

## PART A

**Report to:** Licensing Sub-Committee  
**Date of meeting:** 20 January 2014  
**Report of:** Head of Community and Customer Services  
**Title:** Variation of Premises Licence Application:  
Oceana, 127 The Parade, High Street, Watford  
13/01439/LAPRE

### 1.0 **SUMMARY**

1.1 An application has been made by Luminar Ltd to extend the hours and licensable activities for Oceana, 127 The Parade on St David's Day, St Patrick's Day, St George's Day, St. Andrew's Day, Halloween, Christmas Eve and Bank Holiday Sundays (including Easter Sunday). Representations have been received from two interested parties.

### 2.0 **RECOMMENDATIONS**

2.1 That the Licensing Sub-Committee determines whether to grant the variation of the premises licence in respect of Oceana, 127 The Parade, High Street, Watford for licensable activities as outlined in the report

2.2 That the Licensing Sub-Committee determines whether any other appropriate conditions should be added to the licence in light of the representations that have been made.

**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 to premises licence on behalf of Luminar Leisure Ltd.

#### 3.2 Description of premises

The premises are situated in the 'town centre' as defined in Policy LP3. The premises falls within the description of 'Night-clubs' given in policy LP1. The premises are a bar with dancing, music facilities and supplying food during opening hours.

A plan of the premises is attached at appendix 1

A map of the location is attached at appendix 2

#### 3.3 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 late night refreshment	✓
Sale by retail of alcohol for consumption on the premises	✓
Sale by retail of alcohol for consumption off the premises	✓

### 3.4 Hours

The applicant is seeking to extend the hours of opening and for licensable activities on the notable days as follows:

<b>Licensable activity</b>	<b>Current terminal hour</b>	<b>Proposed terminal hour</b>
Exhibition of Film	03:00 Monday – Saturday 03:00 Sunday	03:00
Live Music	03:00 Monday – Saturday 03:00 Sunday	03:30
Recorded Music	03:30 Monday, Thursday, Friday & Saturday;  03:00 Tuesday and Wednesday; 00:30 Sunday	03:30
Performance of dance	03:00 Monday- Saturday 00:30 Sunday	03:30
Sale of alcohol (Consumption on the premises)	03:00 Monday, Thursday, Friday & Saturday; 02:00 Tuesday and Wednesday; 00:30 Sunday	03:00
Late night refreshment	04:00 Monday, Thursday, Friday & Saturday; 03:00 Tuesday and Wednesday; 01:30 Sunday	04:00
Hours open to the public	04:00 Monday, Thursday, Friday & Saturday; 03:00 Tuesday and Wednesday; 01:30 Sunday	04:00

### 3.5 Adult entertainment or activities etc that may give rise to concern in respect of children:

In the event of any such activities taking place, suitable steps would be taken to promote the licensing objectives and avoid any concern in respect of children.

#### 4.0 **BACKGROUND INFORMATION**

The following background information is known about these premises:

##### 4.1 Designated premises supervisor

Alex O'Reilly

##### 4.2 Current licences held

Premises licence 13/01455/LAPRMV from 11 December 2013

##### 4.3 Closing date for representations

23 December 2013

##### 4.4 Public notice published in newspaper

29 November 2013

#### 5.0 **PROMOTION OF LICENSING OBJECTIVES**

##### 5.1 General

A minor variation for the premises was granted on the 11 December 2013. There were no objections to that application. The premises currently has a set of conditions on the licence.

The applicant intends to continue current management practices as the style and operation of the premises will not differ significantly in the future.

All additional steps to promote the four licensing objectives will remain in place. There are no additional steps proposed.

##### 5.2 The prevention of crime and disorder

See 5.1 above

##### 5.3 Public safety

See 5.1 above

##### 5.4 Prevention of public nuisance

See 5.1 above

##### 5.5 The protection of children from harm

See 5.1 above

#### 6.0 **RESPONSIBLE AUTHORITIES**

There have been no representations from Responsible authorities

#### 7.0 **INTERESTED PARTIES**

Two relevant representations have been received from interested parties in relation

to public nuisance and are attached at Appendix 5.

Reference letter	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
A	Peter Young, Central Town Residents' Association and Neighbourhood Watch	31 St John's Road Watford	Yes	Public nuisance
B	Mr Laycock	7 Elm Court Albert Road South, Watford	No	Public nuisance

## 8.0 POLICY CONSIDERATIONS

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

Section 34 (variation to premises licence)  
Sections 19, 20, 21 (mandatory conditions)

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

- Paras 8.41 - 8.45:

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 “Night-Club” – Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature.

