

## PART A

**Report to:** Licensing Sub-Committee  
**Date of meeting:** 23 January 2014  
**Report of:** Head of Community and Customer Services  
**Title:** Application for Variation of Premises Licence:  
Hollywood Bowl, Woodside Leisure Park, North Orbital Road,  
Watford WD25 7JZ  
13/01475/LAPRE

### 1.0 SUMMARY

1.1 An application for a variation of an existing Premises Licence has been received by The Original Bowling Company Ltd for Hollywood Bowl, Woodside Leisure Park, North Orbital Road, Watford WD25 7JZ. Sixteen valid 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 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:  
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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 by The Original Bowling Company Ltd

3.2 Description of premises  
The premises are a ten-pin bowling centre.

The premises would qualify as an 'other entertainment venue' (as defined in policy LP1 of Watford Borough Council's Licensing Policy).

The premises would qualify as being in a 'leisure or shopping area' (as defined in policy LP2 of Watford Borough Council's Licensing Policy).

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

A layout plan of the premises is attached as appendix 2. Due to the size of the plan, this appendix will be available to view as a hard copy during the meeting.

3.4 Licensable activities

Licensable activity	Permitted now	Subject to variation
Plays		
Films	✓	✓
Indoor sporting 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	✓	✓

3.5 Hours

The proposed hours for licensable activities and opening are detailed in the following tables:

	Existing hours for licensable activities *	Existing hours for sale of alcohol	Proposed hours for licensable activities	Proposed hours for sale of alcohol
Monday	10:00 - 00:00	10:00 - 23:30	No change	No change
Tuesday	10:00 - 00:00	10:00 - 23:30	No change	No change
Wednesday	10:00 - 00:00	10:00 - 23:30	No change	No change
Thursday	10:00 - 00:00	10:00 - 23:30	10:00 - 01:00	10:00 - 01:00
Friday	10:00 - 00:00	10:00 - 23:30	10:00 - 01:00	10:00 - 01:00
Saturday	10:00 - 00:00	10:00 - 23:30	10:00 - 01:00	10:00 - 01:00
Sunday	10:00 - 00:00	10:00 - 22:30	No change	No change

	Existing opening hours	Proposed opening hours
Monday	10:00 - 00:30	No change
Tuesday	10:00 - 00:30	No change
Wednesday	10:00 - 00:30	No change
Thursday	10:00 - 00:30	10:00 - 01:00
Friday	10:00 - 00:30	10:00 - 01:00
Saturday	10:00 - 00:30	10:00 - 01:00
Sunday	10:00 - 00:00	No change

\* Exhibition of films; Indoor sporting events; Provision of late night refreshment.

Recorded music is allowed 24 hours a day.

### 3.6 Non Standard Timings

The licensable activities of the exhibition of films, indoor sporting events, and the provision of late night refreshment already benefit from extensions until 1am on the following days:

Valentine's Day (14 February)  
 St David's Day (1 March)  
 Burn's Night (25 January)  
 Halloween (31 October)  
 Good Friday  
 Easter Monday  
 Early May Bank Holiday  
 Spring Bank Holiday  
 Summer Bank Holiday  
 Christmas Day  
 New Year's Day

These licensable activities are also extended until 2am on the following days:

St Patrick's Day (17 March)  
Christmas Eve  
Boxing Day  
27, 28 and 30 December

On New Year's Eve, all licensable activities are able to be provided throughout the night until the start of licensable activities on 1 January. These are the standard hours for New Year's Eve as permitted by the previous legislation and which were carried over during transition from the Licensing Act 1964 to the Licensing Act 2003.

#### 4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

##### 4.2 Designated premises supervisor

The designated premises supervisor is Abigail Harris, who has been the DPS since 24 December 2012.

##### 4.3 Current licences held

Premises licence 10/00884/LAPRE. The current holders, The Original Bowling Company Ltd, have held the licence since 16 August 2010.

The current licence is attached as appendix 3.

##### 4.4 Closing date for representations

27 December 2013

##### 4.5 Public notice published in newspaper

As required under the Licensing Act 2003, this application has been advertised in the local newspaper (dated 6 December 2013) and also outside the premises.

##### 4.6 Visits and Enforcement action

Concerns were raised by a member of the public in September 2012 that a reduction in door staff at the venue was resulting in an increase in under-age drinking and related anti-social behaviour.

The premises was visited by the Licensing Enforcement Officer and nothing unusual was noted. As a precaution, the premises were flagged for monitoring by the Police and the Anti-Social Behaviour Action Group (ASBAG) in case of an increase in anti-social behaviour. However, ASBAG found that there is no empiric data to support additional concerns to the running of the premises, and no further incidents have been logged with the licensing authority.

The last routine inspection was April 2011. No concerns were recorded.

5.0 **PROMOTION OF LICENSING OBJECTIVES**

5.1 The application indicates that the applicant does not feel there is a need to take any additional steps in order to promote the licensing objectives.

