### PART A

Report to:	Licensing Sub Committee	
Date of meeting:	Friday, 21 July 2023	
Report of:	Licensing Officer (PS)	
Title:	Application to vary the premises licence - Dunnings Free House, 153 St Albans Road Watford WD17 5BB	

#### 1.0 Summary

- An application has been made by Elaine Dunning to vary the existing premises
   licence that they hold for Dunnings Free House, 153 St Albans Road Watford WD24
   5BB
- 1.2 Members are reminded that representations are only relevant if they relate to one or more of the licensing objectives. The four licensing objectives are:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 1.3 During the consultation period representations against this application have been received from local residents and businesses, both in support of and opposing the application.

#### 2.0 Risks

2.1

Nature of Risk Consequence **Risk Rating** Suggested Response Control (the Measures (Treat, combination tolerate, of severity and terminate, likelihood) transfer) 2 Appeal against Decision Determination Treat decision by overturned by of application applicant or the courts given with detailed objectors with potential of costs being reasons and awarded after against council considering if decision is evidence

	not justified or	before the		
	legal	committee,		
	- 0 -	the Council's		
		licensing		
		policy,		
		statutory		
		guidance, and		
		legislation		
Judicial review	Negative	Treat in	Treat	1
of decision by	perception of	accordance		
applicant,	the council	with the		
objectors, or	and its	legislation, the		
consultees	licensing	statutory		
	system	guidance, and		
		the council's		
		licensing		
		policy, with		
		both		
		applicants and		
		objectors		
		being given		
		fair chance to		
		present their		
		arguments to		
		the committee		

## 3.0 **Recommendations**

3.1 That the Licensing Sub Committee determines whether to grant the application (amended as appropriate for the promotion of the licensing objectives) as set out in the report.

# **Contact Officer:**

For further information on this report please contact: Parminder Seyan telephone: email: parminder.seyan@watford.gov.uk

# Report approved by:

- 4.0 Application
- 4.1 **Type of authorisation applied for** Application to vary the premises licence. The proposed variation under part 3 of the application is as follows:

1. To remove from conditions 1, 2, 3, 4 and 5 from Annex 2 of the existing premises licence.

2. To add the provision of films

3. To extend on and off sales of alcohol until 01:30 on Friday and Saturday.

4. To extend the hours for the sale of alcohol any Thursday and Sunday immediately preceding a Bank holiday until 02:00.

5. To extend the hours of regulated entertainment (live and recorded) inside the premises until 01:30 on Friday and Saturday.

6. To extend the hours for regulated entertainment any Thursday and Sunday immediately preceding a Bank holiday until 02:00.

7. To include the outside rear garden in the remit of licensable areas.

8. To extend the Opening Hours until 02:00 Friday and Saturday

9. To extend the opening hours any Thursday and Sunday immediately preceding a Bank holiday until 02:30.

10. To extend the opening hours of the premises to open from 08:00 Monday to Sunday for non-licensable activities.

11. Addition of non-standard timings to licensable activities.

12. To amend existing condition 8 to read as follows:

'The use of the outside rear garden for consumption of alcohol shall cease at 00:00hrs Friday and Saturday, 23:00hrs on Sunday-Thursday.'

13. Add additional conditions under Annex 2 of the premises licence for the promotion of the licensing objectives.

14. Amend the licensing plan to reflect changes to the layout of the premises and outside area.

A redacted copy of the application showing full details and conditions offered, as well as timings is attached at appendix A.

#### 4.2 **Description of premises**

- 4.3 The premises are currently operating as a public house. A copy of the current premises licence and plan is at appendix 2.
- 4.4 Under Policy LP1 the proposed use would be defined as a public house with the sale of alcohol for consumption both on and off the premises, regulated entertainment and late night refreshment. Under policy LP2 the premises is located in an area with a residential and commercial properties. The premises has a rear garden with a covered outdoor seating area with adjoining residential properties and flats.
- 4.5 A map of the location is attached at appendix 3.
- 4.6 A plan showing the proposed layout of the premises to include the rear garden in the remit of licensable areas is attached at appendix 4.