- 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 Town Centre (as defined in Policy LP3) and as such this policy states that Night-clubs “Will generally be allowed licensable activities to 1am only and until 10:30pm on Sunday (other than for special occasions)”.

- Policy LP3 (Creating a Family Friendly Town Centre):

This is a special policy which applies to this part of the town centre, which is intended to be strictly applied.

Paragraph 1 of LP3 states “When we have received relevant representations to an application for a pub, night-club or bar (as defined in LP1) in this part of the town centre, our starting point will be to refuse the application”.

Paragraph 4 of LP3 states “Where relevant representations have been received, we will consider granting applications which limit the hours of operation to those set out in policy LP2 unless exceptions to LP3 can be shown.

Paragraph 5 of LP3 states “Where relevant representations have been received and exceptions can be shown for applications for public houses and night-clubs, we will consider whether to require waiter/table service for alcohol sales between 9pm and the final time for the sale of alcohol.

Paragraph 6 of LP3 states “Where relevant representations have been received to sell alcohol after 10pm and exceptions can be shown, we will consider whether premises shall be required to install a closed-circuit television system that meets the reasonable requirements of Hertfordshire Constabulary and to have use of a Pub watch radio”.

#### Exceptions to LP3

1. Exceptions will not be made on the grounds that:

- (1) the building design is of a high standard; we would expect that all applicants will want to ensure the highest design standards possible;
- (2) that the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;
- (3) the premises are small. Even small premises can contribute to crime, disorder and nuisance.

2. We will consider whether to grant an application, even when relevant representations have been received, if:

- (1) the application contributes to the family-friendly development of the town centre; or
- (2) to effect a real reduction in capacity of alcohol sales; or
- (3) to replace vertical drinking establishment with seated consumption and waiter service.

3. In any case where an applicant wishes an exception to be considered, the responsibility is with them to show why it should be considered and not on our licensing committee to show why an exception should not be made.

- 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 cooperate 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 OFFICERS' OBSERVATIONS

- 9.1 The hours applied for are in excess of those set out in the policy LP1. However, the Sub-Committee will be aware that the licence for Oceana already exceeds the policy hours, as previous Sub-Committees found Oceana an exception to the policy on that occasion. This should not constrain the Sub-Committee in any way, as each application must be considered on its own merits. If the Sub-Committee thinks that it has good reasons to find this application is exceptional enough to depart from policy LP1 and LP3, it may grant the application, subject to any additional conditions that may promote the licensing objectives.
- 9.2 The Sub-Committee should note that there is a condition restricting entry to the premises after 02:00 hours, and this will not be affected by the variation if granted.

- 9.3 Should the Sub-Committee be minded to grant the application, it may consider imposing conditions requiring a litter control plan to be implemented, and consider whether that should only apply during the additional hours being requested. Officers would recommend the following modified condition from the pool of model conditions:

All litter to include discarded flyers, cigarettes, fast food packaging and any other litter, whether caused by the venue or not, to be cleared from the area delineated below, such waste to be disposed of as trade waste by the premises.

The area to be cleaned is:

- (1) the entire footway on the western side of Albert Road South between The Parade and Beechen Grove,
- (2) the boundary to Elm Court fronting Albert Road South and Beechen Grove
- (3) the footway on The Parade between the frontage to Oceana and the pond, a distance of approximately 10 metres.

- 9.4 There are already conditions in place which address potential noise leakage from the premises and from air conditioning units. The air conditioning units function already and no complaints have been received about them by Environmental Health. It is recommended that these are taken into account when considering this application as, if they do amount to a nuisance, they should be dealt with either as a statutory nuisance, through the existing licence conditions or a review of the licence.

#### 10.0 **Conditions**

The existing licence conditions are set out at appendix 4 including the mandatory conditions relating to the sale of alcohol. Those conditions will be extended to cover any additional hours that the sub-committee thinks appropriate to grant.

#### Appendices

- Appendix 1 - Plan
- Appendix 2 - Location
- Appendix 3 - Representations
- Appendix 4 - Current Premises licence & Conditions
- Appendix 5 - 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-June  
2013  
Licensing Act (Hearings) Regulations 2005  
Watford Borough Council Licensing Policy November 2013 – November 2018

File Reference  
Oceana