



LICENSING SUB COMMITTEE

Thursday, 2nd July, 2015

10.30 am

Town Hall, Watford

Please note the start time of this meeting

Publication date: 24 June 2015

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Ishbel Morren/Alan Garside in Democracy and Governance on 01923 278376 or by email to legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

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COMMITTEE MEMBERSHIP

Councillors S Bolton, I Brown, J Brown, J Connal, K Crout, G Derbyshire, F Ewudo, M Haley, K Hastrick, M Hofman, M Mills, T Rogers, S Silver, M Watkin and S Williams

The Sub-Committee to comprise 3 members from those listed above.

AGENDA

PART A - OPEN TO THE PUBLIC

1. **COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **APPLICATION FOR A NEW PREMISES LICENCE: LUX, GADE HOUSE, 46 THE PARADE, WATFORD. (Pages 5 - 42)**

Report of the Head of Community and Customer Services.

This report asks the Sub-Committee to consider an application for a new premises licence following the receipt of representations.

PART A

Report to: Licensing Sub-Committee
Date of meeting: 2 July 2015
Report of: Head of Community and Customer Services
Title: Application for new premises licence:
Lux Restaurant and Bar, Gade House, 46 The Parade, Watford
WD17 1AY
15/00728/LAPRE

1.0 SUMMARY

- 1.1 An application has been received from Mr Neil Campbell on behalf of Hospitality Leisure Consultancy Limited for a new premises licence in respect of Lux Restaurant and Bar, Gade House, The Parade, Watford to allow alcohol sales for consumption on and off the premises and other licensable activities each day.

2.0 RECOMMENDATIONS

- 2.1 That the Licensing Sub-Committee determines whether to grant the application (amended where appropriate for the promotion of the licensing objectives) as set out in the report.

Contact Officer:

For further information on this report please contact: Jeffrey Leib, (Licensing Manager), tel: 01923 278476 email: jeffrey.leib@watford.gov.uk

Report approved by: Alan Gough, Head of Community and Customer Services

3.0 **APPLICATION**

3.1 Type of authorisation applied for
Grant of a new Premises Licence.

3.2 Description of premises from the application form
Café, bar and restaurant

3.3 A map of the location of the premises is attached at appendix 1.

3.4 The plan of the premises is attached at appendix 2.

3.5 Licensable activities

Licensable activity	Permitted now	Proposed
Plays		
Films		✓
Indoor sports events		
Boxing or wrestling entertainment		
Live music		✓
Recorded music		✓
Performances of dance		
Anything of a similar description to live or recorded music or dance		
Provision of facilities for making music		
Provision of facilities for dancing		
Provision of facilities of a similar description to making music or dancing		✓
Provision of late night refreshment		✓
Sale by retail of alcohol for consumption on the premises		✓
Sale by retail of alcohol for consumption off the premises		✓

3.7 Licensable hours

	Proposed opening hours	Proposed alcohol sales hours	Proposed hours other licensable activities	Proposed late night refreshment hours
Sunday	1100 - 0130	1100 - 0100	1100 - 0100	2300 - 0100
Monday	1100 - 0130	1100 - 0100	1100 - 0100	2300 - 0100
Tuesday	1100 - 0130	1100 - 0100	1100 - 0100	2300 - 0100
Wednesday	1100 - 0130	1100 - 0100	1100 - 0100	2300 - 0100
Thursday	1100 - 0230	1100 - 0200	1100 - 0200	2300 - 0200
Friday	1100 - 0230	1100 - 0200	1100 - 0200	2300 - 0200
Saturday	1100 - 0230	1100 - 0200	1100 - 0200	2300 - 0200

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor
Mr Neil Campbell

4.3 Current licences held
The premises were continuously licensed from 1997 for entertainment and alcohol sales. The licence lapsed when the previous licensees became insolvent in September 2014. The premises have been vacant since then.

4.5 Closing date for representations
12 June 2015.

4.4 Public notice published in newspaper
22 May 2015.

4.7 Visits and Enforcement action
Not applicable.

5.0 **PROMOTION OF LICENSING OBJECTIVES**

5.1 Members will be aware that an operating schedule forms part of the licensing process. This document outlines what activities are proposed, the opening hours, how the activities will be managed particularly in respect of the licensing objectives.

5.2 The most critical part of the operating schedule is the steps taken by the applicant to promote the four licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be translated as conditions on the licence.

5.3 Applicants should give consideration to the local area and reflect this in their application (see the statutory guidance at paragraphs 8.33 – 8.36). It should

demonstrate an awareness of the local community, local crime and disorder issues, and the local environment.

