

LICENSING SUB COMMITTEE

21 July 2023

Present: Councillor R Wenham (Chair)
Councillor
Councillors A Grimston and G Saffery

Also present: Elaine Dunning, Applicant
John Dunning, Member of the public
George Domleo, Applicant's Representative
Councillor Dennis Watling, Interested Party
Elizabeth Foley, Interested Party

Officers: Licensing Officer (PS)
Senior Solicitor
Democratic Services Officer (BR)
Democratic Services Officer (LM)

1 **Committee membership/ election of a Chair**

The Democratic Services Manager confirmed that the sub-committee would comprise Councillors Feldman, Grimston and Wenham.

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

RESOLVED –

that Councillor Wenham be elected Chair for this hearing.

2 **Disclosure of interests (if any)**

There were no disclosures of interest.

3 **Application to vary the premises licence - Dunnings Free House, 153 St Albans Road Watford WD17 5BB**

The Chair, Councillor Wenham, welcomed everyone to the meeting and asked all present to introduce themselves.

The Chair invited the Licensing Officer to introduce the report.

The Licensing Officer advised that there were preliminary matters for members' attention. There was a change to the published report. Additional information had been brought to the parties' attention. A representation was received during the consultation period, but staff had overlooked it. In Appendix 5G, the consent of the Chair and members confirmed that it was a valid representation and that it formed part of the report.

Additionally, it was brought to the Chair's attention that a mediation meeting had been held on 19 July between the applicant and residents. Furthermore, several additional amendments had been put forward by the applicant. However, due to being unable to circulate the proposal before the committee, these conditions could be read out with the consent of all parties.

1. Remove films.
2. Amend live and recorded music to be permitted indoors only.
3. Reduce the non-standard timings for any Thursday and Sunday immediately preceding a bank holiday for regulated entertainment and the sale of alcohol to 00.30, with close at 1:00
4. Add a condition stipulating that the sale of alcohol from the external hatch servery shall cease at 23:00
5. Add a condition stipulating that on Friday and Saturday from 1.00 no more than 20 customers at any one time will be permitted to use the rear beer garden/external area of the premises to smoke.
6. Amend the timings for Live Music on Friday and Saturday to cease at 00:30

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Introduction to the application

The sub-committee received a report from the Licensing Officer, which outlined an application that had been made by Elaine Dunning for an application to vary the premises licence - Dunnings Free House, 153, St Albans Road Watford WD17 5BB.

The licensing officer formally presented the report to the committee, outlining the request to modify the existing premises license for Dunnings Free House at

153 St Albans Road, Watford WD17 5BB. This application, made under Section 34 of the 2003 Act, was submitted by Elaine Dunnings and represented by George Domelo from Flint Bishop Solicitors.

The intended purpose of the establishment aligned with Policy 1's definition of a public house. Furthermore, under the parameters outlined in Policy 2, the designated area comprised commercial and residential properties.

The applicant's intention involved incorporating the rear garden into the premises covered by the license. A comprehensive layout was depicted in the detailed plan found in Appendix 4 on page 53. The licensing hearing was convened due to seven formal objections and one expression of support received during the statutory notice period. These representations addressed matters of statutory public nuisance, concerns regarding crime and disorder, and issues related to public safety, particularly concerning residents in close proximity.

These presented representations were deemed valid and relevant, thus necessitating their consideration by the committee.

Additionally, on page 5B, a submission has been made by the ward councillor on behalf of the Callowland ward residents.

The applicant has proposed a proposal to modify the existing conditions, removing and adding specific stipulations. The changes pertain to the hours during which live and recorded music can be played on Fridays and Saturdays. The proposed timing is as follows: alcohol sales from 11:00 AM to 1:30 AM, live music from 11:00 AM to 1:30 AM, recorded music from 11:00 AM to 1:30 AM, and film screenings from 11:00 AM to 12:30 AM.

These proposed hours were subsequently amended following an email received yesterday. The adjusted details are specified in sections 4.7 and 4.8 on pages 6 and 7 of the proposed variation document. Regarding police discussions, an amendment to the operating schedule is detailed in section 9.4 on page 13. Notably, the police did not formally submit any representation on this matter. Furthermore, a mediation meeting occurred on 19 July, yet an agreement was not reached during this session.

The legal representative has further suggested potential agreements that could satisfy both parties aimed at addressing these proposed changes.

Councillor Watling, raised a concern during the committee meeting. He mentioned that he had yet to receive the amended application. Since he was present at the committee to represent those who couldn't attend but had

submitted representations, he expressed uncertainty about their viewpoints on the amendments. In response, the legal representative advised that he should proceed based on the instructions they had been given. The Chair offered a 10-minute recess to review the proposed amendments, which Councillor Watling declined.

