



**WATFORD
BOROUGH
COUNCIL**

LICENSING SUB COMMITTEE

**Platform, Units 1 and 2,
9 Station Road**

1 June 2017

10.30 am

Town Hall, Watford

Please note the start time of this meeting

Publication date: 24 May 2017

Contact

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

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Committee Membership

Councillors to be elected at Annual Council on 23 May.

The Sub-Committee to comprise 3 members from those elected to the Licensing Committee.

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 (17/00449/LAPRE) Platform, Unit 1 and Unit 2 Junction Court, 9 Station Road, Watford, WD17 1AP (Pages 5 - 36)**

A report of the Head of Community and Environmental Services asking the Licensing Sub-Committee to consider an application for a new licence.

PART A

Report to: Licensing Sub Committee
Date of meeting: 1 June 2017
Report of: Head of Community & Environmental Services
Title: Application for a new premises licence (17/00449/LAPRE)
Platform, Unit 1 and Unit 2, Junction Court
9 Station Road, Watford, WD17 1AP

1.0 SUMMARY

1.1 An application has been received from Darby Leisure Ltd for a new premises licence in respect of Platform, Unit 1 and Unit 2 Junction Court, to allow alcohol sales for consumption on the premises. One relevant representation has been received from Environmental Health as a Responsible Authority.

2.0 RECOMMENDATIONS

2.1 That the Licensing Sub Committee determines whether to grant the application as requested or amend as appropriate for the promotion of licensing objectives.

Contact Officer:

For further information on this report please contact: Parminder Seyan
(Licensing Officer) telephone 01923 278434: email:
parminder.seyan@watford.gov.uk

Report approved by: Alan Gough, Head of Community & Environmental Services

3.0 APPLICATION

3.1 Type of authorisation applied for
Application for a new premises licence.

3.2 Description of premises
The premises are described on the application as follows:
The premises, trading as Platform, are proposed to be a luxury coffee and wine bar in a new build five storey structure with mixed use of both commercial and residential. The premises will operate from part of the ground floor and part of the first floor with a capacity of 74 on each floor.

3.3 Under LP1 of Watford Borough Council’s Licensing policy, which relates to premises definitions, a wine bar is defined as being:

‘Primarily for the sale of alcohol and food for consumption on the premises, and which may include other licensable activities. Will include a “drinking up period” between the last sale of alcohol and the closing time of the premises’.

3.4 The premises are located on Station Road surrounded by both residential and commercial properties, with Watford Junction Train Station, approximately 60 metres away from the premises. Under Policy LP2 which deals with the location and operation of premises, this area is classed as a residential area.

3.5 Policy LP2 states that wine bars in residential areas will generally be granted alcohol sales to midnight only (other than for special occasions). It is therefore noted that the proposed hours are within the hours suggested in this policy.

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

3.7 A plan showing the layout of the premises is attached at appendix 2.

3.8 Licensable activities

This application is requesting permission to provide the following licensable activities:

Licensable activity	Requested
Plays	
Films	
Indoor sporting events	
Boxing or wrestling entertainment	

Live music	
Recorded music	
Performances of dance	
Entertainment of a similar description to live or recorded music, or dance	
Provision of late night refreshment	
Sale of alcohol for consumption on the premises	√
Sale of alcohol for consumption off the premises	

3.9 Licensable hours

The hours proposed in this application were amended following discussions between the applicant and the police. The discussions resulted in the requested hours for alcohol sales and opening hours being shortened by 30 minutes on Sundays, Christmas Eve and New Year's Eve. The agreed hours are shown below:

Day	On sale of alcohol hours	Opening hours
Monday	11:00 – 23:00	06:00 – 23:30
Tuesday	11:00 – 23:00	06:00 – 23:30
Wednesday	11:00 – 23:00	06:00 – 23:30
Thursday	11:00 – 23:00	06:00 – 23:30
Friday	11:00 – 00:00	06:00 – 00:30
Saturday	11:00 – 00:00	06:30 – 00:30
Sunday	11:00 – 22:30	06:30 – 23:00

3.10 In addition to the times listed above the applicant also requests the following non-standard hours:

Non Standard Days	On sale - alcohol hours	Opening hours
Christmas Eve	11:00 – 01:00	06:00 – 01:30
New Year's Eve	11:00 – 01:00	06:00 – 01:30

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about this premises:

4.2 Proposed Designated Premises Supervisor

Mr David Darby, who holds personal licence reference number 18875 from London Borough of Havering, is the proposed premises supervisor.

4.3 Current licences held

None.

