

PART A

Report to: Licensing Sub-Committee

Date of meeting: 25 November 2013

Report of: Head of Community and Customer Services

Title: Variation of Premises Licence Application:
The Villiers Arms, 108 Villiers Road, Oxhey WD19 4AJ

1.0 **SUMMARY**

1.1 The purpose of this report is to consider the application for the variation of the premises licence.

The application is to extend the hours on Friday and Saturday for the sale of alcohol for consumption on and off premises and also the opening hours.

Representations have been received from four interested parties to this application.

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
Variation of premises licence.

3.2 Description of premises
The premises is a local community pub with gardens situated on the outskirts of Watford. One bar with two rooms. Moveable and fixed seating. Village pub built in 1863, it has no car park.

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

3.4 Licensable activities
No additional licensable activities have been requested.

Licensable activity	Permitted now
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 proposed hours for licensable activities and premises opening are detailed in the table below.

	Existing hours for sale of alcohol for consumption on-off premises	Requested hours for sale of alcohol for consumption on-off premises	Existing hours premises open to the public	Requested hours for premises to be open to the public
Monday	11:00 – 23:30	11:00 – 23:30	11:00–00:00	11:00–00:00
Tuesday	11:00 – 23:30	11:00 – 23:30	11:00-00:00	11:00-00:00
Wednesday	11:00 – 23:30	11:00 – 23:30	11:00 –00:00	11:00-00:00
Thursday	11:00 – 23:30	11:00 – 23:30	11:00 - 00:00	11:00-00:00
Friday	11:00 – 23:30	11:00 – 00:30	11:00-00:00	11:00-01:00
Saturday	11:00 – 23:30	11:00 – 00:30	11:00 –00:00	11:00-01:00
Sunday	12:00 – 22:30	12:00– 22:30	12:00 –23:00	12:00-23:00

3.6 Currently imposed conditions which are requested to be removed as a consequence of the proposed variation

The removal of Condition 3 of Annex 2 is requested if the application is granted as applied for.

- *Children are not permitted in the public house*

If the application is granted as requested then this condition will become redundant.

A copy of the current licence is attached to the report as Appendix 3.

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

Mr Leighton Gareth Davies (since August 2005)

4.3 Current licences held

The premises has been licensed since 2005 and the current licence (05/01025/LAPRE) has been in place since 24 November 2005.

4.4 Closing date for representations

29 October 2013

4.5 Public notice published in newspaper
11 October 2013

4.6 Visits and Enforcement action

The last routine inspection was carried out in December 2009 when no licensing issues were highlighted. No enforcement action has been taken against the premises since the licence was granted or complaints received.

5.0 **PROMOTION OF LICENSING OBJECTIVES**

The licensing application indicates that the applicant will take the following steps in order to promote the licensing objectives.

5.1 The operating schedule that allows the applicant to describe any additional steps they intend to take to promote the four licensing objectives as a result of the proposed variation are set out below.

6.0 **RESPONSIBLE AUTHORITIES**

No representations have been received from any responsible authorities.

7.0 **INTERESTED PARTIES**

7.1 Four relevant representations have been received from interested parties. The relevant representations are attached at appendix 4.

Reference letter	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
A	V Page	2 Upper Paddock Road	No	Public nuisance
B	Councillor Shirena Counter	Councillor for Ward	No	Public nuisance
C	B Powell	2A Upper Paddock Road	No	Public nuisance
D	Susan Tilbury	Villiers Road	No	Public nuisance

7.2 The recurring theme from all of the representations is that the extension of the licensing hours will result in an increase in noise and public nuisance.

7.3 The residents advise that they already experience noise from patrons leaving the premises late at night walking down the road shouting/singing or having drunken arguments. With the increase in hours, this type of anti social behaviour is likely to increase and cause additional street nuisance and offences relating to drunkenness. Residents fear that this will have an impact on the conservation area status.

7.4 It has been highlighted that the current hours of operation in a residential area are sufficient and residents getting disturbed after midnight on a regular basis is unacceptable. It is predominately a residential area and residents have a right to peace and quiet enjoyment of their life.

