

PART A

Report to: Licensing Sub-Committee
Date of meeting: 31 October 2013
Report of: Head of Community and Customer Services
Title: Application for a New Premises Licence:
Melo Café, 160 Whippendell Road, Watford
13/01094/LAPRE

1.0 SUMMARY

1.1 An application has been made by Mrs Karen Melo for a new premises licence for Melo Café, 160 Whippendell Road, Watford, WD18 7NB. Two relevant representations have been received from local residents as interested parties.

2.0 RECOMMENDATIONS

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

Contact Officer:

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

3.0 **APPLICATION**

3.1 Type of authorisation applied for
New premises licence

3.2 Description of premises

The applicant describes the proposed premises as a small café, specialising in Brazilian and Portuguese products.

The premises has an area for up to 30 customers, which includes the small outside area immediately in front of the premises, where there is a space for 2 tables and 4 chairs.

The premises falls within the description of 'Restaurants' given in policy LP1 and the location is in the area subject to Policy LP4 of the Statement of Licensing policy.

3.3 A plan of the premises is attached at appendix 1.
A location of the premises is attached at appendix 2.

3.4 Licensable activities

Licensable activity	Now applied for
Plays	
Films	
Indoor sports events	
Boxing or wrestling entertainment	
Live music	
Recorded music	
Performances of dance	
Anything of a similar description to live or recorded music or dance	
Provision of facilities for making music	
Provision of facilities for dancing	
Provision of facilities of a similar description to making music or dancing	
Provision of late night refreshment	
Sale by retail of alcohol for consumption on the premises	✓
Sale by retail of alcohol for consumption off the premises	

3.5 Licensable hours

The requested hours for licensable activities and premises opening are detailed in the table below.

	Sale of alcohol	Premises open to
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		the public
Monday	10:00 - 21:00	07:00 - 22:00
Tuesday	10:00 - 21:00	07:00 - 22:00
Wednesday	10:00 - 21:00	07:00 - 22:00
Thursday	10:00 - 21:00	07:00 - 22:00
Friday	10:00 - 21:00	07:00 - 22:00
Saturday	10:00 - 21:00	07:00 - 22:00
Sunday	10:00 - 21:00	07:00 - 22:00

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor
Karen Rose Melo

4.3 Current licences held
No licences are held

4.4 Closing date for representations
16 October 2013

4.5 Public notice published in newspaper
27 September 2013

4.6 Visits and Enforcement action
There have not been any visits or enforcement action.

5.0 **PROMOTION OF LICENSING OBJECTIVES**

The wording in this section is taken directly from section M of the application.

5.1 General

The premises to be licensed are currently operating as a small café. The applicant now wishes to supply alcohol to her customers. The applicant is aware that the premises is in the area subject to policy LP4.

The premises shall adopt 'Challenge 25' as its age verification policy and the only form of identification shall be a photo-style driving licence, a passport, an identification card bearing the PASS logo in a hologram format, military ID or recognised European Identification Cards.

All staff engaged in the sale of alcohol will be trained in respect of their legal and social responsibilities.

CCTV shall be installed and recordings will be maintained for 28 days and handed to police or authorised officers on request. They do not consider that they will pose any threat to the licensing objectives.

5.2 The prevention of crime and disorder
See above.

- 5.3 Public safety
See above.
- 5.4 Prevention of public nuisance
See above.
- 5.5 The protection of children from harm
See above.

6.0 RESPONSIBLE AUTHORITIES

- 6.1 Police
No representations
- 6.2 Fire and Rescue Service
No representations
- 6.3 Environmental Health
No representations
- 6.4 Planning
No representations
- 6.5 Trading Standards
No representations
- 6.6 Child Protection
No representations

7.0 RESIDENTS OR BUSINESSES WHO MAY BE AFFECTED BY THE APPLICATION

7.1 The following representations have been received from residents or businesses who may be affected by the application:

Reference letter	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
A	Mrs Doheny	119 Whippendell Road	No	Public nuisance.
B	Mr R M Khalik	162 Whippendell Road	No	Protection of children from harm and public nuisance

7.2 Further to the application being made, representations were received by the licensing authority from two residents.

Representation One(Appendix 3) has raised concerns regarding men

crowding outside the café causing women to feel intimidated as they walk past the area. The resident is also concerned about the possible increase in anti-social behaviour and noise from customers of the premises, particularly if they had a licence to sell alcohol. In her opinion, Whippendell Road would not be a safe area to walk. As the Act encourages mediation the licensing authority as a responsible authority has tried to address her concerns. However this member of the public regarded them as impractical.