4.4 Closing date for representations

5 May 2017.

4.5 Public notice published in newspaper

14 April 2017.

4.6 Visits and Enforcement action

The premises does not currently benefit from a licence so has not been subject to any visits or enforcement action.

5.0 **PROMOTION OF LICENSING OBJECTIVES.**

The operating schedule submitted by the applicant to describe the steps that they intend to take to promote the four licensing objectives is attached at appendix 3.

6.0 **REPRESENTATIONS**

6.1 Responsible Authorities

Environmental Health has submitted representations on the grounds of prevention of public nuisance. These representations are attached at a appendix 4.

6.2 No other responsible authorities have made representations against this application. However, the Police have refrained from doing so on the basis of the applicant agreeing to revised hours and additional conditions.

7.0 **POLICY CONSIDERATIONS**

7.1 Statutory guidance

The application was received on 7 April 2017 therefore the following provisions of the Secretary of State's guidance (April 2017) apply to this application:

- Paragraphs 8.38 – 8.41

The paragraphs explain how steps should be taken to promote the

licensing objectives. It is for the Sub-Committee to decide in the 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 step requested by a party making representations against an application.

- Paragraphs 9.37 – 9.38
These paragraphs explain that hearings should be focussed on the steps considered appropriate to the promotion of 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 9.43 -9.44
These paragraphs explain that when determining applications, the authority' 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.

7.2 Statement of licensing policy

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

- **Policy LP1 – Premises Definitions**
In accordance with the information submitted with the application, officers would describe the premises as a 'wine bar'.
- **Policy LP2 – Location and Operation of Premises**
This policy sets out the approach to licensing premises when relevant representations are received, notwithstanding that each application is considered on its own merits.
- **Policy LP8 – Prevention of Public Nuisance**
Under this policy the committee will consider any necessary measures to deal with the potential for public nuisance and/or

anti-social behaviour where relevant representations have been received.

7.3 The Sub-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.

7.4 The Sub-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.

8.0 **CONDITIONS**

8.1 Members will be aware that an operating schedule forms part of the licence application. This part of the application details how the activities will be managed to promote the licensing objectives.

8.2 Applicants are advised to carefully consider what is entered in this section as whatever is proposed will be translated as conditions on the licence. Often the wording proposed by applicants is unenforceable so suggested conditions will be amended by officers to reflect the applicant's intent whilst ensuring they are enforceable.

8.3 Applicants should give consideration to the local area and reflect this in their application. It should demonstrate an awareness of the local community, local crime and disorder issues, and the local environment.

8.4 Conditions consistent with the operating schedule
A number of conditions specified by the applicant in the operating schedule, which will assist in promoting the licensing objectives, are detailed on the draft licence at appendix 5.

8.5 Conditions agreed between applicant and responsible authorities
Further conditions were agreed by the Police and the applicant and as a result the Police agreed not to submit a representation in respect of this application. In accordance with the conditions detailed on the applicants operating schedule, the wording of the conditions agreed with the Police has been amended by officers to ensure enforceability:

1. The supply of alcohol shall be ancillary to the supply of food.
2. There shall be a personal licence holder on duty on the premises at all

times when alcohol is offered for sale.

3. Door staff shall be employed on the premises on Friday and Saturday evenings after 20:00 hours at a ratio of one member of door staff for every 75 customers or part thereof present on the premises.
4. An incident log shall be kept at the premises and details shall be entered in the log of all incidents of violence, disorder, anti-social behaviour, ejection of persons from the premises, refusal of be entry of persons to the premises, theft, evidence of drug use or drug confiscation and any other crime taking place within the premises or outside of the premises where staff and/or customers of the premises are involved. The incident log shall be made available on request to an authorised officer of the licensing authority or police upon request. Waiter/waitress service will be provided throughout the hours of licensable activities on both the ground and first floor of the premises.

8.6 Pool of Model Conditions

In addition to conditions proposed by the responsible authorities or objectors, the licensing authority also has its own pool of model conditions that may help mitigate the concerns raised in the representations.

The proposed and agreed conditions do not restrict the sub-committee's power to attach conditions from the pool (amended or otherwise) if they consider that they are appropriate, proportionate, justifiable and within the applicant's power to comply with.

8.7 Environmental Health Representation

The premises has 14 residential units located above the first floor. Environmental Health is concerned that the noise associated with the licensable activity on the first floor will cause a noise nuisance to the residents above. As part of their representations, Environmental Health has proposed the following condition appropriate for the prevention of public nuisance attached at appendix 4.

