



LICENSING SUB COMMITTEE

Friday, 10th July, 2015

10.30 am

Town Hall, Watford

Please note the start time of this meeting

Publication date: 3 July 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 TO VARY THE EXISTING PREMISES LICENCE: TWISTED MONKEY, GROUND FLOOR, GADE HOUSE, 46 THE PARADE, WATFORD.**
(Pages 5 - 30)

Report of the Head of Community and Customer Services.

This report asks the Sub-Committee to consider an application to vary an existing Premises Licence following the receipt of representations.

PART A

Report to: Licensing Sub-Committee
Date of meeting: 10 July 2015
Report of: Head of Community and Customer Services
Title: Application for variation to premises licence:
Twisted Monkey, Ground Floor, Gade House, 46 The Parade,
Watford WD17 1LJ
15/00732/LAPRE

1.0 SUMMARY

- 1.1 An application has been received from REL Watford Limited to vary the existing premises licence in respect of Twisted Monkey, Ground Floor, Gade House, 46 The Parade, Watford to increase the opening hours, alcohol sales and licensable activities, and to make amendments to the current licence conditions.

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
Variation of Premises Licence.

3.2 Description of premises

Twisted Monkey is a ground floor bar centrally located on The Parade. It is linked internally to a basement nightclub premises which it is important to note that although under the same ownership and management is subject to a separate premises licence. Twisted Monkey offers coffees, cocktails, wines, beers and Pan-Asian street food, as well as a variety of entertainment.

3.3 A map of the location of the premises is attached at appendix 1. The plan of the premises is attached at appendix 2.

3.7 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	✓	✓

3.8 Licensable activities

Hours shown in bold indicate where a variation is being sought.

	Existing opening hours	Proposed opening hours	Existing on and off alcohol hours	Proposed on and off alcohol hours	Existing licensable activity hours*	Proposed licensable activity hours*	Existing late night refresh't hours	Proposed late night refresh't hours
Monday	1000 - 0200	1000 – 0300	1000 - 0130	1000 - 0230	1200 - 0200	1200 - 0200	2300 - 0200	2300 - 0300
Tuesday	1000 - 0200	1000 – 0300	1000 - 0130	1000 - 0230	1200 – 0200	1200 – 0200	2300 – 0200	2300 – 0300
Wednesday	1000 - 0200	1000 – 0300	1000 - 0130	1000 - 0230	1200 – 0200	1200 – 0200	2300 – 0200	2300 – 0300
Thursday	1000 - 0200	1000 – 0300	1000 - 0130	1000 - 0230	1200 – 0200	1200 – 0200	2300 – 0200	2300 – 0300
Friday	1000 – 0300	1000 – 0300	1200 – 0300	1000 - 0230	1200 – 0300	1200 – 0300	2300 – 0200	2300 – 0300
Saturday	1000 – 0300	1000 – 0300	1200 – 0300	1000 - 0230	1200 – 0300	1200 – 0300	2300 – 0300	2300 - 0300
Sunday	1200 – 0100	1200 - 0100	1000 - 0000	1000 - 0230	1000 - 0030	1000 - 0030	2300 – 0300	2300 - 0300
Good Friday	1000 – 0300	1000 – 0300	1200 - 0200	1200 - 0200	1200 - 0300	1200 - 0300	2300 – 0300	2300 - 0300
Christmas Day	1000 – 0200 (Mon – Thu) 1000 – 0300 (Fri – Sat) 1200 – 0100 (Sun)	1000 – 0200 (Mon – Thu) 1000 – 0300 (Fri – Sat) 1200 – 0100 (Sun)	1200 – 0030 (Mon – Thu) 1200 – 0200 (Fri – Sat)	1200 – 0030 (Mon – Thu) 1200 – 0200 (Fri – Sat)	1200 – 0200 (Mon – Thur) 1200 – 0300 (Fri – Sat) 1000 – 0030 (Sun)	1200 – 0200 (Mon – Thur) 1200 – 0300 (Fri – Sat) 1000 – 0030 (Sun)	2300 – 0000	2300 – 0000