The existing licence and conditions which apply to this premises are attached at appendix 3

6.0 **RESPONSIBLE AUTHORITIES**

6.1 No representations have been received from any responsible authority.

7.0 **INTERESTED PARTIES**

7.1 The representations are attached at appendix 4 and all have been made available to the applicant.

7.2

Reference letter	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
A	Tim Williams	1 Lamb Close	No	Public nuisance
B	John & Carol Welling	2 Lamb Close	No	Public nuisance
C	A & M Jackson	3 Lamb Close	No	Public nuisance
D	Mr & Mrs Walker	4 Lamb Close	No	Public nuisance
E	Mr & Mrs Balakumar	5 Lamb Close	No	Public nuisance
F	Colin & Barbara Davies	7 Lamb Close	No	Public nuisance
G	S Stephens	9 Lamb Close	No	Public nuisance
H	Mr & Mrs Brown	11 Lamb Close	No	Public nuisance

I	Roger & Susan Osborn	13 Lamb Close	No	Public nuisance
J	Fiona Mannering	15 Lamb Close	No	Public nuisance
K	Michael Pargeter	17 Lamb Close	No	Public nuisance
L	J H Hallett	19 Lamb Close	No	Public nuisance
M	Mr & Mrs Dearman	23 Lamb Close	No	Public nuisance
N	Stephen & Deborah Jones	25 Lamb Close	No	Public nuisance
O	Gail D'Almaine	6 St Michaels Drive	No	Public nuisance
P	Monika & Kris Malkiewicz	8 St Michaels Drive	No	Public nuisance

7.3 The recurring themes throughout the representations are with regards to public nuisance arising from people leaving Woodside Leisure Park. This public nuisance is said to be an existing problem and there are concerns that this will worsen or extend later into the night should this variation be granted.

## 8.0 POLICY CONSIDERATIONS

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

- 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.

8.2 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 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 are defined as an "Other entertainment venue".
- 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.

Under this policy the premises are defined as being in a "Leisure or shopping area".

- 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 None

## 10.0 CONDITIONS

10.1 Members will be aware that an operating schedule forms part of the licensing process. This document outlines what activities are proposed, the opening hours, 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. Applicants should give consideration to the local area and reflect this in their application. They should demonstrate an awareness of the local community, local crime and disorder issues, and environment.

10.2 The applicant has not listed any additional steps in their operating schedule, and instead state that they will rely on their existing operating schedule and conditions. The conditions which currently apply to this premises are contained within the current licence which is attached as appendix 3.

10.3 The licensing authority also has its own pool of model conditions. Officers would suggest the following condition as appropriate given the concerns raised in the representations with regards to customers making noise when leaving the premises:

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

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.

## 11.0 OFFICERS' OBSERVATIONS

11.1 The representations question the licensing authority's classification of this premises as being in a 'leisure or shopping area' under policy LP2. This is of some importance because if the premises is said to fall within a residential area, Members may be able to use the policy to limit the hours to midnight if they feel it appropriate for the promotion of the licensing objectives.

11.2 Previous reports for this premises, as well as for other operators within the leisure park, have defined this area as a 'leisure or shopping area', and officers do not feel that there have been any changes in circumstances to warrant considering this location as anything else. The premises is situated within a purpose-built leisure park with a cinema, restaurants, and children's play centre providing leisure facilities.



- 11.3 The Sub Committee's attention is drawn to paragraph 2.24 of the statutory guidance which states that licence-holders cannot be held responsible for the conduct of their patrons once they leave the premises.
- 11.4 This is also reflected in the representations from residents; that once customers have left the Hollywood Bowl they are not in the control of the licensee.
- 11.5 The representations refer to existing occasional disturbances. However, it is not stated if these disturbances are currently caused by patrons of Hollywood Bowl, and simply state that they are caused by people leaving the leisure park. Hollywood Bowl are one operator within this leisure park.
- 11.6 The Sub-Committee may wish to note that the majority of representations are from one road, Lamb Close. That road is itself a cul-de-sac and Members may wish to consider the probability of customers leaving Hollywood Bowl late at night on foot before crossing over the A405 dual carriageway and down Sheepcot Lane in order to travel down Lamb Close unless, they are residents there themselves.
- 11.7 Members should be wary about refusing this application or imposing conditions unless they are satisfied that there is a direct link between Hollywood Bowl and their patrons. and the disturbances mentioned in the representations.
- 11.8 Paragraph 3.6 lists the non standard timings which are currently permitted by Hollywood Bowl's existing licence. These hours have already been granted, and are not subject to change as a result of this application. The terminal hour for activities on these days is either 1am or 2am. There are no records to suggest that, if these extra hours have been utilised, there have been any incidents.
- 11.9 Representations A through N are identical. Representations O and P are identical to each other, and are very similar to representations A through N. It is for the Sub-Committee to decide whether to treat each representation as an individual representation, or regard these as petitions with names and addresses and to place appropriate weight to them either individually or as a whole. The Sub-Committee is asked to state in its determination how it has approached this issue as it may be relevant in any future proceedings.
- 11.10 The representations make reference to a previous application submitted by Hollywood Bowl in 2002 and an application submitted by Vue Cinemas in 2012. They also raise concerns that, should this application be granted, other operators within the leisure park will apply to extend their hours. Members are reminded that each application is to be treated on its own merits, and therefore can not take into account previous applications by this premises or any other premises, or whether the grant of this application may result in other premises submitting applications to vary their existing licences.

- 11.11 The Sub-Committee are reminded that they 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.
- 11.12 In light of the hours requested and representations received 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 (available to view at the hearing)
- 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 (November 2013)
- Watford Borough Council Pool of Model Conditions (March 2013)

### File Reference

Hollywood Bowl