“No licensable activity shall be provided on the first floor until suitable sound attenuation measures have been installed to the satisfaction of Environmental Health Officer of Watford Borough Council”.

In addition to the representation submitted discussions have been held between Environmental Health and the applicant, where conditions regarding a prohibition on dancing, issues regarding disturbance from customers smoking outside, a limitation on background music only on the premises and the holding of an annual meeting with residents has been discussed. The applicant has not, at the time of writing this report formally agreed to the following conditions, but they have been included on the draft premises

licence and should be considered by members when determining this application:

1. No dancing will be permitted on the premises.
2. No more than five customers, including those leaving the premises to smoke, shall be permitted to be present on the forecourt of the premises at any one time.
3. No live or recorded music shall be played on the premises at a level where it constitutes entertainment. Music shall only be played at background levels.
4. The premises licence holder shall hold an annual meeting with the Platform Court residents in order to discuss any issues relating to noise, anti-social behaviour or any other matter of concern.

8.8 Draft Premises Licence

A draft Premises Licence which reflects this application and the proposed conditions is attached at appendix 5.

9.0 **Officers observations**

9.1 The applicant has agreed with the Police to a condition on the licence that the supply of alcohol shall be ancillary to the supply of food. In principle this condition is acceptable and means that customers would not be able to visit the premises simply to drink alcohol. However, the applicant has not applied to allow the provision of late night refreshment to take place on the premises. The effect of this is that hot food could not be served after 23:00 hours, so on Friday and Saturday evenings after 23:00 hours, only cold food could be supplied and the supply of alcohol could only take place ancillary to the supply of this food. It appears that the applicant may not have either understood or properly thought through the implications of this condition or has omitted to include on his application the supply of late night refreshment as a licensable activity. This issue has been drawn to the attention of the applicant by Licensing Officers.

9.2 Members may wish to question the applicant on the proposed operation of the premises in order to gain a greater understanding of the type of premises. Different types of operations have different risks associated with them. By clarifying the operation of the venue, this will assist Members in assessing the potential risk associated with the use of the premises, and in turn the risk of the premises to the promotion of the prevention of public nuisance licensing objective.

9.3 The Environmental Health representations against this application raise

concerns that there is a likelihood that noise associated with the licensable activity on the first floor will cause a nuisance to the residents of the flats above.

- 9.4 The main issue raised is the fact that the building is unsuitable for the proposed licensable activity as the building is more of a residential dwelling and that noise from patrons entering and leaving the premises is also inevitable. The Environmental Health Officer concluded that the information provided was insufficient and therefore it was not possible to determine the suitability of the sound insulation scheme. As a result of this the premises licence if granted with the proposed condition would not permit licensable activity, namely the sale of alcohol, on the first floor until an Environmental Health Officer was satisfied that suitable sound attenuation had been installed.
- 9.5 However, this would in no way limit the use of the first floor as the premises could sell alcohol on the ground floor and then allow patrons onto the first floor to consume the alcohol as consumption is not licensable. Members may wish to ask the Environmental Health Officer what he was seeking to achieve with the proposed condition and then, if it's believed appropriate, amend the wording to achieve that outcome.
- 9.6 The applicant has sought to address Environmental Health's concerns by submitting a number of measures recommended by an acoustics consultant 'The Sound Solution' to mitigate the potential noise breakout from the venue particularly in the direction of residential units. This is demonstrated in the Sound Solution report attached at Appendix 6.
- 9.7 On the 18 May 2017 a meeting took place between the applicant and Environmental Health Officer to discuss ways to mitigate the public nuisance concerns. The mediation seemed constructive and the officers are currently awaiting a report which the applicant agreed to produce.
- 9.8 Members will be aware that under the Council's Statement of Licensing Policy the Licensing Authority is determined to protect the amenity of residents in the vicinity of licensed premises. For these purposes 'vicinity' is taken to mean the immediate area around licensed premises where individual's residence or business is likely to be directly affected by disorder or nuisance occurring or potentially occurring on those premises or immediately outside.
- 9.9 Policy LP8 (Prevention of public nuisance) provides strict guidelines that in considering all licence applications where appropriate representations have been received the authority may impose conditions to prevent unnecessary

noise disturbance to residents as it considers appropriate. This may include sound proofing requirements, restrictions on times when music or other licensable activities may take place and may include technical restrictions or appropriate measures to restrict the use of the area to ensure that licensing objectives relating to prevention of public nuisance, crime and disorder and public safety are upheld.

- 9.10 In addition to the above LP8 sets out the following steps notwithstanding that each application will be considered on its own merits.