	Existing opening hours	Proposed opening hours	Existing on and off alcohol hours	Proposed on and off alcohol hours	Existing licensable activity hours*	Proposed licensable activity hours*	Existing late night refresh't hours	Proposed late night refresh't hours
New Year's Eve	1000 – 0000 (Mon – Sat) 1200 – 0000 (Sun)	1000 – 0000 (Mon – Sat) 1200 – 0000 (Sun)	1000 – 0000	1000 – 0000	1200 – 0000 (Mon – Sat) 1630 – 0000 (Sun)	1200 – 0000 (Mon – Sat) 1630 – 0000 (Sun)	2300 – 0500	2300 – 0500
New Years' Day	0000 – 0200 (Mon – Thur) 0000 – 0300 (Fri – Sat) 1200 – 0100 (Sun)	0000 – 0200 (Mon – Thur) 0000 – 0300 (Fri – Sat) 1200 – 0100 (Sun)	0000 - 0000	0000 - 0000	0000 – 0200 (Mon – Thur) 0000 – 0300 (Fri – Sat) 1200 – 0100 (Sun)	0000 – 0200 (Mon – Thur) 0000 – 0300 (Fri – Sat) 1200 – 0100 (Sun)	None	2300 - 0300

* Recorded music permitted 24 hours a day

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

Terry Marks

4.3 Current licences held

The premises have been licensed for alcohol, entertainment and late night refreshment since 2005 (licence 05/01463/LAPRE) and was indeed licensed since around 2003 under the previous public entertainment licensing regime. An earlier licence (15/00023/LAPRE) was transferred on 2 January 2015 following the liquidation of the previous operator, and transferred to the current applicant on 8 April 2015 (15/00528/LAPRE).

4.4 Closing date for representations

15 June 2015.

4.5 Public notice published in newspaper

22 May 2015

4.6 Visits and Enforcement action

None

5.0 **PROMOTION OF LICENSING OBJECTIVES**

5.1 See paragraphs 9 and 10 below.

6.0 **RESPONSIBLE AUTHORITIES**

6.1 No representations have been received from responsible authorities.

7.0 **INTERESTED PARTIES**

7.1 One representation (attached at appendix 3) has been received from the Central Town Residents' Association and Neighbourhood Watch Group 57.

8.0 **POLICY CONSIDERATIONS**

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

- Sections 34 and 35 (Variations for premises licence):
These sections set out how an application to vary a premises licence should be determined where valid representations have been received.
- 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 October 2014 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.
- 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 explains 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.
- 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 premises appear to meet the criteria as an "other drinking establishment" in that it is primarily for the sale of alcohol and food for consumption on the premises, includes other licensable activities, and includes a "drinking up period".
- Policy LP2 – Location and Operation of Premises
"Other drinking establishments" within the town centre are entitled under the policy to generally operate until midnight only and until 10.30 pm on Sundays (other than special occasions). See however paragraph 10, below.

- Policy LP6 – Prevention of Crime and Disorder
Under this policy the Sub-Committee will consider any necessary measures to deal with the potential for crime and disorder where relevant representations have been received.
- Policy LP8 – Prevention of Public Nuisance
Under this policy the Sub-Committee will consider any appropriate measures to deal with the potential for public nuisance and/or anti-social behaviour 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.

9.0 **CONDITIONS**

9.1 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.

9.2 The most critical part of the operating schedule are 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.

9.3 Applicants should give consideration to the local area and reflect this in their application (see the statutory guidance at paragraphs 8.33 – 8.36). They should demonstrate an awareness of the local community, local crime and disorder issues, and the local environment.

9.4 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. A draft licence is set out at appendix 3 should the Sub-committee be minded to grant the application. It includes a number of additional and amended conditions, as indicated on the draft.

10.0 OFFICERS' OBSERVATIONS

10.1 Merits of the application

The Sub-Committee may be aware that these premises and the adjoining basement club have been vacant for some time since the liquidation of the previous occupier. The applicant, REL Limited, have transferred both premises licences and have refurbished the ground floor premises.

10.2 The applicant has spent several months in meetings and detailed negotiations with licensing authority officers, the police, and also met the directors of the Wilmington Close residents' association. They have also tried unsuccessfully to engage with the Central Town Residents' Association although no criticism at all is levelled at the Association that this has not happened. During those meetings the applicant has carefully reviewed the current premises licence and proposed a number of conditions to meet the concerns of the responsible authorities and local residents to promote the statutory objectives with balancing their need to run a profitable business.

