

## LICENSING SUB COMMITTEE

10 March 2021

Present: Councillors M Hofman, M Mills and G Saffery

Officers: Democratic Services Officer (IS)  
Licensing Officer (PS)  
Senior Solicitor

### 24 **Committee membership/ election of a Chair**

The Democratic Services Officer confirmed that the sub-committee would comprise Councillors Saffery, Hofman and Mills.

The sub-committee was asked to elect a Chair for the hearing.

RESOLVED –

that Councillor Saffery be elected Chair for this hearing.

The Chair introduced all the parties.

### 25 **Disclosure of interests (if any)**

There were no disclosures of interest.

### 26 **Application for a new premises licence: Oaklands Wines**

The Chair welcomed all parties and explained the procedure to be followed.

#### **Introduction to the application**

The Licensing Officer presented her report to the Sub-Committee, outlining an application for a new premises licence for Oaklands Wines, 35 Market Street Watford WD18 0PN.

#### **Address by the interested party**

Ms Conlon explained that she was objecting to the opening hours of the premises being until 12 midnight, because she and her partner both had to get up early. A shop such as this being open so late would attract late night visitors and would change the character of the area, making it seem more like a town centre or the West End.

She had purchased her home when the premises was a printing shop that closed at 6pm. It seemed perfectly reasonable for this premises to close at 11 pm, to allow the area to quieten down. She explained that the houses were not tall, so her bedroom window was relatively low to the ground, allowing her to hear everything outside. Ms Conlon concluded by expressing her worry about this application and the adverse effect it would have on her life.

The Chair invited questions for Ms Conlon and Councillor Hofman asked if she might be willing to accept any sort of compromise, for example 11.30pm closure. Ms Conlon replied that if that was the only choice, then she would. She added that people hung around after such premises close.

There followed a discussion around possible weekly hours that might be a suitable compromise for both parties. This discussion included other similar premises nearby and the exact location of where Ms Conlon lived, in relation to Oaklands Wines which was not directly above, but a very short distance away.

Ms Conlon pointed out that people were attracted to late night premises and similarly, this shop. There seemed to be little balance, with a continual shift towards a late night economy.

In response to a question from the Chair, the Licensing Officer stated that there had been a number of noise complaints to Environmental Health, regarding various premises along Market Street. She pointed out that these complaints did not include Oaklands Wines as this was a new application. In response to a question from the Senior Solicitor, she confirmed that the residents directly above Oaklands Wine had not made a complaint.

### **Address by the applicant's agent**

There being no further questions, the Chair invited Mr Kanapathi, the applicant's agent, to address the sub-committee.

Mr Kanapathi stated that the applicant had done a great deal to promote the Licensing Act objectives by not selling strong alcohol that might attract street drinkers, neither would they sell single units. Furthermore, the original application had been until 1.00am, but after consultation with the Police, this had been reduced to midnight. He stressed that this was intended to be a wine

shop which was mostly online, with only half the trade being from walk-ins. The intention was to provide quality products that would not appeal to late night customers and this was not really a convenience store, but a shop specialising in food and wine.

Mr Kanapathi gave his opinion that this would not cause a nuisance, but additionally offered to put up signage to ask customers to respect local residents, leave quietly and not to loiter in the area.

He concluded by offering to close earlier if the premises generated complaints.

The Chair thanked Mr Kanapathi and invited questions.

Councillor Hofman asked why the applicant felt he needed to sell alcohol so late, if his business was mainly online.

Mr Kanapathi replied that it was both a business and online. The online aspect would take a long time to build up, so the plan was to attract local people into the shop. He stressed that the late night aspect was important.

There followed a discussion regarding the following areas:

- The shop's unique selling point.
- The practical steps the applicant was going to take to address the Licensing Act objectives.
- The possibility of shorter hours during the week and longer hours at the weekend. The applicant agreed that terminal hours of Monday to Wednesday until 23.30, Thursday to Saturday until midnight and Sunday until 23.00 would be acceptable.
- The applicant's experience within the licensing trade.

## **Summary**

The applicant and the interested party at the hearing were invited to sum up their arguments.

Amanda Conlon, stated that she was willing to accept a compromise on the hours.

Suresh Kanapathi stated that with the offer of the further revised hours and the placing of the sign to customers, he felt the applicant had done more than enough to address the concerns in the representations.

## Decision

The Chair thanked everyone and explained that the decision would be made available within five working days.

RESOLVED –

that the Premises Licence for Oaklands Wines, 35 Market Street, Watford be granted, for the following terminal hours:

|                     |       |
|---------------------|-------|
| Monday to Thursday  | 23.30 |
| Friday and Saturday | 00.00 |
| Sunday              | 23:00 |

The Sub-Committee has found that the licensing objective of prevention of public nuisance is relevant to this application.

The Sub-Committee has read all the information before them. The Sub-Committee heard from the Interested Party, Amanda Conlon; the Applicant, Thavarobert Joseph and his representative, Suresh Kanapathi.

The Sub-Committee is aware of and has taken into account any implications that may arise from the Human Rights Act 1998.

The Sub-Committee in reaching its decision has had due regard for its public sector equality duty under Section 149 of the Equality Act 2010 and consider that in reaching their decision they have fulfilled their duty under the Equality Act 2010.

The Sub-Committee has carefully considered all the written and oral representations made to it.

The Sub-Committee heard from Amanda Conlon, she stated that she and her flatmate had to wake up very early for work. If the premises was allowed to stay open until 12 midnight, they would be subjected to customers going in as well as standing outside the premises, contributing to the already existing unbearable noise nuisance experienced in the street. This premises was much closer to the Interested Party's flat which was low bearing. The late opening would cause further disruption of their sleep into the early hours of the morning.

Mr Suresh Kanapathi, stated this was a new Premises Licence application for a specialist premises that would sell Italian wine and mainly Italian food. It was not a convenient store, and half of the sales would be online. He had liaised with the Police and agreed strict conditions. As a result, the Police had not put in any representations neither had Environmental Health. In addition to the strict conditions agreed with the Police, he was happy to accept additional condition

on the Licence. The Premise would display notices advising customers to be considerate of residents and leave quietly.  
He stated that he had tried to liaise with Amanda Conlon during the application process and is prepared to work with her.

Reasons:

The Sub-Committee accepted evidence the premise was in a Sensitive Licensing Area. The Sub-Committee also accepted evidence from Amanda Conlon that allowing the premise to open until midnight would generate noise late into the early hours, affecting her home life and thereby undermining the Licensing objective of prevention of public nuisance.

For these reasons, the Sub-Committee decided to grant the Premises Licence, reducing the terminal hour to the hours stated above.

The Sub-Committee decided it was appropriate to reach a compromise between the hours applied for (subsequently amended at the hearing) and the hours stated in Amanda Conlon's representations, for the promotion of the prevention of public nuisance.

In determining the application, the Sub-Committee were mindful that their concern here is to be confident on the balance of probabilities that the licensing objective of prevention of public nuisance will be safeguarded and promoted if the application was granted.

In reaching their decision the Sub-Committee had due regard for all that they have read and heard, along with consideration for the licensing objectives, the Licensing Act 2003, s182 Guidance, and the Council's statement of licensing policy.

Chair

The Meeting started at 10.40 am  
and finished at 12.00 pm