

## PART A

**Report to:** Licensing Sub-Committee  
**Date of meeting:** 19 September 2013  
**Report of:** Head of Community and Customer Services  
Transfer of Premises Licence:  
Paparazzi, 77 - 79 The Parade, Watford  
13/00873/LAPRE

### 1.0 **SUMMARY**

1.1 An application has been made under the Licensing Act 2003 to transfer the premises licence for Paparazzi, 77 – 79 The Parade, Watford. Representations against the transfer have been made by Hertfordshire Constabulary on the grounds that the transfer would undermine the prevention of crime objective.

### 2.0 **RECOMMENDATIONS**

- 2.1 That the Licensing Sub-Committee decides whether to hear evidence from the police in the absence of the applicant and any other party.
- 2.1 That the Licensing Sub-Committee determines whether to allow or refuse the transfer of the premises licence for Paparazzi, 77 – 79 The Parade to Mr Neil Campbell, as set out in the report.

#### **Contact Officer:**

For further information on this report please contact Jeffrey Leib, Licensing Manager telephone 01923 278429: email: [jeffrey.leib@watford.gov.uk](mailto:jeffrey.leib@watford.gov.uk)

**Report approved by: Alan Gough, Head of Community and Customer Services**

### 3.0 **APPLICATION**

3.1 Type of authorisation applied for  
Transfer of premises licence

3.2 Description of premises (as described in application)  
Nightclub

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

3.4 Licensable activities

This application solely concerns the transfer of the premises licence. Although the question of licensable activities and hours is not directly relevant, the current premises licence is attached at appendix 2 for information.

### 4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

The proposed designated premises supervisor is Mr Neil Campbell, (the proposed transferee).

The current premises supervisor is Ms Alison Brown.

4.3 Licence history

The premises were licensed for alcohol and entertainment prior to the introduction of the Licensing Act 2003 in November 2005.

They have been licensed since 8 June 2006 as below:

05/01286/LAPRE granted on 24 November 2005 (no connection to current application)

06/00605/LAPRE granted on 08 June 2006 to Opal Leisure UK Ltd

08/00759/LAPRE granted on 16 September 2008 to Neil Campbell

11/00263/LAPRE granted on 16 May 2011 to Evolve Consultants Limited

11/00692/LAPRE granted on 23 June 2011 to Komplete Hospitality Limited (varied on 1 May 2012)

4.4 Closing date for representations

26 August 2013

### 5.0 **TRANSFER APPLICATION.**

5.1 This application is to transfer the premises licence for Papparazzi, 77 – 79 The Parade, Watford from Komplete Hospitality Limited to Neil Campbell. The police have made representations (at appendix 3) that the transfer would

undermine the crime prevention objective.

- 5.2 The sub-committee will wish to know that Mr Campbell submitted a simultaneous application for the premises licence to be varied so that he is named as the designated premises supervisor. The police had not objected to that application, which has accordingly been granted.

## 6.0 LEGISLATIVE AND POLICY CONSIDERATIONS

- 6.1 The application is made under section 42 of the Licensing Act. This section provides that where a chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the licensing authority a notice stating the reasons why he is satisfied.

- 6.2 The statutory guidance to the Act states:

“8.93 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

“8.94 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder).

“8.95 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants’ backgrounds, it is expected that it would raise the matter immediately with the chief officer of police.”

- 6.3 This is the first application for a transfer to be considered by a sub-committee since the Act was introduced in November 2005. The sub-committee can therefore be confident that the police believe that there are truly exceptional circumstances which justify the need for the representation.

## 7.0 Statement of licensing policy

Policy LP6 sets out some considerations that will particularly be taken into account where relevant representations have been made. These include :

- (1) management attitudes and practises;

- (2) measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- (3) the likelihood of any anti-social behaviour, violence, public order or policing problem if the licence is granted.

7.1 Part of the police representation contains intelligence material which they would not wish to be made known to the applicant or to the general public. For this reason, that part of the representation is not included within the committee report. The general presumption is that licensing hearings should be heard in public. Under regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the sub-committee may exclude all parties including the applicant from all or part of the hearing where it considers the public interest in so doing outweighs the public interest in the hearing (or part of it) taking place in public. The sub-committee should allow both the police and Mr Campbell the opportunity to comment on whether the material should be considered in Mr Campbell's absence. Once the sub-committee has decided whether or not it is in the public interest to exclude Mr Campbell (and other members of the public or press then present), it may then consider the intelligence material.

7.2 The sub-committee is reminded of its 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.

7.3 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 OFFICERS' OBSERVATIONS

8.1 The police are the only organisation that is empowered to make representations about the transfer of a premises licence.

8.2 Three premises licences have been granted for 77 – 79 The Parade since June 2006. Applications have been made to vary those licences at various times. Mr Campbell has been involved with and indeed been an applicant for a number of those licences, although he is not named in any way on the current permission. Mr Campbell is a previous Chairman of the town centre Pubwatch, having also managed other venues in Watford town centre.

8.3 The police representation contains a significant amount of evidence from the freehold owners of 77-79 The Parade detailing their concerns about the impact that businesses operated by Richard Valentine and/or Neil Campbell have on their properties in The Parade. It may be that the sub-committee recognises those concerns do not have any relevance to crime prevention, although at paragraph 4 of the email from Daniel Pfeffer (dated 20 August 2013 at 08:46) he raises concerns that their tenant's financial position leads

him to question whether matters of security, health and safety etc may be compromised. The sub-committee is explicitly asked to state in its decision how much weight it puts on Mr Pfeffer's evidence.

- 8.4 The sub-committee will see considerable correspondence between the police and Mr Campbell's solicitors, and later on in the material with the licensing authority, about an audio recorded interview at Watford police station and Mr Campbell's rights under the Data Protection Act 1998. Officers are satisfied that regardless of Mr Campbell's right to a copy of the audio record from the police under the 1998 Act, the police are entitled to share this information with the licensing authority under section 185 of the Licensing Act which permits the sharing of information relating to the licensing regime.
- 8.5 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.

#### Appendices

Appendix 1 – map of the premises' location

Appendix 2 – current premises licence 11/00692/LAPRE

Appendix 3 – police representations

#### 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 June 2013)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2011)

#### File Reference

Paparazzi