6.0 RESPONSIBLE AUTHORITIES

6.1

<i>Responsible authority</i>	<i>Ground for representation</i>	<i>Appendix No</i>
Police	Crime and disorder	3
Licensing authority	Crime and disorder	4
Environmental Health	None	-
Trading Standards	None	-
Public Health	None	-
Fire & Rescue	None	-
Local Planning Authority	None	-
Childrens' Safeguarding	None	-

7.0 INTERESTED PARTIES

7.1 One representation (attached at appendix 5) has been received from interested parties:

Reference letter	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
A	Central Town Residents' Association and Neighbourhood Watford	31 St John's Road	Yes	Public nuisance and crime and disorder

8.0 POLICY CONSIDERATIONS

8.1 The following provisions of the Licensing Act 2003 apply to this application:

- Sections 17 and 18 (Application for premises licence):
These sections set out how an application for a premises licence should be determined where valid representations have been received.
- Section 19 (Mandatory conditions where licence authorises sale of alcohol)
This not only refers to the requirement for a designated premises supervisor with a personal licence to sell alcohol but also the mandatory conditions around pricing, irresponsible promotions and compulsory age verification procedures
- Section 21 (Mandatory conditions: door supervisors)
Door supervisors required to be employed by virtue of any other licence condition must be licensed by the Security Industry Authority
- The Licensing Act 2003 (Hearings) Regulations 2005 (as amended)

These regulations detail how hearings should be conducted to determine applications submitted under the Licensing Act.

8.2 Statutory guidance

The following provisions of the March 2015 statutory guidance, to which the licensing authority must pay regard, apply to this application:

- Paragraphs 8.33 - 8.41:
These paragraphs explain how steps should be taken to promote the licensing objectives. It is for the Sub-Committee to decide in light of this guidance whether the measures offered by the applicant are appropriate to promote the licensing objectives. It is equally important to use the same measure when looking at any steps requested by a party making representations against an application.
- Paragraph 9.12:
This paragraph explains how the licensing authority should accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not promote the licensing objectives. However, it is still the responsibility of the Police to ensure that their representations can withstand scrutiny.
- Paragraphs 9.30 – 9.39:
These paragraphs explain that hearings should be focussed on the steps considered appropriate to the promotion of the licensing objectives, as well as how appropriate weight must be attributed to the steps to promote the licensing objectives, the representations presented by all parties, the statutory guidance and the licensing authority's statement of licensing policy.
- Paragraphs 9.41 – 9.43
These paragraphs explain that when determining applications, the authority's determination should be evidence-based, as well as how to assess if a step is 'appropriate' for the promotion of the licensing objectives.
- Paragraphs 10.13 – 10.14
The Government recognises that local licensing authorities are best placed to determine the operating hours for premises within their areas, providing each case is considered on its own merits and without reference to pre-determined hours. It is however acceptable to consider imposing conditions on a licence or to grant it for different hours than those sought.
- Chapter 10:
This chapter looks at best practice in relation to conditions that may be attached to a premises licence should it be believed that such conditions are appropriate to promote the licensing objectives. Any additional conditions requested by any party should be considered with reference to this chapter.

8.3 Statement of licensing policy

The following paragraphs of the licensing authority's statement of licensing policy apply to this application:

- Policy LP1 – Premises Definitions
The definition of the nature of the premises is necessary in order to apply policy LP2.
- Policy LP2 – Location and Operation of Premises
This policy sets out the anticipated operating hours for premises in the town centre where relevant representations have been received.
- Policy LP3 – Creating a Family-Friendly Town Centre
This policy sets out the licensing authority's approach towards different types of premises in the town centre and is intended to be strictly applied.
- Policy L6 – Prevention of Crime and Disorder
Under this policy the Sub-Committee will consider any appropriate measures to deal with the potential of crime and disorder where relevant representations have been received.
- Policy LP11 – Representations About Applications
This policy recommends the type of information that should be included in a representation. It also explains how representations will be dealt with.

8.4 The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

8.5 The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

9. **CONDITIONS**

9.1 The operating schedule, referred to above, sets out conditions that can be translated onto the premises licence if granted. A draft licence is set out at appendix 6 for the Sub-Committee to consider if it decides it is appropriate to grant the licence, and if it is appropriate to grant the conditions shown.

9.2 The starting point for dealing with applications where representations have been made should be to see whether there are any conditions that might address those concerns.

9.3 There are only two matters raised in the representations that specifically relate to conditions, which are discussed below:

(1) off-sales of alcohol from the premises late at night

(2) the operating hours of the premises.

9.4 The applicant has accepted a representation from Environmental Health to include the following condition on the licence:

A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an Environmental Health Officer to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an Environmental Health Officer or Licensing Authority authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Environmental Health Officer.

9.5 This does not restrict the Sub-Committee's power to attach conditions from the pool of model conditions (amended or otherwise) if they consider that they appropriate, proportionate, justifiable and within the applicant's power to comply with. Equally, the Sub-Committee may consider whether all of the proposed 54 conditions are actually appropriate to promote the statutory objectives and would be capable of being complied with and therefore need to be included on the licence.

10.0 OFFICERS' OBSERVATIONS

10.1 Operating hours

The representations do not object to the application per se, but there is a conflict between the licensing authority's policy objectives and the applicant's proposals. The objectives of LP2 and LP3 are clearly expressed in the licensing authority's representation and do not need repeating here in depth save to repeat they are intended to be strictly applied.

10.2 The policy objectives are to promote entertainment and food-led businesses, and it can be seen that the representations do not object to those parts of the application. However, LP3 explicitly states that the starting point for alcohol-led applications where relevant representations have been raised is to refuse them, unless the applicant can show they are an exception to the policy.