#### 4.7 Licensable activities

This application has applied for a variation of their existing licence as follows:

Licensable activity	Permitted	Requested
Plays		
Films		$\checkmark$
Indoor sporting events		
Boxing or wrestling entertainment		
Live music	$\checkmark$	$\checkmark$
Recorded music	$\checkmark$	$\checkmark$
Performances of dance		
Entertainment of a similar		
description to live or recorded music,		
or dance		
Provision of late night refreshment	$\checkmark$	
Sale of alcohol for consumption on	$\checkmark$	$\checkmark$
the premises		
Sale of alcohol for consumption off	$\checkmark$	$\checkmark$
the premises		

## 4.8 Licensable hours

The currently permitted and proposed hours for the licensable activity and premises opening are detailed in the table below:

	Existing hours premises open to the public	Proposed hours for the premises to be open to the public	Existing hours for the sale of alcohol	Proposed hours for sale of alcohol
Monday	11:00 - 00:00	08:00 - 00:00	11:00 - 23:30	No change

Tuesday	11:00 - 00:00	08:00 - 00:00	11:00 - 23:30	No change
Wednesday	11:00 - 00:00	08:00 - 00:00	11:00 - 23:30	No change
Thursday	11:00 - 00:00	08:00 - 00:00	11:00 - 23:30	No change
Friday	11:00 - 01:00	08:00 - 02:00	11:00 - 00:30	11:00 - 01:30
Saturday	11:00 - 01:00	08:00 - 02:00	11:00 - 00:30	11:00 - 01:30
Sunday	11:00-00:00	08:00 - 00:00	11:00 - 23:30	No change

	Existing hours for live music	Proposed hours for live music	Existing hours for Recorded music	Proposed hours for Recorded music
Monday	N/A	N/A	N/A	N/A
Tuesday	N/A	N/A	N/A	N/A
Wednesday	N/A	N/A	N/A	N/A
Thursday	N/A	N/A	N/A	N/A
Friday	11:00 - 00:00	11:00 - 01:30	11:00 - 00:00	11:00 - 01:30
Saturday	11:00 - 00:00	11:00 - 01:30	11:00 - 00:00	11:00 - 01:30
Sunday	11:00-00:00	No change	11:00-00:00	No change

	Existing hours for	Proposed hours for
	films	films*
Monday	N/A	11:00 - 00:00
Tuesday	N/A	11:00 - 00:00
Wednesday	N/A	11:00 - 00:00
Thursday	N/A	11:00 - 00:00
Friday	N/A	11:00 - 00:00
Saturday	N/A	11:00 - 00:00
Sunday	N/A	11:00 - 00:00

\*These would be new licensable activities added to the licence

# 4.9 Non-Standard hours :

4.9.1 Existing Non-standard Hours For supply of alcohol:

> Boxing Day 11:00 – 00:30 New Year's Day 11:00 - 01:30 St Patrick's Day 11:00 – 00:30

For Live music, Recorded music, late night refreshment & opening hours:

Boxing Day 11:00 – 01:00 New Year's Day 11:00 – 02:00 St Patrick's Day 11:00 – 01:00

4.9.2 Proposed Non-Standard Hours for films, live music; recorded music, supply of alcohol:

Christmas Eve 11:00 – 02:00 Boxing Day 11:00 – 02:00 New Year's Day 11:00 – 02:00 St Patrick's Day 11:00 – 02:00 Any Thursday and Sunday immediately preceding a Bank holiday to be permitted until 02:00

Proposed Non-Standard Opening Hours:

Christmas Eve 08:00 – 02:30 Boxing Day 08:00 – 02:30 New Year's Day 08:00 – 02:30 St Patrick's Day 08:00 – 02:30 Any Thursday and Sunday immediately preceding a Bank holiday to be permitted until 02:30

- 5.0 **Background information** The following background information is known about these premises:
- 5.1 **Proposed Designated Premises Supervisor** Elaine Dunning
- 5.2 Current licences held 22/01179/PRED
- 5.3 Closing date for representations 28 June 2023
- 5.4 **Public notice published in newspaper** 9 June 2023

#### 5.5 Visits and Enforcement action

The committee have requested that we note the history of visits and enforcement actions which is as follows:

13.6.2022 – There was a complaint from Police about lack of staff when premises is busy during the night. A visit was made by the licensing enforcement officer where he liaised with the owners and confirmed that the door staff were already employed when required and this provision was also increased when necessary. No further follow up required. 21.10.2019 - A noise complaint from nearby resident. Officers contacted the complainant and no further follow up required.

10.7.2018 – Complaint received by Environmental Health relating to people hanging around outside as the noise level is extremely high. Officers unable to correspond as no address or contact details provided.