‘In considering licence applications...we will consider any necessary measure...having regard to all circumstances of the application including...the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will be of greater importance between 10pm and 7am than at other times of the day’.

Members should note that the applicant has proposed a few controls to promote the licensing objectives by restricting the take away food timings and agreeing to SIA licensed door staff on Friday and Saturday nights..

In making a decision the Committee shall as far as possible seek to establish the cause or causes of the concerns that the representations identify and need to consider what steps to implement

- 9.11 The officers’ observations and the comments regarding the representations are in no way meant to bind Members. They are for guidance only and Members may attach whatever weight they see fit as they do the submissions of the applicant and objector.
- 9.12 The Sub-Committee are reminded that they 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.
- 9.13 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.
add to or modify the proposed conditions.
 - (b) reject the whole or part of the application.

Appendices

Appendix 1 – Map

Appendix 2 – Location of premises

Appendix 3 – Operating Schedule

Appendix 4 – Environmental Health Representations

Appendix 5 – Draft Premises Licence

Appendix 6 - The Sound Solution (Acoustics Report)

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

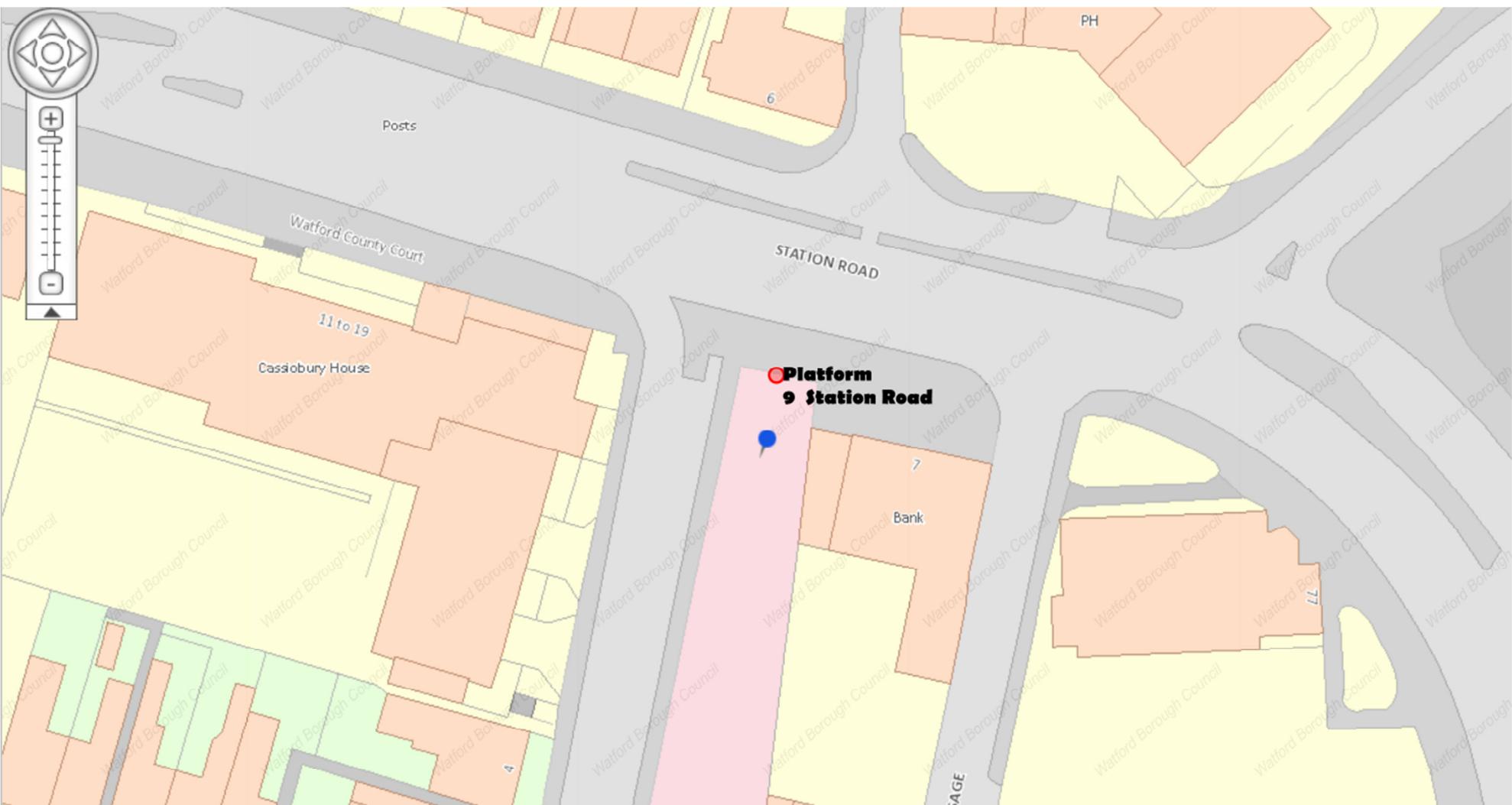
Amended guidance issued under section 182 of the Licensing Act 2003 (Home Office April 2017)