8.0 POLICY CONSIDERATIONS

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

- Sections 17 (Application for a premises licence):
Section 17 details the process which the applicant must have followed for the application to be considered valid.
- Section 19 (Mandatory conditions):
Section 19 details the mandatory conditions that would apply if the Sub-Committee was minded to grant a licence authorising the supply of alcohol.
- Section 34 and 35 (Variation of licences):
Section 34 details how a licence holder can make an application. Section 35 details how determinations will be made when an application is made under section 34.
- The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010
This Order adds a mandatory condition regarding the requirement for an age verification policy by the holder of any licence or certificate that authorises the supply of alcohol.

8.2 Statutory guidance

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

- Paragraphs 8.33 - 8.41:
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.
- Paragraph 10.12:
This paragraph refers to there being no general presumption in favour of lengthening licensing hours and how a committee may act when they receive objections to 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 Statement of licensing policy

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 "Public House".
- 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.

Public house in a residential area will generally be allowed alcohol sales to midnight only (other than for special occasions).

When issuing a licence, stricter conditions with regard to noise control and limitations to opening hours may be imposed in case of premises which are situated in residential areas and are subject to relevant representations.

- 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 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 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**

9.1 Watford Borough Council operates a number of Pubwatch Schemes across the Borough.

9.2 The objectives of the Pubwatch scheme are to reduce alcohol related harm that causes crime and disorder, public nuisance and harm to children. The scheme seeks to share information about these objectives and promote good practice. Watford Pubwatch is a scheme for local on licences supported by Watford Borough Council, Watford Police, Hertfordshire Trading Standards and Hertfordshire Fire & Rescue Service.

10.0 **CONDITIONS**

Members will be aware that an operating schedule forms part of the licensing process. This document outlines what activities are proposed, the opening hours, how the activities will be managed particularly in respect of the licensing objectives.

The most critical part of the operating schedule is the steps taken by the applicant to promote the four licensing objectives. Applicants are always recommended to take careful consideration as to what is entered in this section as whatever is proposed will be translated as conditions on the licence.

Applicant 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 environment.

10.1 Conditions Consistent with the operating schedule

1. The venue to install a CCTV system that records at all times whilst the venue is open to the public and for one hour after the last permitted sales of alcohol for that day. The CCTV system shall record continuously in real time.
2. The footage shall be retained for a period of ten days and will be made available for viewing and downloading onto storage media when so requested by a member of the Hertfordshire Constabulary or a member of Watford Borough Licensing team.
3. A person conversant with the operation of CCTV when requested within a period of 48 hours from the request being made.
4. CCTV shall cover ALL areas in the venue from which the sale of alcohol is made.
5. If the CCTV system becomes defective and unable to record, then the DPS or a nominated deputy shall inform Hertfordshire Constabulary by use of the 101 system (or any non-emergency system that may replace this) with a request to inform the Licensing unit at Watford Police Station and obtain a log number.
6. The CCTV defect must be repaired within 72 hours, failing that, no licensable activity may take place including temporary notices.
7. All customer must vacate the premises at the times shown on the premises licence for operating hours of the premises. Only family and staff may remain after this time.
8. The licence holder must clearly and prominently display signs advising customers to leave quietly and to park vehicles in a legal way.-

10.2 Pool of Model Conditions

The licensing authority also has its own pool of model conditions that would mitigate the concerns.

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

None

11.0 **OFFICERS' OBSERVATIONS**

11.1 Policy LP2 states that when relevant representations are received against applications for a public house within a residential area then they will be allowed alcohol sales to midnight only.

11.2 The Sub-Committee have a duty to "have regard" to the Licensing policy but are 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 In light of the hours requested and conditions offered it is for Members to decide whether granting this application is likely to undermine the licensing objectives.

Appendices

Appendix 1 – map of the premises' location

Appendix 2 – plan of the premises

Appendix 3 – copy of current Premises Licence

Appendix 4 – representations from interested parties

Appendix 5 – draft 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 (June 2013)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2011)

Watford Borough Council Pool of Model Conditions (July 2010)

File Reference

Villiers Pub