10.3 Whether the applicants are able to run a profitable business, and whether there is a demand for alcohol-licensed premises, are not matters for the sub-committee to take into account. However, it can be argued that objectives within the licensing authority's policy to promote a safe and vibrant night-time economy would be relevant matters.

10.4 Policy

Policy LP1 would define these premises as an "other drinking establishment" and accordingly would only be entitled under policy LP2 to operate until midnight (other than for special occasions) and until 10.30 pm on Sundays, unless an exception can be shown.

10.5 Even without the variation, the premises licence exceeds the hours set out in the policy. This is because the original licence, granted in 2005, pre-dated the current policy.

10.6 Policy Exception

Nevertheless, the applicant still has to demonstrate that they are an exception to policy LP3 in order to benefit from the additional hours that they are seeking. The policy seeks to encourage food and entertainment-led premises at the expense of alcohol-led premises. It is intended to be strictly applied and states that the starting point for applications where relevant representations have been granted is to refuse applications for alcohol-led premises unless:

(1) the application contributes to the family-friendly development of the town centre; or

(2) effects a real reduction in capacity of alcohol sales; or

(3) replaces vertical drinking establishments with seated consumption and waiter service.

- 10.5 Officers believe that the applicant would meet criteria (2) and (3) set out in the preceding paragraph. The nature of the premises and discussions with the applicants indicate it will be more of a cocktail venue than a vertical drinking establishment, and the capacity will be reduced from 500 to 450 accordingly. The applicant has also discussed with the licensing authority officers and the police the scope of the food and entertainment that is being offered, which in themselves are different from other premises in the LP2 area to warrant an exception being considered. The sub-committee may wish to note that the applicants altered their proposed closing times in the pre-application discussions to accommodate police concerns.
- 10.6 The premises may not directly contribute to the family-friendly development of the town centre as part of the twilight or evening economy, but the Sub-Committee will note that the exceptions are alternatives not mandatory requirements to be met.
- 10.2 Representation
The Residents' Association objects to any expansion in licensed hours in the town centre, with concerns about the consequent increase in alcohol-related crime, disorder and anti-social behaviour. They are also concerned with late-night dispersal of licensed premises customers as they radiate out from the town centre in the early hours on their way home.
- 10.3 The representation refers to the basement premises and to an application under the Highways Act 1980 for a pavement licence. Each case has to be considered on its own merits and these are two separate applications. (For the sake of clarity, an application for a pavement licence has been granted until 10 pm with a separate smoking area agreed with the police available until 2 am).
- 10.4 The impact on local residents of this application is of course a relevant consideration for the sub-Committee to take into account. Officers would point out that whilst the sub-Committee is entitled to be forward-looking and can take into account hearsay evidence about concerns, there is little evidence that granting the application to these particular applicants over and above what is currently in place would undermine the public nuisance raised in the representation.
- 10.3 The Sub-Committee have a duty to "have regard" to the licensing policy but are not bound by it. However, should Members wish to depart from the policy then detailed reasons for this must be given as part of any decision.
- 10.4 The Sub-Committee will be aware that even if this application is rejected in total the applicants will still be able to operate the premises under the existing licence.
- 10.4 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.

10.5 The Sub-Committee will be aware that either the applicant or the interested party has the right to appeal within 21 days to the magistrates' court against its' decision.

Appendices

Appendix 1 - map of the premises' location

Appendix 2 - plan of the premises

Appendix 3 – representation

Appendix 4 - 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
(October 2014)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2013-18)

Watford Borough Council Pool of Model Conditions (March 2013)

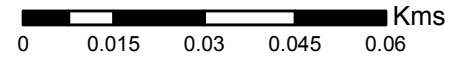
File Reference

Twisted Monkey



Appendix 1 Map of Premises

Date: 02/07/2015



Scale 1:1,250



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

15/00732/LAPRE

Part 1 – Premises Details

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

Twisted Monkey
Ground Floor
Gade House
46 The Parade High Street
Watford
WD17 1LJ