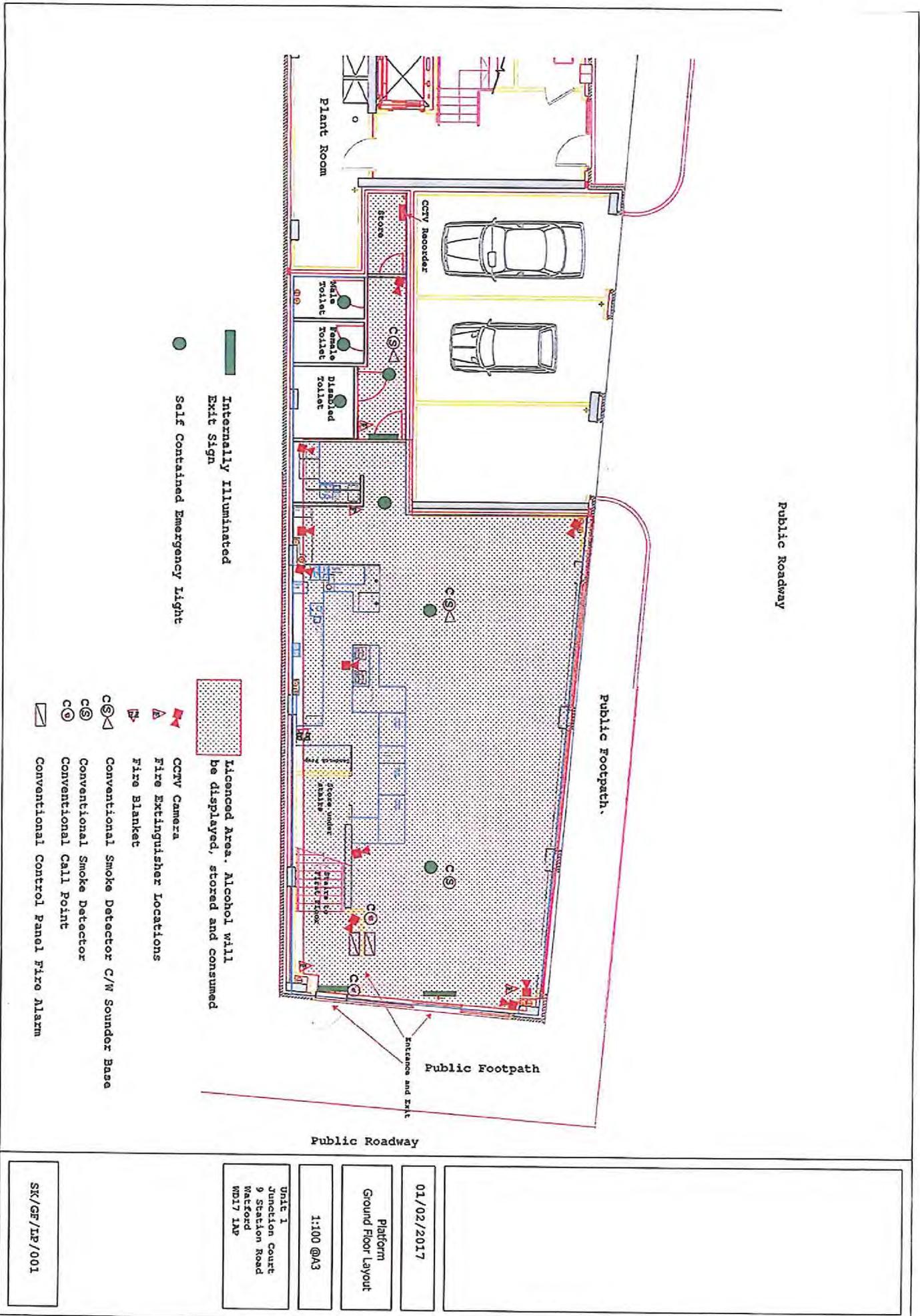
Watford Borough Council Licensing Policy (November 2013 – November 2018)

Watford Borough Council Pool of Model Conditions (March 2013)