10.3 The police have indicated they would accept an amendment for alcohol to be sold until 0100 hours the next day on Thursday, Friday and Saturday (instead of 0200 hours), and for the premises to close at 0200 hours the next day (instead of 0230 hours).

10.4 Even those reduced hours may be contrary to policy LP2, depending on what type of premises Lux becomes late at night. The application form simply states it

is a “café, bar and restaurant”, and on that reading would be entitled to licensable activities until 0200 hours. Both the police and licensing authority cast doubts on that claim however based on the proposed operating schedule and pre-application discussions, where a number of features more commonly found in night-clubs and late-night bars (such as electronic identification systems, dispersal policies, door supervisors, seating capacities and last-entry times) can be found.

- 10.5 The licensing authority representation also points out the application does not demonstrate why or how, late at night, it can be seen as an exception to the LP3 policy by contributing to the family-friendly development of the town at that time of night; effects a real reduction in capacity of alcohol sales; or replaces vertical drinking establishments with seated consumption and waiter service.
- 10.6 It is for the applicant to demonstrate why they should be made an exception to the policy. Alternatively they may demonstrate to the sub-committee that they do fulfil the criteria as a late-night restaurant (entitling them to have licensable activities until 0200 hours) or a café-bar, if the proposals meet the definitions in policy LP1 to the sub-committee’s satisfaction. The sub-committee may wish to consider imposing further conditions to ensure that the premises does then operate in the manner described to it. It is relevant therefore that the application includes late-night refreshment both on and off the premises until 0200 hours, and that the premises is offering a condition for a full food menu to be available until at least an hour before closing. The sub-committee might want to consider the relevance of the occupancy figures being proposed, with a minimum of 130 covers out of a maximum proposed occupancy of 250 people for dining purposes.
- 10.7 Off-sales of alcohol
The police and the licensing authority raise concerns about alcohol being sold for consumption away from the premises late at night. Although the applicant has indicated this will be with take-away meals, the prospect has been raised of customers buying food and alcohol until 0200 hours and consuming both within the town centre in the early hours. This might slow down the rate of dispersal from the town, create potential conflict with people from other premises leaving after 0200 hours, and would almost be encouraging people to drink within the Designated Public Places Order zone. It would also cause some confusion for nearby premises which the police and licensing authority have for many years actively encouraged to ensure customers do not leave their premises with bottles, glasses or cans at night. The sub-committee may feel that it would be appropriate to prevent crime, disorder and public nuisance by not allowing this activity on the licence or at least until such a late hour (see draft licence, annex 2, condition 12).
- 10.8 In this context the sub-committee might wish to note policy LP2, under which town centre off-licences would generally only be granted licences to sell alcohol until 8 pm where relevant representations have been made.
- 10.9 As the sub-committee is aware, it may depart from its own statement of licensing policy if it has good reason to do so in order to promote the licensing objectives.

10.10 In determining this application, the Sub-Committee must have regard to the representations and take such steps as it considers appropriate for the promotion of licensing objectives. The steps are:

- (a) grant the application in full.
- (b) modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding them.
- (c) reject the whole or part of the application.

Appendices

Appendix 1 - map of the premises' location

Appendix 2 - plan of the premises

Appendix 3 – representation by police

Appendix 4 – representation by licensing authority

Appendix 5 – representation from interested party

Appendix 6 - draft premises licence

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Licensing Act 2003

Amended guidance issued under section 182 of the Licensing Act 2003
(March 2015)

