfied with the proposed conditions.

It was also clarified that conditions set out in paragraphs 9.3 and 9.4 of the officer's report referred to 12 noon when they stated 12:00 hours.

The Solicitor and the Licensing Manager had no questions for the Applicant.

The Sub-Committee retired to consider their 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 guidance thereon and the Council's Statement of Licensing Policy 2013-2018, as well as the representations of the interested parties, the Licensing Sub-Committee has decided to approve the application for the sale of alcohol for consumption both on and off the premises and for late night refreshment during the hours shown in paragraph 3.7 of the officer's report, subject to the mandatory conditions shown in Annex 1 of the officer's report and the supplementary conditions (conditions consistent with the operating schedule) shown in Annex 2 of the officer's report.

Chair

The Meeting started at 10.30 am
and finished at 11.10 am