File Reference

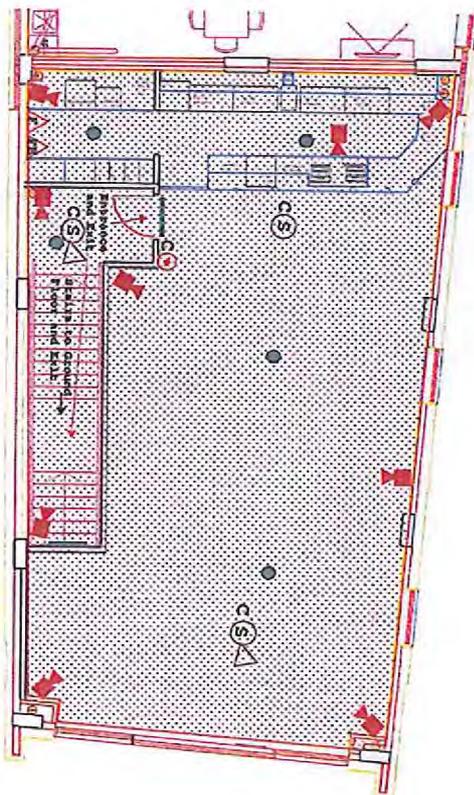
Platform 9 Station Road





01/02/2017
Platform Ground Floor Layout
1:100 @A3
Unit 1 Junction Court 9 Station Road Ratford MD17 1AP

SK/GR/LP/001



-  Licensed Area. Alcohol will be displayed, stored and consumed.
-  Internally Illuminated Exit Sign
-  Self Contained Emergency Light
-  CCTV Camera
-  Fire Extinguisher Locations
-  Fire Blanket
-  Conventional Smoke Detector C/W Sounder Base
-  Conventional Smoke Detector
-  Conventional Call Point

	01/02/2017	Platform First Floor Layout	1:100 @A3	Unit 2 Junction Court 9 Station Road Watford WD17 1AP
SK/FF/LP/001				

Section 18 of 19**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Following consultation and a site meeting with the police and licensing the following conditions are being offered in support of this application.

The premises capacity is both 74 on the ground floor and 74 on the first floor.

All staff training records will be retained on site and available for inspection, if so requested.

b) The prevention of crime and disorder

CCTV will be in operation at all times, with a recording capacity, with a recording capacity in excess of 31 days. CCTV will cover all areas of the premises.

The DPS and premises licence holder will be present at monthly pubwatch meetings, where possible.

c) Public safety

Street drinkers will not be allowed on the premises and will never be served. All staff will be instructed to monitor and be aware of the presence of street drinkers and ask them to leave the premises

Alcohol will never be sold to anyone who appears drunk.

Drug dealing and the use of drugs will be closely monitored by all staff, anyone found with or suspected to be connected with drugs will be barred. Toilet areas will be inspected on a regular basis.

SIA licensed door staff will be present on Friday and Saturday evenings from 2000 hours until the advertised premises closing time, thirty minutes after the licensable activity times.

The pavement outside the premises, from the kerb line to the premises line, will be cleaned as necessary, but at least once per day.

d) The prevention of public nuisance

Take away food will be restricted to 0600 hours to 2000 hours

No alcohol sales will be allowed for consumption off the premises.

No person will be allowed to leave the premises with an open container, bottle or glass that contains alcohol.

Customers will not be allowed to consume alcohol outside the premises.

Customers will be requested and signs displayed asking customers to respect our neighbours and leave the premises quietly and respectfully.

Deliveries to the premises will be restricted to the following days and times, Monday to Friday 0900 hours to 1700 hours.

Refuse collections will also be restricted to Monday to Friday, 0900 hours to 1700 hours.

Refuse, including glass and bottles will never be taken to external refuse store area between 2300 hours and 0900 hours.

e) The protection of children from harm

A challenge 21 policy will be in place. A No ID, No Sale" policy will operate at all times

Children will not be allowed on the premises after 2200 hours unless accompanied by an adult, with the adult always being present.

All staff will be trained and fully understand this policy.



Memo

Environmental Health

Memo to Licensing - representation

To Licensing Authority
From Simone Smith, Environmental Health Officer
Email Simone.smith@watford.gov.uk
Ext. 8428
Our ref 17/012379/LICCON
Date 28.4.17
Re Platform, 9 Station Road, Watford

As a Responsible Authority under the Licensing Act 2003, the Environmental Health Service has been consulted about the above application. Environmental Health wish to make the following representation in relation to this application on the grounds of prevention of public nuisance:

The premises has 14 residential units located above the first floor. I have concerns that the noise associated with the licensable activities on the first floor will cause a noise nuisance to the residents of the dwellings above.