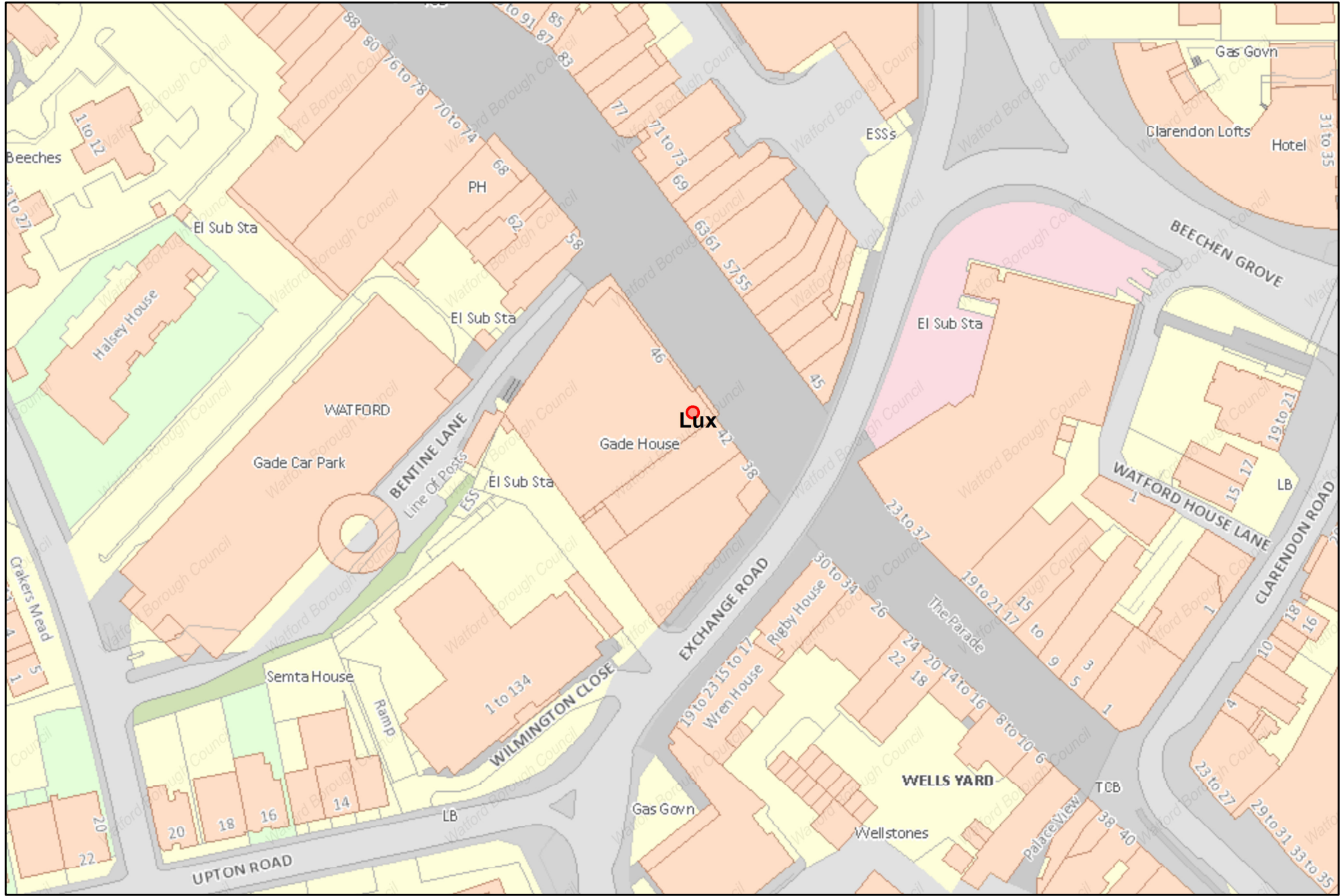
Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2013-18)

Watford Borough Council Pool of Model Conditions (March 2013)

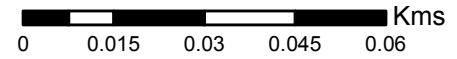
File Reference

Lux, The Parade



Appendix 1 - Premises Location

Date: 24/06/2015



Scale 1:1,250



WATFORD LICENSING AUTHORITY
Licensing Act 2003.

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police - On behalf of The Chief Constable

Your Name	Sgt Rachel Brown
Job Title	Licensing Sergeant 2006
Postal and email address	Community Safety Unit, Watford Police Station, Watford, Herts WD17 1DD
Contact telephone number	01923 472040

Name of the premises you are making a representation about	Lux Restaurant & Bar
Address of the premises you are making a representation about	46 Gade House, The Parade, High Street, Watford WD17 1AY

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	<p>An application has been received for a new Premises Licence for Lux Restaurant & Bar, 46 Gade House, The Parade, High Street, Watford for a licence to provide the sale of alcohol, late night refreshment and regulated entertainment. This premises has been closed for some time and is not currently licensed.</p> <p>Lux proposals:</p> <p>Regulated Entertainment - Thursday through Sat 11:00 – 02:00 Sunday through Weds 11:00 – 01:00</p> <p>Late Night Refreshment - Thursday through Sat 23:00 – 02:00 Sunday through Weds 23:00 – 01:00</p> <p>Alcohol - Thursday through Sat 11:00 – 02:00 Sunday through Weds 11:00 – 01:00</p> <p>Opening Times - Thursday through Sat 11:00 – 02:30 Sunday through Weds 11:00 – 01:30</p> <p>Lux are also applying for off sales of alcohol with takeaway meals / light food.</p> <p>We would like to make representation regards some of the proposals. We do so based on the premises as described to us which continues to have no confirmed identity. It is generalised as café, bar and restaurant. The day time operation of the</p>
Public Safety	Yes	
Prevention of Public nuisance	Yes	
Protecting children from harm	No	

venue causes no concern. From the information provided the venue is more affiliated as a night club due to not offering full table service throughout trading period, full menu availability throughout and the hours proposed.

This is clearly an alcohol led venue in the early hours of the mornings, based on the seating capacity, total capacity and proposed offerings.

Police licensing proposals:

Regulated Entertainment – (agreed - as above)

Thursday through Sat 11:00 – 02:00

Sunday through Weds 11:00 – 01:00

Late Night Refreshment – (agreed -as above)

Thursday through Sat 23:00 – 02:00

Sunday through Weds 23:00 – 01:00

Alcohol – (one amendment proposed)

Thursday through Sat 11:00 – **01:00**

Sunday through Weds 11:00 – 01:00

Opening Times – (one amendment proposed)

Thursday through Sat 11:00 – **02:00**

Sunday through Weds 11:00 – 01:30

No off sales take- away alcohol proposed.

