

LICENSING SUB COMMITTEE

6 September 2023

Present: Councillor G Saffery
Councillor T Osborn
Councillors L Nembhard

Also present: Robert Sutherland, Applicant Representative
Alastair Weatherstone, Applicant
Naresh Mal

Officers: Senior Licensing Officer (AY)
Democratic Services Officer (LM)
Democratic Services Officer (IS)
Senior Solicitor

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

The Chair confirmed that the Sub-Committee would comprise Councillors Saffery, Nembhard and Osborn.

The Sub-Committee was asked to elect a Chair for the Hearing.

RESOLVED –

That Councillor Saffery be elected Chair for the Hearing.

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

There were no disclosures of interest.

10 **Application to renew a Sexual Entertainment Venue Licence - Diamonds & Strings, Market Street, Watford**

Preliminary matters

The senior licensing officer confirmed that the preliminary matters were covered in his report.

Facts of the application

The Senior Licensing Officer introduced the report. All parties were encouraged to submit any evidence in advance of the hearing for circulation. A statement from Alastair Weatherstone had been circulated to all members who confirmed their receipt of the statement. It was also distributed to the objector; however, no comments were received. The Senior Licensing Officer informed the committee members that the licence conditions had not been published and were circulated to members.

The Senior Licensing officer outlined his report to consider an application by Admiral Bars (Herts) Limited to renew the Sexual Entertainment Venue licence (SEV) of Diamonds and Strings, 9 Market Street, Watford. The licence holder was represented today by Robert Sutherland. This concerned the renewal of a sexual entertainment venue licence under the Local Government (Miscellaneous Provisions) Act 1982. It was worth noting that the original application was submitted as part of a request to both renew and subsequently vary the SEV licence. However, the Sub-Committee's focus was solely on the renewal application at that time. The premises were situated on Market Street between the High Street and Exchange Road. Under Part C of the council's sex establishment licensing policy, one SEV licence was deemed appropriate for the location.

During the consultation period, representations against this application were received from a local resident. As a legal requirement, the name and address of all objectors could not be disclosed to the applicant without explicit consent. The details had been disclosed to the Sub-Committee in accordance with policy. These representations concerned the proximity of a bus stop to the premises. The council's Transport & Infrastructure team verified the presence of a bus stop in this location for at least eight years.

There were no questions from Members.

There were no questions from the Applicant.

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

Address by the Applicant

The representative for the applicant, Robert Sutherland, addressed the committee and referred to the statement released by Alastair Weatherstone. He also introduced a minor amendment, specifically in paragraph 4, stating that the venue did not offer light snacks.

Mr. Sutherland elaborated on several key points:

1. He highlighted that the committee's policy, as referenced by the Senior Licensing Officer, supported the existence of these premises in its current location. Furthermore, it had recently undergone public consultation, during which no comments were received regarding this particular premises and its location.
2. The application had successfully passed through public consultation, which was put into perspective by considering the number of people consulted town-wide.
3. It was emphasised that there were no objections from the police, a significant endorsement and no objections from any responsible authorities.
4. The history of the premises was addressed, with the history of the bus stop. A statement regarding the history of the premises underscored that the initial application for this premises' SEV was granted in front of the committee, and the premises had consistently outperformed expectations.

Additionally, he pointed out that the venue provided light and security guards in the area, which benefited those who used the bus stop.

In response to questions from Members the Robert Sutherland provided the following information that there had been no difficulty in achieving discretion. He noted that the business was previously known by a name that was not discreet but had since been renamed. The external aspect of the premises was discreet, and any changes underwent scrutiny by the Licensing Officer, with disputes being brought before the committee for consideration.

There were no questions from the Senior Licensing Officer, however he stated the following points to be considered. The July licensing committee reviewed the council's sex establishment licensing policy, which had undergone consultation, and no comments had been submitted. The requirement that the interior should not be visible from the exterior was part of the licence conditions. As stated in the report, there had been no concerns raised over compliance with the licence conditions and there had been no need for any enforcement action.

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

Decision

The Sub-Committee retired to consider their decision.

The Sub-committee has decided to grant the application made by Admiral Bars (Herts) Limited to renew the sexual entertainment venue (SEV) licence for the premises trading as Diamonds & Strings at 9 Market Street, Watford WD18 0PA.

The Sub-committee found that the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended are relevant to this application.

The Sub-committee read all the information before them namely the witness statement of the Applicant, representation against this application received from a local resident opposing the application. The Sub-committee heard from Applicant representative, Robert Sutherland, Alastair Weatherstone (the Applicant) and Naresh Mal the Regional Manager of the premises.

At the hearing, the Sub-committee heard there were no recent history of visits or enforcement action against this premises in respect of their SEV licence.

The representation before the Sub-Committee concerns the proximity of a bus stop to the premises. The officer confirmed at the hearing that there is a physical bus shelter immediately outside the front of the premises and that there has been a bus stop in this location for at least eight years. The use of the area for waiting for buses is therefore long established. Moreover, the Council's Policy deemed this location appropriate for the operation of one SEV licensed premises.

Mr. Sutherland in his submission informed the Sub- committee that there was an amendment to paragraph 4 of Alastair Weatherstone's witness statement, light snacks were not provided on the premises. It was testament to the premises that despite the sheer number of people consulted, only one objection was generated. It was also worth noting that the Police as the statutory consultee did not put in an objection on crime and disorder. The Council's Policy provided for this premises in this location.

He also stated that the premises was well run and compliant in an established location. The premises in addition to the standard conditions, had sixteen special conditions attached to their Licence. He informed the Sub-committee that premises would remain and operate discreetly as this was the very nature of the business. The premises adds light to the area and was a positive to the area. In addition, Section 12 which sets out the statutory grounds for refusal and other matters the Sub-committee are to consider in refusing an application, were not relevant to this application.

In determining the application, the Sub-committee was mindful that members' concerns here to be certain that none of the statutory grounds for refusal under Section 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended were applicable and to be confident of the implications their decision on crime and disorder, as well as co-operate in the reduction of crime and disorder in the Borough. The sub-committee must ensure crime and disorder would be safeguarded and promoted if the application were granted.

The Sub-committee has therefore decided to grant the application made by Admiral Bars (Herts) Limited to renew the sexual entertainment venue (SEV) licence. The reasoning behind the decision is that the Sub-committee is of the view that taking into account available information in the preceding paragraphs, the condition attached to the Licence that the premises would be operated in a discreet manner and the reiteration by the applicant that it would continue to be discreet, granting the application would not contravene the provisions of Section 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended and would not undermine crime and disorder in the Borough.

The Sub-committee is aware of and took into account 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 considers that in reaching the decision members have fulfilled their duty under the Equality Act 2010.

In reaching the decision, the Sub-Committee had due regard for all that they have read, seen, and heard, along with consideration for the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended, provisions of the Home Office guidance for England and Wales on Sexual Entertainment Venues (March 2010), and the Council's Sex establishment licensing policy (July 2020 – July 2023).

RESOLVED –

The meeting started at 10.45 and ended at 11.

Signed
Chair Licensing Sub-Committee

Chair

The Meeting started at 10.45 am
and finished at 11.00 am