The licensing department has also received one objection with regards to the use of this area for licensable activities

Taking all of this in to account I have the following comment to make

1. No licensable activities shall be provided on the first floor until suitable sound attenuation measures have been installed to the satisfaction of an Environmental Health Officer of Watford Borough Council

Please contact me if you have any queries.

Yours sincerely

Simone

Licensing Act 2003
 Schedule 12
 Part A

Regulation 33,34

Premises Licence

Premises Licence Number

17/00449/LAPRE

Part 1 – Premises Details

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

Darby Leisure Ltd
 Platform
 Unit 1 and Unit 2
 9 Station Road
 Watford
 WD17 1AP

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

Sale of alcohol	Monday to Thursday	11:00 – 23:00
	Friday to Saturday	11:00 – 00:00
	Sunday	11:00 - 22:30

Non Standard Days: Christmas Eve and New Year's Eve 11:00 hours – 01:00 hours

The opening hours of the premises	Monday to Thursday	06:00 – 23:30
	Friday	06:00 – 00:30
	Saturday	06:30 – 00:30
	Sunday	06:30 – 23:00

Non Standard days: Christmas Eve and New Year's Eve 06:00 hours – 01:30 hours

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the premises only

Part 2

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

Darby Leisure Ltd
Emerald House
Swinbourne Road
Burnt Mills Industrial Estate
Basildon
SS13 1EF
david@darbyleisure.co.uk

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

10457448

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

David Darby
21 Harrow Drive
Hornchurch
Essex

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 personal 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) 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).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (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.

6. 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.
7. 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.

8. 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.

9. (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

GENERAL

1. The maximum number of persons permitted on the premises at any one time shall be limited to 74 on the ground floor and 74 on the first floor.

PREVENTION OF CRIME AND DISORDER

2. The premises licence holder shall ensure that CCTV is in operation at all times members of the public are on the premises. The system shall have a recording capacity in excess of 31 days and shall cover all areas of the premises.
3. A zero tolerance towards drugs shall be implemented on the premises and anyone found to be using or in possession of drugs shall be excluded from the premises permanently.
4. Customers shall not be permitted to drink outside the premises.
5. No person shall be allowed to leave the premises with any open containers, bottles or glasses that contain drinks.

PUBLIC NUISANCE

6. Take away food shall not be provided outside of 0600 - 2000 hours.
7. Signs asking customers to respect the residents and leave the premises quietly shall be displayed at all exits from the premises. These notices shall be clearly legible and at least A4 in size and font shall be at least point 50.
12. The premises licence holder shall ensure that the pavement outside the premises from the kerb line to the premises line shall be cleaned at least once per day.
13. Deliveries to the premises shall be restricted to Monday to Friday 09:00 – 17:00 hours.
14. Refuse collections shall take not take place outside of Monday to Friday 09:00 – 17:00 hours.
15. No refuse including glass and bottles shall be moved to external refuse store area between 23:00 – 09:00 hours.

PROTECTION OF CHILDREN FROM HARM

16. The premises licence holder shall implement a 'Challenge 21' policy and a 'No ID, No Sale' policy shall operate at all times.
17. Children shall not be allowed on the premises after 22:00 hours unless accompanied by an adult.

Conditions proposed by the Police and Environmental Health

18. The supply of alcohol shall be ancillary to the supply of food.
19. There shall be a personal licence holder on duty on the premises at all times when alcohol is offered for sale.
20. Door staff shall be employed on the premises on Friday and Saturday evenings after 20:00 hours at a ratio of one member of door staff for every 75 customers or part thereof present on the premises and shall be present until at least 30 minutes after licensable activities cease.

21. An incident log shall be kept at the premises and details shall be entered in the log of all incidents of violence, disorder, anti-social behaviour, ejection of persons from the premises, refusal of be entry of persons to the premises, theft, evidence of drug use or drug confiscation and any other crime taking place within the premises or outside of the premises where staff and/or customers of the premises are involved. The incident log shall be made available on request to an authorised officer of the licensing authority or police upon request.
22. Waiter/waitress service will be provided throughout the hours of licensable activities on both the ground and first floor of the premises.
23. No licensable activities shall be provided on the first floor until suitable sound attenuation measures have been installed to the satisfaction of an Environmental Health Officer of Watford Borough Council.
24. No dancing shall be permitted on the premises.
25. No more than five customers, including those leaving the premises to smoke, shall be permitted to be present on the forecourt of the premises at any one time.
26. No live or recorded music shall be played on the premises at a level where it constitutes entertainment. Music shall only be played at background levels.
27. The premises licence holder shall hold an annual meeting with the Platform Court residents in order to discuss any issues relating to noise, anti-social behaviour or any other matter of concern.