Crime and disorder prevention, public safety, public nuisance.

Hertfordshire Police in partnership with Watford Borough Council, their Licensing Policy 2013-2018 and the Constabulary Licensing Policy endeavour to promote Watford Night Time Economy as a safe and family friendly environment.

However, statistics show that during the early hours of the morning when intoxication levels are higher that crime and disorder does occur and this can and has resulted in injury to patrons visiting our town and venue staff.

It is recognised that Police resources locally and nationally are below capacity in order to police drunk and disorderly and negative public order related behaviour. The displacement of resources is detrimental to the wider community.

We recommend the above times in order to prevent an increase in crime and disorder by creating a staggered dispersal from our venues. This will be assisted and supported by the terminal hour to allow patrons to leave the premises in an orderly and staggered manner.

We have concerns regards take away alcohol due the risk of bottles being used as weapons or discarded in the town causing a public nuisance / safety issues and noise.

We cannot support the need for take away alcohol due to the above concerns and the town centre venues work hard in partnership with the Police to support these concerns by actively monitoring bottles being removed from premises and potentially

	<p>carried through the town.</p> <p>In summary we feel if the applicants proposed hours were to be granted it would be detrimental to policing in Watford and the community in its entirety.</p> <p>This therefore raises strong concerns of how this would impact the wider community in terms of increased Anti-Social Behaviour and Crime and Disorder.</p> <p>The Constabulary have concerns regarding this application and accordingly on behalf of the Chief Constable I represent against it.</p>
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<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	
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Signed: DS 2006 Brown

Date: 11/6/15

Please return this form along with any additional sheets to: Watford Licensing Authority, Town Hall, Watford, Herts WD17 3EX, or email to envhealth@watford.gov.uk

This form must be returned within the Statutory Period.

For more details please check with the Licensing Unit on 01923 278503 .



**LICENSING ACT 2003
 REPRESENTATION ABOUT LUX RESTAURANT & BAR, 46 GADE
 HOUSE, THE PARADE, HIGH STREET, WATFORD WD17 1AY
 Reference 15/00728/LAPRE**

On behalf of the Licensing Authority for the Borough of Watford I am writing to make the following representations about this application which was received on 14.05.2015.

The premises are applying for a licence to provide regulated entertainment, late night refreshment and the sale of alcohol. The premises is not currently licensed and so this is a new application.

The hours requested for such activities are as follows:

Regulated Entertainment

Sunday through Wednesday 11:00 – 01:00
 Thursday through Saturday 11:00 – 02:00

Late Night Refreshment

Sunday through Wednesday 23:00 – 01:00
 Thursday through Saturday 23:00 – 02:00

Sale of Alcohol

Sunday through Wednesday 11:00 – 01:00
 Thursday through Saturday 11:00 – 02:00

Opening Times

Sunday through Wednesday 11:00 – 01:30
 Thursday through Saturday 11:00 – 02:30

The application form indicates that the premises will operate as a café, bar and restaurant. The licensing authority is aware that bars and other such premises have the potential for being a flash-point for alcohol-related crime and anti-social behaviour. Such problems are well documented, and underpin the licensing authority's policy LP3 for this part of the town.

Policy LP3 was intended to reduce alcohol-related crime and disorder by limiting the hours of licensed establishments, as well as to set a starting point of refusing an application unless the premises can successfully argue that they are an exception to the policy and contribute to promoting, developing, and sustaining, a family-friendly town centre. It has largely succeeded in

reducing crime and disorder and the policy should be maintained to ensure crime and disorder does not again escalate to pre-policy levels.

Although the premises does say that it will trade as a café, bar and restaurant, officers consider that the operation of the premises will be more akin to a nightclub during the night-time trade as set out under policy LP2. This is because it is felt that there will be a strong emphasis on alcohol sales and the provision of entertainment during the key hours of the night time economy. The conditions put forward by the applicant also suggest a greater element of risk, and therefore a greater element of control is needed, than what officers would normally associate with a restaurant or café.

The hours requested for this application do exceed the recommended hours for night-clubs as set out in policy LP2. Under policy LP2, the recommended terminal hour for alcohol for a night-club within the Town Centre is 1am. The application exceeds this terminal hour on Thursdays, Fridays and Saturdays. The proposed hours for Sunday through Wednesday do satisfy this policy.

The licensing authority is concerned that granting a licence to sell alcohol at this premises to allow alcohol sales to take place after 1am will have a negative impact upon the Town Centre. The premises is immediately next door to 2 licensed venues, which are able to open until after 2am or later due to them having historic licensing hours granted before the current licensing policy coming into force. There is a concern over allowing all 3 premises, with an estimated capacity of 2000 people, to empty onto the street at the same time. This will not be a quiet activity, as most people would have been drinking or come from noisy environments. Allowing this number of people to leave at the same time also increases the possibility of flashpoints occurring and the potential for anti-social behaviour. In reality, a terminal hour of alcohol of 1am will see people vacating this premises from 1am, earlier than neighbouring premises, and will stagger dispersal, which was one of the original aims of the Licensing Act. An earlier closing time will also assist in dispersal of these patrons before the other premises within the Town Centre close.