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

Performance of Recorded Music	Mon, Tues, Weds, Thurs, Fri, Sat, Sun	00:00 - 00:00
On and off-premises alcohol sales	Mon, Tues, Wed, Thurs, Fri, Sat	10:00 - 02:30
Performance of Dance	Monday, Tuesday, Wednesday, Thurs	12:00 - 02:00
Performance of Live Music	Monday, Tuesday, Wednesday, Thurs	12:00 - 02:00
Other Entertainment falling within Act	Monday, Tuesday, Wednesday, Thurs	12:00 - 02:00
Late Night Refreshment	Mon, Tues, Wed, Thurs, Fri, Sat	23:00 - 03:00
Performance of Dance	Friday and Saturday	12:00 - 03:00
Performance of Live Music	Friday and Saturday	12:00 - 03:00
Other Entertainment falling within Act	Friday and Saturday	12:00 - 03:00
On and off-premises alcohol sales	Sunday	10:00 - 00:00
Performance of Dance	Sunday	10:00 - 00:30
Performance of Live Music	Sunday	10:00 - 00:30
Other Entertainment falling within Act	Sunday	16:30 - 22:30
Late Night Refreshment	Sunday	23:00 - 00:30

Premises Licence page 1

On and off-premises alcohol sales	Good Friday	12:00 - 02:00
On and off-premises alcohol sales	Christmas Day	12:00 - 00:30
On and off-premises alcohol sales	Christmas Day	12:00 - 02:00
On and off-premises alcohol sales	New Year's Eve	00:00 - 00:00
On and off-premises alcohol sales	New Year's Eve	10:00 - 00:00
Late Night Refreshment	New Year's Eve	23:00 - 05:00

The opening hours of the premises		
Opening times of premises	Mon, Tues, Wed, Thurs, Fri, Sat	10:00 - 03:00
Opening times of premises	Sunday	10:00 - 01:00

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

Part 2

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

REL Watford Ltd
87 North Road
Poole
Dorset
BH14 0LT

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

Registered Business Number 09334461

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

Mr Terry Marks

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:
Licensing Authority:

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 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 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.

Annex 2 – Conditions consistent with the Operating Schedule

Prevention of crime and disorder

Premises management

1. The Premises Licence Holder shall take all reasonable steps to ensure that nothing shall take place on the Premises that:
 - (a) is likely to cause disorder;
 - (b) is likely to be grossly offensive to any person on the Premises;
 - (c) involves any unlawful activity.
2. The designated premises supervisor, or person nominated by him in writing to be in charge that night shall take all reasonable steps to ensure that patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises. A door supervisor, who will ensure that members of the public can freely pass by and gain access to other premises as necessary, shall supervise persons awaiting entry on the pavement.
3. The premises licence holder will contribute £4000 per annum to the Taxi Marshalling scheme and the designated premises supervisor will work closely with Hertfordshire Constabulary to positively address any crime and disorder issues.
4. A PubWatch radio will be in place at all trading sessions.
5. Notices will be displayed advising customers that random searches will be carried out.

Occupancy limits

6. The maximum occupancy of the premises be no more than 450 persons.
7. The designated premises supervisor, or person nominated by him in writing to be in charge that night shall ensure that an effective system exists for determining the number of persons on the premise at any one time. This system to be used at all times when the premises are open for licensable activities. Staff tasked with monitoring and controlling access to the premises and management staff, are to be aware of the occupancy figures for the entire premises and where appropriate specific areas within the premises. Staff tasked with monitoring and controlling access to the premises will be instructed as to how the occupancy figure is to be monitored and the action to be taken when the maximum occupancy figure is reached.

Drinking vessels

8. (1) No glass drinking vessels or containers may be provided to, or use by, customers on the premises after 9 pm (except cocktails, wine, champagne or any bottle of 75 cl or above).

(2) Where any incident involving any injury to any person occurs as a result of glass then the licensing authority may direct in writing on the advice of the police that polycarbonate receptacles be used throughout the premises.

External entertainers and promoters

9. The Premises Licence Holder shall make arrangements to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.

Illegal drugs

10. (1) Any person found in possession of illegal drugs will have drugs confiscated (and such drugs to be retained with an agreed procedure utilising a "drugs safe") and such customers to be refused entry to the premises.