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

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3rd May 2017

David Darby

Cedarmill Developments Ltd

Emerald House
Swinborne Road
Burnt Mills
Basildon
Essex
SS13 1EF
United Kingdom

Reference:- Sound Testing as required, Watford

Site:- Commercial Unit 2, Junction Court,
Station Road Watford

Preliminary:-

The soundproofing having been completed in the commercial areas in accordance with the acoustic report detailed summary, recommendations and requirements, the areas that may be affected by any noise emissions from the commercial area were tested as follows in accordance with the report and requirements by Local Authorities.

Criteria for Tests:-

Party wall airborne sound insulation: No less than... $DnT,w+ Ctr = 45$ dB (In-situ)
Party floor airborne sound insulation: No less than... $DnT,w+ Ctr = 45$ dB (In-situ)
Party floor impact sound insulation: No more than... $L'nT,w = 62$ dB (In-situ)
Internal wall sound insulation: No less than... $Rw 40$ dB (Lab only)

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Tel: 01423 339163 Fax: 01423 339153 Email: stuart@sound-solution.co.uk info@ideatec.co.uk
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Commercial Unit

Party wall and floor constructions comfortably achieves Building Regulations airborne sound insulation requirements from ground floor to first, but extensive additional acoustic measures have been installed within the commercial space, as follows:.

The Ceiling between Grid K to Grid N

Work on this ceiling has been done above the decorative lower ceiling within the 300mm void, by the application of two layers of NSSC2+ acoustic composite panels mounted on top hat metal profile, on battens infilled with 50mm x 140kg density DFM high density absorbent slab, to allow passage of installed and routed services, each layer crosshatched, sealed at all points using AC50 acoustic sealant and mastic, painted to appear concrete, or underdrawn with a shadow cloth to conceal the soundproofing. (Paint or Fabric still to do) This will require, 142 x NSSC2+ acoustic composite panels, 3 x 2 stud, drywall adhesive, top hat metal profile, emulsion paint & or shadow cloth.

The Wall at Grid K

This wall has had acoustic insulation applied to the bedroom side of two layers of NSSW2+ applied directly, with drywall adhesive to the existing wall, sealed at all points with AC50 acoustic sealant and mastic, joints taped and then whole wall plastered with mulltiskim plaster. Any items removed to apply this insulation is to be replaced.

Testing after Installation

The test to determine the levels of noise reduction achieved and the efficacy of the soundproofing undertaken as outlined in the foregoing, shown as a series of LAeq readings have been completed and are shown below:-.

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Suggested and Achieved:-

Daytime (07:00 – 23:00 hrs) -Suggested 30 dB LAeq,1hour—Achieved 30 dB LAeq

This tests as a PASS for Daytime

Night-time (23:00 – 07:00 hrs) -Suggested 25 dB LAeq,1hour—Achieved 25 dB LAeq

This tests as a PASS (extrapolated) for Night time

At all hours -Suggested 45 dB LMax Achieved 45 dB L Max

The ambient is 45 dB LAeq. Achieved.

Resting Living room —Suggested 35 dB LAeq,1 hour—Achieved 35 dB LAeq

Achieved at 35 dB LAeq.

The Wall at Grid K

This wall is Apartment 3 / open area.

This wall required acoustic insulation applied to the bedroom side and should be two layers of NSSW2+ applied directly, with drywall adhesive to the existing wall, sealed at all points with AC50 acoustic sealant and mastic, joints taped and then whole wall plastered with mulltiskim plaster. This was successfully completed and tested.

The wall soundproofed with the additional materials PASSED the test.

The levels shown demonstrate the efficacy and compliance of the additional sound-proofing measures that have been put in place.

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Notes

Ambient levels in the property at time of testing were 45 dB LAeq on 2ndMay 2017

Adjusted details from individual test points are :-

Flat 8 Living area, Bedroom 1, Bedroom 2. 35dB LAeq, 30 dB LAeq, 30 dB LAeq

Flat 3 Living area, Bedroom 1, Bedroom 2. 35dB LAeq, 30 dB LAeq, 30 dB LAeq

E&OE

Dated 3rd May 2017

Testing undertaken by:- Arben Asllani

Extrapolated and Collated by:- Stuart Browne

Readings taken :- AudioTools, SPL Pro, FFT Real time analysis.

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