Having scrutinised the operating schedule and application form, the licensing authority cannot find any reason why this application ought to be made an exception to LP3. Although the day-time operation of the premises will be more focussed on being a restaurant or café, and is not a cause of concern, it is the night-time trade which is the real subject of this objection. There is no indication that the night-time operation would contribute to the family-friendly development of the town centre. If the premises was to operate as an out-and-out restaurant, with seated consumption, waiter service, full food menu in operation until close, and alcohol being sold ancillary to food, then the hours for this application could be justified because the premises would fulfil the criteria of operation as a restaurant as laid out in policy LP2, and would not cause any significant concern as a premises. It is not felt that the other 2 exemptions are applicable to this application because this premises is not currently licensed, and so the application is not reducing alcohol sales (and is

instead increasing the capacity for alcohol sales) and is not replacing a vertical drinking establishment with seated consumption and waiter service.

The licensing authority are very concerned that the application is seeking permission for off-sales of alcohol with take-aways. Although such alcohol will only be sold ancillary to a take-away meal, this has the potential for customers to extend their drinking and increase their consumption of alcohol outside of the venue and in full view of the public within the Town Centre. The Council and Police have worked to discourage the consumption of alcohol within the Town Centre, as this is not an image which we want to be associated with Watford, or for people to think that this is now acceptable. This also has the potential for allowing glass bottles to be in circulation within the Town Centre, which cause a concern in case they are used as weapons, or are smashed on the floor. The Town Centre as a whole is subject to a Designated Public Place Order (DPPO), making it an offence for people consuming alcohol to not surrender their alcohol if requested by the Police. The consumption of alcohol within an area covered by a table licence is acceptable, and is controllable, and off-sales should still be permitted to allow the consumption within such an area, but not for any other purpose.

In light of the above policy factors the licensing authority's stance is that granting the application as sought would undermine the intention behind policy LP3 through potentially increasing crime and disorder and anti-social behaviour. Accordingly the licensing authority's view is that the application ought not be granted, as laid out in policy LP3, but consideration may be given to granting this application with hours which are in line with policy.

Austen Young
03/06/2015

Watford Licensing Authority
Licensing Act 2003

Ref No:
Reg 7:

REPRESENTATION FORM FROM INTERESTED PARTIES

This representation is made by an Interested Party in the vicinity of the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	P G C Young
Organisation name/name of body you represent (if appropriate) (see note 3)	Central Town Residents' Association and Neighbourhood Watch
Postal and email address	31, St John's Road, Watford, Herts., WD17 1QB
Contact telephone number	01923 256407 (answerphone)

Name of the premises you are making a representation about	Gade House 46, The High Street, Watford.
Application reference (if known)	
Address of the premises you are making a representation about.	Gade House 46, The Parade, High Street, Watford.

Your representation must relate to one of the four Licensing Objectives (see note 4)

<i>Licensing Objective</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	No	(Covered by prevention of public nuisance)
Public safety	No	(Covered by prevention of public nuisance)
To prevent public nuisance	Yes	Our residents object to any increase in operating hours for bars and in this case also the extended use of the pavement Please see the attached letter as to what we have to put up with.
To protect children from harm	No	(Covered by prevention of public nuisance)
Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **		

Signed:

Date: 30th May 2015

Please see notes on reverse



CENTRAL TOWN RESIDENTS' ASSOCIATION
AND NEIGHBOURHOOD WATCH GROUP 57

Secretary
Tel.: 01923 256407
[Answerphone]
E-mail: peter.young7@ntlworld.com

31, St John's Road,
Watford,
Hertfordshire,
WD17 1QB.

The Licensing Authority,
Watford Borough Council,

**Gade House, 46, The High Street, Watford Application for variation of their
Premises Licence**

I am confused about there appear to be three applications associated with this property. I therefore presume that it covers, separately, the ground floor, the basement and the pavement. If this should be three separate letters then I would be just duplicating the same information.

Our residents have had a lot of trouble with the movement of the late night clientele as they arrive and leave through our residential roads. This has been established at law and with the Planning Inspectorate.

The problems our residents have is concerned with noise and anti-social behaviour caused by the clientele going to and especially from the Café Quarter. Extending the hours of operation for bars is a prime example of what extends the problems we suffer further through the night.

This application represents an attack on our quality of life, which if granted, is not acceptable. The ground floor bar wants to extend its opening hours, Monday to Saturday to 3:00 am. The presumed basement wants to sell alcohol until 2:00 am on Thursdays, Fridays and Saturdays. The pavement licence wants 20 tables and 80 chairs and to operate until 3:00 am every day. The statement given on your listing does not indicate whether this includes Sunday, we therefore have to presume it is included. It used to be that pavement licenses in Watford terminated at 10:00 pm which was acceptable. But having them for a lot longer creates problems, it forms in congregating point for others and it forms an excessive smoking area and it delays people leaving and hence extends the nuisance factor

Please register our strong objection to these applications.