There were no questions from Members.

There were no questions from the Applicant.

In response to questions from the Council's Legal Advisor the Licensing Officer confirmed that hard copies of the amendments had been distributed to those in attendance.

Address by the Applicant

George Domelo, the applicant's representative, presented to the committee on behalf of the applicant, Elaine Dunning. He provided background information, highlighting that the premises had been operated as a family business for 22 years. Given the current challenging climate for the hospitality industry this was commendable, the business employed 15 staff members and was managed as a family-run establishment. Since 2018, they had invested one million pounds into the pub, demonstrating an ongoing commitment to its improvement and evolution.

Elaine Dunning had initially submitted her proposal in November. However, due to receiving two objections, she had withdrawn the variation application. This decision was made to allow for consultations with local residents and seek advice to ensure that the proposal would be considerate to all stakeholders. Recent amendments were made in response to these consultations with residents. On 24 April, correspondence had been sent to residents, and dialogue had been initiated with Helena Rose, one of the residents. The aim was to address concerns and incorporate appropriate conditions into the premises license. It was noted that none of the responsible authorities, including the Police and Environmental Health experts, had raised objections to these proposed variations.

Dunnings was described as a place for the local community to enjoy its facilities. Additional evidence had been submitted, showcasing an approachable attitude to resolving issues. The intention was to continue trading for many more years, and a direct telephone number was provided for residents to communicate directly with the establishment management.

The amended application introduced further changes. The outdoor hatch activities would cease after 11 PM, and live music on Fridays and Saturdays would conclude by 12:30 AM. It was clarified that there would be no live music outdoors, with the focus on indoor licensable activities. The commitment to working with residents and responsible operation would continue. There were plans to develop rooms above the pub and offer guests tea and coffee as part of their stay. Elaine Dunning expressed her willingness to hold meetings with residents and engage in additional dialogue sessions as needed.

In response to questions from interested parties the Applicant representative, Geroge Domelo provided the following information:

- Clarified that the application had been amended to include indoor music only.
- There was an existing dispersal policy.
- Explained that customers could smoke in the garden area. However, that customers would be expected to stay indoors within the pub premises when not smoking in the morning.
- Clarified that the hatch was a point of sale under the current license without any restrictions. However, the recent amendment introduced a curfew for that point of sale, which would be in effect until 11 p.m.
- Expounded that live and recorded music were currently allowed on Fridays and Saturdays until 12 a.m. The further amendments sought to extend live music by an extra 30 minutes and recorded music by an hour.
- He emphasised that Elaine Dunning, his client, had been running the establishment for many years, and there needed to be evidence to suggest that the existing timings had caused any issues.
- He confirmed the outside smoking area was restricted to 20 people and closed at 1 am. This was monitored by security staff.
- Elaine Dunning responded that there were dispersal measures in place to help customers leave quietly. Staff were positioned at the main door and the rear garden. Doors and windows were kept closed to reduce noise nuisance and she had personally put patrons into taxis to ensure their safety. She also mentioned that there was a neighbouring establishment that also played music.
- Elaine Dunning responded that CCTV cameras were already in place, operational for 30 days.
- Elaine Dunning responded that they had staff members who had been with them for a significant period, some for as long as

15 years. The staff were aware of the policies and procedures in her absence.

There were no questions from the Licensing Officer.

There were no questions from the Council's legal Advisor.

Representations

Elizabeth Foley had presented her concerns during the application process. She specifically inquired about the significance of the dispersal policy. Arguing against the concept, she pointed out that extending the opening hours might result in a gradual exodus of customers. It was brought to attention that Dunnings stood as the sole pub operational until 2 a.m., and this extended timeframe for closure would inevitably draw more patrons who would then depart concurrently. Considering the predominantly residential character of the surrounding area, which had a direct link to Dunnings, she recounted her regular ordeals with noise disruptions. These disturbances encompassed loud conversations, shouts, and sustained commotion that persisted late into the night. She highlighted how her ability to enjoy her garden was currently curtailed due to these disturbances.

Regarding the "unacceptable" noise issue, she recounted instances when she had reached out to the pub to register her grievances. However, there were occasions when the person on the other end of the line differed in perspective, not acknowledging her point of view. She underscored that her WhatsApp communications had not been granted consent for use as evidence.