# Temporary Event Notices applied for the following dates and timings:

16.3.2023 -19.3.2023 for regulated entertainment Thursday & Sunday 23:30-00:30 hours, Friday & Saturday 00:30 – 01:30 hours.
For on sale of alcohol (consumption on premises only) Thursday & Sunday 23:00 – 00:30 hours, Friday & Saturday 00:30 – 01:30 hours.
Provision of late-night refreshment Thursday & Sunday 23:00 – 00:30 hours, Friday & Saturday 00:30 – 01:30 hours.

**24.6.2023 – 25.6.2023** for both on-off sale of alcohol from 09:00 – 11:00 hours.

**30.6.2023-2.7.2023** – Late TEN from 23:00 – 02:00 hours. Police amended alcohol sales until 01:30 hours, close at 02:00 hours (Police proposed what was agreed on recently submitted variation application).

## 6.0 **Promotion of the licensing objectives**

- 6.1 The operating schedule submitted by the applicant to describe the steps that they intend to take to promote the licensing objectives and the nature of the proposed variation is included within the application form attached at appendix 1.
- 6.2 The applicant has provided an overview of the Dunning premises and an external management plan attached at appendix 7.
- 6.3 A dispersal at the end of the night policy is attached at appendix 8.
- 6.4 As a result of discussions with the responsible authorities, members are advised that the operating schedule has been amended since the application was originally made. These amendments and any conditions agreed with the responsible authorities are detailed later in the report.

## 7.0 **Representations**

## 7.1 **Responsible Authorities**

The Police managed to secure the agreement of the applicant to amend their operating schedule and agree to specific conditions. As a result, the Police did not submit formal representations. Again, these conditions are covered later in the report.

7.2 No responsible authority submitted representations or agreed any additional steps with the premises.

## 7.3 **Other Relevant Bodies**

Representations have been received from the Other Persons listed below.

Ref	Representative Body (Yes/No)	Representations made on which licensing objective(s)
	BOUY (PES/NO)	
5A	No	Crime & Disorder, Public Nuisance
5B	No	Crime & Disorder, Public Nuisance
5C	No	Crime & Disorder, Public Nuisance & Public
		Safety
5D	No	Crime & Disorder, Public Nuisance
5E	No	Crime & Disorder, Public Nuisance
5F	No	Crime & Disorder, Public Nuisance

- 7.4 These representations are attached at Appendix 5.
- 7.5 Representations in support has been received from the person listed below attached at appendix 6.
- 7.6 One of the representations is from the local ward member representing Callowland ward residents. The ward councillor objections are based on crime and disorder and public nuisance licensing objectives, this is due to noise concerns both from music and noise of people along with customers behaviour outside the premises. At the time of writing this report the ward Councillor has submitted video evidence in addition to the original representation. This video has been circulated to all parties.
- 7.7 One of the representations 5C is in the form of a petition. Some of the objectors have made their own unique representations however some have not. For the sake of this report, we will treat representation 5C as a petition. Members are advised that petitions have no specific legal standing under the Licensing Act 2003. It is for Members to decide how much weight to attach to this petition.
- 7.8 In accordance with Policy LP11, officers must advise that representations from one other person was judged to be frivolous as it gave no valid grounds for making representations nor any address details.
- 7.9 The relevant hearing notices along with the amended police conditions during the statutory public consultation, were sent to the other persons.
- 7.10 At the time of writing this report the objectors have either advised that they wish their representations to still stand or have not confirmed that their representations

are to be withdrawn and therefore must still be considered

# 8.0 **Policy considerations**

- 8.1 The following provisions of the Licensing Act 2003 apply to this application:
  - <u>Section 34 and 35(Variation of a premises licence):</u> Section 34 details how a licence holder can make an application to vary the premises licence.
     Section 35 details how determinations will be made when an application is made under section 34.
  - <u>The Licensing Act 2003 (Hearing) Regulations 2005 (as amended)</u> These regulations detail how hearing should be conducted to determine applications submitted under the Licensing Act.

## 8.2 Statutory guidance

The following provisions of the Secretary of State's guidance (December 2022) apply to this application:

# <u> Paragraphs 8.41 – 8.49</u>

These 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 measures when looking at any steps requested by a party making representations against an application.

## Paragraphs 9.31 - 9.41

These paragraphs explain that hearings should be focussed on the steps considered appropriate for 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 9.42 – 9.44

These paragraphs explain 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.