Yours faithfully,

P G C Young
(for and on behalf of the Central Town Residents' Association
and Neighbourhood Watch)

**Licensing Act 2003
Schedule 12
Part A**

Regulation 33,34

Premises Licence

Premises Licence Number

15/00728/LAPRE

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Lux Restaurant And Bar
46 The Parade High Street
Watford
WD17 1AY

Telephone number

Where the licence is time limited the dates

From -

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

On and off-premises alcohol sales	Sunday	11:00 - 01:00
On and off-premises alcohol sales	Thursday, Friday and Saturday	11:00 - 02:00
On and off-premises alcohol sales	Monday, Tuesday and Wednesday	11:00 - 01:00
Regulated Entertainment	Sunday	11:00 - 01:00
Regulated Entertainment	Thursday, Friday and Saturday	11:00 - 02:00
Regulated Entertainment	Monday, Tuesday and Wednesday	11:00 - 01:00
Exhibition of a Film	Sunday	11:00 - 01:00
Exhibition of a Film	Thursday, Friday and Saturday	11:00 - 02:00
Exhibition of a Film	Monday, Tuesday and Wednesday	11:00 - 01:00
Performance of Live Music	Sunday	11:00 - 01:00
Performance of Live Music	Thursday, Friday and Saturday	11:00 - 02:00
Performance of Live Music	Monday, Tuesday and Wednesday	11:00 - 01:00
Performance of Recorded Music	Sunday	11:00 - 01:00
Performance of Recorded Music	Thursday, Friday and Saturday	11:00 - 02:00
Performance of Recorded Music	Monday, Tuesday and Wednesday	11:00 - 01:00

Late Night Refreshment	Sunday	23:00 - 01:00
Late Night Refreshment	Thursday, Friday and Saturday	23:00 - 02:00
Late Night Refreshment	Monday, Tuesday and Wednesday	23:00 - 01:00

The opening hours of the premises		
Opening times of premises	Sunday	11:00 - 01:30
Opening times of premises	Thursday, Friday and Saturday	11:00 - 02:30
Opening times of premises	Monday, Tuesday and Wednesday	11:00 - 01:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
 Alcohol is supplied for consumption both on and off the premises

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Neil Campbell

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 0886465

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Neil Campbell

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: PO77
Licensing Authority: Aylesbury Vale District Council

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Annex 1 – Mandatory conditions

- (1) No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a premises licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3)
 1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- (4)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or

(b) an ultraviolet feature.

(5). The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

(6). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(7). Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (8). (1) Sub-paragraph (2) applies where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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Annex 2 – Conditions consistent with the Operating Schedule

1. The Premises will trade as a family friendly café, bar and restaurant. Alcohol may only be sold when a full menu is being provided with last orders for substantial food not more than one hour before closing.
2. The premises licence conditions will incorporate the conditions from Premises Licence Number 13/00537/LAPRE [Modello] (and others as follows) where consistent with the foregoing condition.

At all times:

3. The maximum number of persons (excluding staff and attendants) to be allowed at any one time in the Premises shall not exceed 250 persons with a minimum of 130 covers. **[Modello Condition 1 amended] [530 approved under Modello Condition]**.
4. A host(ess) will be positioned at the front door from at least 19:00 hours until close, to greet patrons and show them to the appropriate area within the Premises.
5. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of Hertfordshire Constabulary. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
6. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
8. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
9. A direct telephone number for the duty manager shall be publicly available at all times the Premises is open. This telephone number shall be [insert] and displayed outside the Premises
10. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
11. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
12. [Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal save for persons seated at external tables].

Replace condition 12 above with:

12. Customers will not be permitted to drink outside the premises except in any seated area authorised under a pavement licence issued under the Highways Act 1980.
13. The pavement from the building line to the stone benches immediately outside the premises shall be swept and or washed as needed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
14. A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises is open.

Premises Licence page 7

15. An incident log shall be kept at the premises for at least six months, and made available on request to an authorised officer of the licensing authority or the Police, which will record the following:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs, offensive weapons, fraudulent ID or other items
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service
- (i) the times on duty, and the licence number, of all licensed door supervisors employed by the premises.

16. There shall be a dispersal policy for the premises agreed with the relevant responsible authorities and approved by an authorised officer of the Licensing Authority.

17. There shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the Licensing Authority for the premises on the handling of fraudulent identification used to obtain the sale of alcohol.

18. There shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the Licensing Authority for the premises relating to illegal drugs found on persons or on the premises.

19. There shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the Licensing Authority for the premises relating to unlawful weapons being used by customers.

20. Whilst a Pubwatch scheme is in force any available Pubwatch radio must be made available for use by staff trained in its use at all times the premises are open to the public. The radio will be kept in good working order, monitored by a responsible member of staff and used to report incidents of crime and disorder to the CCTV control room or police.

21. No person who is subject of a court banning order or who is restricted access through a Pubwatch scheme will be allowed in the premises provided the details of the person have been provided to the premises by the licensing authority.

Replace condition 21 with:

21. No person who is subject of a court banning order or who is restricted access through a Pubwatch scheme will be allowed in the premises provided the details of the person have been provided to the premises by the police.