Dennis Watling acknowledged that there were several positive aspects arising from the discussion. The residents he was representing would likely be content with the resolution. However, he pointed out the concern that if music continued indoors until 2 a.m., with people frequently entering and exiting the premises, the noise impact might be similar indoors and outdoors. Dennis mentioned that music and loud chatter were audible on Bedford Road and Leavesden Road. Residents appreciated the efforts to address the noise issue, even though it might not be an exact science. He referred to the nature of a genuine community pub where interactions and music were natural occurrences.

In response to questions from the Interested Parties the Applicants Representative provided the following information:

- Clarified that the application had been amended to include indoor music only.

- Explained that the application had been amended from 2am to 12.30 am.

In response to questions from the Members Interested Parties provided the following information that Elizabeth Foley had resided at her residence since 2019.

Councillor Saffery elaborated that the engagement with various responsible authorities, such as Environmental Health, Police, and those dealing with anti-social behaviour, aimed to reassure residents.

The Chair proposed maintaining a comprehensive log of resident complaints to enhance understanding.

In response to questions from the Council's Legal Advisor Elizabeth Foley responded that complaints made to the applicant had been handled well in the past.

Summary

The Applicant representative George Domleo summarised their points as follows he provided a comprehensive summary, encapsulating his client's operational history and approach. He stated that his client had run the establishment for 23 years and was recognised for being highly approachable. He emphasised that the operations went above and beyond the license's requirements, including employing door staff at an additional cost. He mentioned the proposal for adding a complaints log and the availability of a telephone number for the duty manager. He highlighted the practice of informal residents' meetings and the evidence in the documentation attesting to their competent management. He underscored his client's standing as a proficient operator and noted the recent amendments and policies, including the minor extension of operational hours. He stressed that allowing the authorities to greenlight these changes would enable his client's establishment to thrive.

The Interested Parties summarised their points as follows Councillor Watling provided a summary, encapsulating Elizabeth Foley's numerous points and concerns that were formally documented. He acknowledged the nature of a lively environment and recognised that some level of noise was inevitable. He noted the potential for noise to escalate into anti-social behaviour and underlined the efforts to address this.

The Chair thanked everyone for their contributions. He advised that the sub-committee would now retire to consider its decision. The decision would be communicated within five working days.

Decision

RESOLVED –

The Sub-committee has decided to grant the amended application to vary the existing premises License for Dunnings Free House, 153 St Albans Road, Watford.

The Sub-committee found that the licensing objectives of prevention of crime and disorder, the prevention of public nuisance, prevention of public safety and protection of children from harm are relevant to this application.

The Sub-committee read all the information before them; namely, representations against this application received from local residents and businesses, both in support of and opposing the application. The Sub-committee heard from Liz Foley, Cllr Dennis Watling, Elaine Dunning (the Applicant) and Mr George Domleo (Applicant's Solicitor).

At the hearing, the Sub-committee heard the Police secured an agreement with the applicant to amend their operating schedule and attach specified conditions. As a result of the agreement the Police did not submit representations.

The premises was well run and there was no history of enforcement visits and action against the premises.

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 the prevention of crime and disorder, protection of children from harm, the prevention of public nuisance, and public safety will be safeguarded and promoted if the application was granted.

The sub-committee has therefore decided to grant the amended application to vary the premises licence with the conditions agreed with Police, identified as being consistent with the operating schedule by officers in the report, conditions stipulated in the amended application and condition volunteered at the hearing.

The reasoning behind the decision is, the Applicant has been a responsible operator and run the premises for nearly 23 years. The Applicant has shown an understanding of the licensing objectives and

demonstrated good management and responsibility. Following attendance at mediation with residents, the Applicant amended the application to address and mitigate the concerns raised by local residents.

The Applicant employed door staff at cost, over and above the requirement of the law. The Applicant has agreed to provide the duty manager with mobile number for ease of contact by the resident, volunteered a condition to keep a complaints log and set up informal Resident's meetings. The Applicant has therefore shown a clear understanding of the licensing legislation and the requirements of licensing.

The sub-committee is of the view that granting the amended application with the Conditions agreed with the Police, the conditions stated in the amended application and volunteered at the hearing, will ensure that the four Licensing objectives would not be undermined.

The Sub-committee is aware of and considered any implications that may arise from the Human Rights Act 1998.

The Sub-committee 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.

In reaching their decision the Sub-Committee had due regard for all that they had read, seen, and heard. They took into account the provisions of Licensing Act 2003, the Licensing objectives, s182 Guidance, and the Council's statement of licensing policy.

Advisory: The Sub-committee would encourage the Applicant to liaise with residents to set up the informal resident's meeting as agreed at the meeting.

Chair

The Meeting started at Time Not Specified
and finished at Time Not Specified