## Paragraph 10.14:

This paragraph refers to where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing

authority determines that this would undermine the licensing objectives, it may reject the application, grant it with appropriate conditions and/or different hours from those requested.

### 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.

#### Chapter 16

Paragraph 16.26 explains what entertainment is and when it is not licensable. This chapter also confirms that licence conditions which relate specifically to entertainment are suspended (therefore have no effect) when certain criteria are met.

#### 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 location

Under this policy, officers would define this premises as a public house.

## Policy LP 2 - Location and operation of the 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.

This policy states that public houses within shopping or residential areas will be allowed alcohol sales to midnight only (other than for special occasions).

#### Policy LP6 – Prevention of crime and disorder

Under this policy the committee will consider any appropriate measures to deal with the potential for crime and disorder where relevant representations have been. received, and this policy highlights areas of particular concern.

#### Policy LP7 – Public safety

Under this policy, the committee will consider any appropriate measures to mitigate. risks to public safety where relevant representations have been received. This policy highlights measures that the committee may address through conditions, while also stating that conditions should not seek to duplicate existing health and safety requirements.

#### 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 antisocial behaviour where relevant

representations have been received.

# Policy LP9 – Protection of children from harm

This policy details the approaches expected from applicants to promote this licensing objective, and what factors the committee will take into account when considering concerns under this objective.

# Policy LP11 – Representations against 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 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.
- 8.5 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.

# 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, and how the activities will be managed particularly in respect of the licensing objectives.
- 9.2 The most critical part of the operating schedule is 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. It should demonstrate an awareness of the local community, local crime and disorder issues, and the local environment.
- 9.4 <u>Conditions agreed with responsible authorities</u>
- 9.5 During the statutory consultation the applicant amended the application to include the following conditions agreed between the applicant and the police which would be attached to any premises licence granted under this application:
  - 1. The premises shall install and maintain a CCTV system. All entry, exit and point of sale areas will be covered by the cameras, and the images shall enable frontal identification of every person entering in any light condition.

The system shall continually record whilst the premises is open for licensable activities and during all times when staff and 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 to a police officer or an authorised officer of the licensing authority upon request throughout the preceding 31 days period.

- 2. A staff member from the premises who is fully conversant with the operation of the CCTV system shall be able to show a police officer or an authorised officer of the licensing authority data or footage upon request.
- 3. All faults with the CCTV system shall be repaired as soon as possible and in any case within three working days after which time, if the system is still inoperative no licensable activities shall take place without the agreement of the Police Licensing Unit or the licensing authority until the fault is rectified.
- 4. SIA licensed door supervisors (ratio 1:75) shall be on duty at the premises on Friday and Saturdays, Thursdays or Sundays preceding a Bank Holiday, and any Non-Standard Timings (Xmas Eve, Boxing Day, St Patricks Day, New Year's Eve, New Year's Day, etc) from 22:00 until close.
- 5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 6. Notices shall be prominently displayed at any area used for smoking requesting patrons to use the area quietly.
- 7. An incident log shall be kept at the premises for at least 12 months, and made available on request to a police officer or an authorised officer of the licensing authority, which will record the following:
  - (a) All crimes reported to or by the premises to the police
  - (b) All ejections of patrons
  - (c) Any incidents of crime and disorder
  - (d) Seizures of drugs, offensive weapons, fraudulent ID or other items
  - (e) Any faults with the CCTV system
  - (f) Any refusal of the sale of alcohol
- 8. The premises must implement a 'Challenge 25' policy whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or PASS (Proof of Age Scheme) approved identification before being allowed to purchase alcohol. Signage shall be displayed within the premises for Challenge 25.
- 9. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, monitor patron's alcohol

consumption, to maintain the incident book, and monitor staff to ensure their training is put into practice.

- 10. Children under 18 must be accompanied by an adult over 18 years of age and are prohibited after 22:00hrs, unless attending a private function and supervised by a person over the age of 18 years.
- 11. The DPS or 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.
- 12. Notices shall be prominently displayed indicating it is illegal to sell alcohol to a person under the age of 18 years.
  - 13. The premises shall have a Dispersal Policy in place to help manage the effective dispersal of patrons. If any updates are made to the policy, then the updated version shall be served on the authorities.
  - 14. A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Licensing Authority at all times whilst the premises is open.
  - 15. Appropriate signage shall be displayed in prominent positions in the premises notifying customers that the rear area is not to be used after 00:00hrs except for patrons going out to smoke.
  - 16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
  - 17. Regulated Entertainment in the outside areas shall cease at 23:00hrs.
- 9.6 In reference to the following condition agreed between the Police and the applicant:

"The regulated entertainment in the outside area shall cease at 23:00 hours", officers would suggest clarifying this condition to read as follows:

"No Regulated Entertainment shall take place in an outside area or garden area between the hours of 23:00 hours and the start of licensable activities the following day". This builds upon the agreed condition and lays out what is expected of the premises.