22. The Licensee shall comply with all reasonable crime prevention and/or public safety measures that may be required by the Licensing Authority and/or the Environmental Health Officer and/or Hertfordshire Constabulary and which are consistent with the premises operating schedule.

23. The Designated Premises Supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.

24. Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

25. No more than 15 customers will be permitted in any designated smoking area at any one time (unless a different number is agreed in writing in advance with the Watford Police Licensing Officer in consultation with an Environmental Health Officer).

26. Whilst licensable activities are taking place, the toilets at the Premises must be checked at least hourly, including for illegal drug use or supply. A written log of all checks must be kept at the Premises for at least 31 days and made available for immediate inspection on the request of an authorised officer of Hertfordshire Constabulary or the Licensing Authority.

After 21:00 hours:

27. All windows and external doors shall be kept closed between 21:00 hours and 08:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of patrons.

28. All tables and chairs shall be removed from the outside areas by 23:00 hours each day.

29. Any queue to enter the premises which forms outside the premises is to be kept orderly and supervised by licensed door supervisors so as to ensure that there is no public nuisance or obstruction to the public highway on Thursday – Saturday.

30. Last entry to the premises shall be at 01:00 hours Thursday – Saturday.

31. Last entry to the premises shall be at 00:00 hours Sunday –Wednesday.

32. Entry to the premises by children under the age of 18 is prohibited from 21:00 hours until 11:00 the following day.

33. No deliveries may be made to the premises between 23:00 hours and 08:00 hours.

34. From 21:00 hours there shall be at least one competent person able to administer First Aid. That competent person will have received training in problems associated with alcohol and drug misuse [**incorporating Modello condition 8 amended**].

35. After 21:00 hours the Designated Premises Supervisor shall ensure there is a ratio of at least 1 door supervisor licensed by the Security Industry Authority shall be on duty for every 75 customers (unless authorised in writing by Watford Police Licensing Unit).

36. From 21:00 hours the Premises shall implement a “Challenge 25” policy whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or Proof of Age Scheme (P.A.S.S) approved identification before being allowed to enter the Premises.

37. The Premises will install and operate a Scannet electronic identification system from 21:00 hours (or an alternative electronic identification system if agreed in writing with an Watford Police Licensing Officer in advance). All customers, with the exception of those on the Proprietor’s guestlist (which may be electronic), must have their identity verified using the system before entry, except at times agreed in advance in writing by the Police Licensing Officer. The Proprietor’s guestlist shall contain a list of no more than 30 persons together with their name and address and shall be made available to the Watford Police Licensing Unit upon reasonable request.

38. Any faults with the electronic identification system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place until the fault is rectified or an alternative system agreed with Watford Police Licensing Officer.

39. The Designated Premises Supervisor must ensure that all data recorded on the Scannet (or alternative electronic identification) system is kept for at least 31 days and not deleted during that period.

40. Data recorded by the Scannet (or alternative electronic identification) system shall be made immediately available upon request by the Police providing that such request is in connection with the prevention or detection of crime.

41. Alcohol is only to be served in polycarbonate, plastic or shatter-proof glasses after 00:00 hours until close.

Generally:

42. Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within the venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue. **[Modello Condition 3]**

43. The venue will actively participate in any Pubwatch scheme operating from time to time. **[Modello Condition 4 amended]**

44. The venue will send out a "rubbish patrol" after closing. The "rubbish patrol" will pick up bottles and food wrappings in a designated area and will dispose of them (For the avoidance of doubt, rubbish and bottles will be collected in the designated area whether they originate from the venue or not) **[Modello Condition 12 amended]**

45. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the plans and appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of the relevant responsible authorities, at which time this condition will be removed from the Licence.

46. The premises will have a panic alarm installed to the satisfaction of Hertfordshire Constabulary, such alarm to be properly maintained and regularly tested and staff trained in its use.

47. The Premises Licence Holder will arrange for a crime prevention audit to be conducted by Hertfordshire Constabulary and/or an authorised officer of the Licensing Authority, and the recommendations of the audit to be implemented within three months.

48. All deliveries to the premises must be made via the rear of the premises.

49. The Designated Premises Supervisor shall attend or shall have attended any formal training course on avoiding underage sales such as National Certificate for Designated Premises Supervisors or the BIIAB Award in Responsible Retailing, and provide evidence of attendance if requested.

50. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to maintain the refusals book, enter sales correct on the tills so the prompts show when appropriate and monitor staff to ensure their training is put into practise.

51. All licensed door supervisors must wear high-visibility clothing of a style and type agreed with the Watford Police Licensing Officer when working at entrances or exits to the Premises.

52. Door supervisors will monitor and patrol any queue that forms and will ensure that it does not cause public nuisance. **[Modello Condition 5]**

53. The Designated Premises Supervisor shall ensure that licensed door supervisors remain on duty outside the Premises for 30 minutes after the Premises close to assist with dispersal of persons from the Premises and the vicinity of the Premises.

54. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an Environmental Health Officer to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an Environmental Health Officer or Licensing Authority authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Environmental Health Officer.

Annex 3 – Conditions attached after a hearing by the licensing authority

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