(2) The Premises Licence Holder shall take reasonable steps to ensure that any person found in possession of illegal drugs where the quantity is such as to allow for the reasonable suggestion that the possession was with intent to supply those drugs to be lawfully detained and the police contacted immediately.

11. The toilets at the premises to be checked at least hourly for drugs use and the evidence of supply taking place.

Documentation

12. A bound book shall be kept and updated daily, containing the names, addresses, dates of birth, SIA registration number and hours worked of door supervisors employed on any particular day. This book shall be kept at the premises for at least 12 months and shall be made available for inspection and copying by the Police immediately upon request.

13. A bound and sequentially paginated incident/accident book shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book to be made available to inspection and copying by the Police and Licensing Authority officers upon immediate request. All such books to be retained at the premises for at least 2 years.

14. Written risk assessments in connection with the licensing objectives of crime and disorder and promoting the welfare of children will be carried out annually and following any significant incidents involving crime, disorder or children.

CCTV

15. (1) The CCTV system shall continually record whilst the premises are 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 officers throughout the preceding 31 days. Recordings will be supplied to the relevant authorities in the form of a digital download burned onto a DVD or CD disc.

(2) 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 are open to the public. This staff shall member shall be able to show police or an authorised officer of the licensing authority recent data or footage with the minimum delay when so requested.

(3) All faults/defects in the CCTV system must be reported to Hertfordshire Constabulary immediately the fault is discovered. The notification must be made to the Hertfordshire Constabulary non-emergency number and a log number obtained from the police and recorded in the premises' incident book. The Community Safety Unit must also be notified as soon as reasonably practicable.

(4) All faults with the CCTV system shall be repaired as soon as possible and in any case within two working days, after which time no licensable activities shall take place until the fault is rectified.

External promoters and performers

16. A risk assessment shall be carried out in respect of all performers who have never previously appeared at the premises (to counteract any possibility of related disorder).

Management of premises exterior

17. (1) The external seating area shall be more occupied by no more people than the limits stated on the appropriate licence issued by Watford Borough Council under the Highways Act 1980.
- (2) The premises licence holder shall not allow the use of glass receptacles or bottles within the external seating area after 2100 hours on any day.
- (3) The Premises Licence Holder and/or Designated Premises Supervisor shall agree with the police in writing a suitable method of ensuring the external seating area is supervised.
18. Door supervisors will be engaged and/or employed at the premises for 30 minutes after the last customer has left the premises.

Prevention of nuisance

20. (1) 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.
- (2) The limiter shall not be altered without prior agreement of the Environmental Health Officer.
21. All windows and external doors shall be kept closed between 23:00 hours and 08:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
22. (1) The Premises Licence Holder shall ensure that any noise emanating from the Premises shall not be to the detriment of other persons in the neighbourhood;
- (2) Loudspeakers and other sound amplification equipment must not be directed outwards towards any street or installed externally to the Premises;
23. (1) No bottles, glasses or similar items may be disposed of in outside receptacles in bulk quantities between midnight and 8 am.
- (2) The Premises Licence Holder must ensure that kegs, bottles, barrels, crates and other similar items are securely stored.
24. (1) The Premises Licence Holder shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.
- (2) Where the licensing authority have given notice in writing to the Premises Licence Holder or Designated Premises Supervisor objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

Public safety

24. Before the public are admitted the Premises Licence Holder is responsible for ensuring that a check is made on the following:-

- (a) exits (to ensure that they are unlocked and available for use);
- (b) all internal and external escape routes (to see that they are free of obstruction and can be safely and effectively used at all material times);
- (c) the Premises (to ensure that there are no obvious and/or significant hazards).

Protection of children from harm

25. The 'Challenge 25' scheme shall operate at the premises. Any person who appears to be under 25 years of age shall not be allowed entry unless they produce an acceptable form of identification (passport, driving licence and PASS accredited card).

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

- 1 No children under the age of 16 allowed on the premises whilst alcohol is on sale.

Conditions on the attached schedule amended by the Licensing Sub Committee on 28 August 2007

At the Licensing Sub Committee hearing held on 19 May 2008 the Sub Committee did not agree any changes to special hours for Sundays preceding Bank Holidays and these shall stay the same as the new hours approved for Sundays. Any variations to those hours will therefore require a Temporary Event Notice.

Annex 4 – Plans