# 9.7 **Conditions consistent with the operating schedule**

Officers do not propose any additional conditions which are consistent with the applicant's operating schedule.

9.8 **Conditions proposed by other objectors** None

## 9.9 **Pool of Model Conditions**

In addition to any 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.

- 9.10 This does 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.
- 9.11 A draft Premises Licence which reflects this application and the conditions which are proposed in the preceding paragraphs is attached at Appendix 5.

### 10.0 Officers' observations

- 10.1 As relevant representations in respect of this application have been received, and have not been withdrawn, the Licensing Committee acting on behalf of the licensing authority must make a determination on this application.
- 10.2 It is recommended that in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing thus provides an opportunity for the person or body making the representation to amplify or clarify it.
- 10.3 Officers would advise, as is standard practice, all parties were offered mediation in respect of this application, but no requests have been received and therefore not pursued.
- 10.4 The overarching theme from residents is that if the licence is granted there may be an increase in anti-social behaviour and the effect this could have on the local residents. Members are reminded of paragraph 2.21 of the statutory Guidance, which states that "Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law an individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area,

or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night."

- 10.5 Residents are concerned about the proposed hours of operation and if granted, residents within this area will be at risk of further disruption on a regular basis and on bank holidays. Furthermore, it is anticipated that the noise from the building and in the beer garden/smoking area would be even louder not just when live music is played inside the premises.
- 10.6 Officers are aware that the representations make specific mention of concerns over the provision of music. During the consultation period there have been further discussions and agreement between the police and the applicant that regulated entertainment in the outside areas shall cease at 23:00 hours, referred to at appendix 9, draft premises licence condition 22.
- 10.7 It is noted that this application does concern an extension to hours into the night/early morning. Paragraph 2.19 of the Statutory Guidance states:

"Where applications give rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This why there is still a need for a licence for performances of live music between 11pm and 8am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipate as customers enter and leave."

- 10.8 The Sub-Committee will need to consider the hours of operation, the effectiveness of the operating schedule by the applicant, the representations received, the location of the premise, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, the right the applicant has to operate a business and balancing the rights of the residents to the quiet enjoyment and privacy of family life. These and other relevant issues may be explored at the hearing as far as it reflects the proposed impact of the application on the four licensing objectives.
- 10.9 The other persons have concerns that the application would undermine the licensing objectives the prevention of public nuisance and crime and disorder. Members should consider whether the proposed variation would undermine the licensing objectives and can ask the questions of both the applicant and the residents before making a decision.
- 10.10 For the avoidance of doubt, Members are reminded that the purpose of the hearing is to determine the variation application and may not to used to reduce or remove

existing licensable activities. The Committee's decision should therefore relate to the effect of the licensable activities on the licensing objectives.

- 10.11 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add a new condition, including restricting the times of which licensable activities authorised by the licence can take place. However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 10.12 With the exception of adding conditions the Sub Committee also has the option to limit the operating hours however, would be required to give reasons for this.
- 10.13 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.
- 10.14 Members are also to attach whatever weight they see fit to both the submissions of the applicant, and to the submissions of the objectors, when considering this application.
- 10.15 The Sub-Committee is reminded that it has a duty to "have regard" to the licensing policy but is 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.

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.

It is important that a licensing authority should give reasons for its decision in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

## Appendices

- Appendix 1 Application
- Appendix 2 Existing premises licence
- Appendix 3 Location
- Appendix 4 Plan
- Appendix 5 Other Person Representations
- Appendix 6 Other Person In-Support

Appendix 7 - External Management PlanAppendix 8 - Dispersal PolicyAppendix 9 - 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 (Home Office December 2022) Licensing Act (Hearings) Regulations 2005 Watford Borough Council Licensing Policy (November 2013 – November 2018) Watford Borough Council Pool of Model Conditions (January 2018)