The second representation (Appendix 4) is from a member of public who lives next door, whose main concern is that the premises is in a residential area, and the impact of harm on children.

Although the second representation seems to be a weak representation, it is for members to attach appropriate amount of weight to these concerns when considering representations.

8.0 POLICY CONSIDERATIONS

8.1 The following provisions of the Licensing Act 2003 apply to this application:

- Section 17, 18 (application for a premises licence):
Section 17 details the process which the applicant must have followed for the application to be considered valid. Section 18 describes the process by which an application for a premises licence is determined, including where relevant representations have been made as in this case.
- Sections 19, 21 (mandatory conditions):
Section 19 details the mandatory conditions that would apply to this premises licence if granted to include the supply of alcohol. Section 21 details the mandatory conditions that would apply if the sub-committee was minded to impose a condition requiring the premises to have door supervisors.

8.2 The following provisions of the Secretary of State's guidance apply to this application:

- Paras 8.33 - 8.36
These paragraphs explain how steps should be taken to promote the licensing objectives. It is for the Sub-Committee to decide in light of this guidance whether the measures offered by the applicant are adequate and likely to promote the licensing objectives. It is equally important to use the same measure when looking at any steps requested by a party making representation against an application.
- Chapter 10:
This chapter looks at best practice in relation to conditions that may be attached to a premises licence by the Sub-Committee, should they believe that these are necessary to promote the licensing objectives. Any additional conditions requested by the responsible authorities should be considered with reference to this chapter.

8.3 The following paragraphs of the licensing authority's statement of licensing policy apply to this application:

- Policy LP1 (Premises Definitions):
Under this policy the premises is defined as a "Cafe-bar".
- Policy LP2 (Location and Operation of 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. The premises which are the subject of this application fall within the residential area and as such this policy states that café bars "will generally be granted according to the application".
- 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 anti-social behaviour where relevant representations have been received.
- 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 **RELEVANT TRADE OR OTHER GUIDANCE**

None

10.0 **CONDITIONS**

10.1 Consistent with operating schedule

Following representations from the licensing authority which have now been withdrawn, the applicant has agreed that there will be no off-sales of alcohol and consumption of alcohol will be restricted to the internal area of the café.

10.2 Conditions proposed by the responsible authorities and/or interested parties

None

10.3 Pool of Model Conditions

The licensing authority also has its own pool of model conditions. Officers have not suggested any further conditions from the pool that would help to

address the concerns of the interested parties.

- 10.4 It is for Members to decide, in light of the representations and evidence, whether any of the conditions from the pool of model conditions (amended or otherwise) are necessary, proportionate and reasonable to promote the licensing objectives. In undertaking this exercise Members should take into account the harm that the condition would prevent and the applicant's resources in being able to comply with it.

11.0 OFFICERS' OBSERVATIONS

- 11.1 If the Sub-Committee is minded to restrict the hours of the premises beyond those detailed in this report then regard should be given to Policy LP2 and Policy LP3. The application is already within the hours detailed in LP2 so to restrict them further would be to depart from the Licensing Policy.
- 11.2 The Sub-Committee has a duty to have regard to the 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.
- 11.3 LP3 states that where relevant representations are received in relation to an application for a cafe-bar, the starting point should be to grant the application subject to conditions to address those representations.

Appendices

Appendix 1 – Plan of the premises

Appendix 2 – Location of the premises

Appendix 3 – representation from interested parties (1)

Appendix 4 – representation from interested parties (2)

Appendix 5 – Operating Schedule

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

Guidance issued under section 182 of the Licensing Act 2003 (Home Office June 2013)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy 2011

File Reference

Melo Café