

## PART A

**Report to:** Licensing Sub-Committee  
**Date of meeting:** 19 March 2015  
**Report of:** Head of Community and Customer Services  
**Title:** Application for new premises licence:  
Watford Superstore, 43 – 45 Market Street, Watford WD18 0PN  
15/00207/LAPRE

### 1.0 SUMMARY

- 1.1 An application has been received from Mr Amrik Arora for a new premises licence in respect of Watford Superstore, 43 – 45 Market Street, Watford to allow alcohol sales for consumption off the premises between 0800 hours and midnight each day.

### 2.0 RECOMMENDATIONS

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

#### **Contact Officer:**

For further information on this report please contact: Jeffrey Leib, (Licensing Manager), tel: 01923 278476 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  
Grant of a new Premises Licence.

3.2 Description of premises from the application form  
A modern local community convenience store.

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

3.4 The plan of the premises is attached at appendix 2.

3.5 Licensable activities

Licensable activity	Permitted now	Proposed
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		✓

3.7 Licensable hours

	Proposed hours for alcohol sales	Proposed opening times
Monday	0800 - 0000 hours	0800 – 0000 hours
Tuesday	0800 - 0000 hours	0800 – 0000 hours
Wednesday	0800 - 0000 hours	0800 – 0000 hours
Thursday	0800 - 0000 hours	0800 – 0000 hours
Friday	0800 - 0000 hours	0800 – 0000 hours
Saturday	0800 - 0000 hours	0800 – 0000 hours
Sunday	0800 - 0000 hours	0800 – 0000 hours

#### 4.0 BACKGROUND INFORMATION

4.1 The following background information is known about these premises:

4.2 Proposed designated premises supervisor

Amrik Arora (applicant). At the time of making the application Mr Arora had not been granted a personal licence. Should the application be granted no alcohol sales will be authorised until a DPS with a valid personal licence has been nominated.

4.3 Current licences held

None

4.4 Closing date for representations

3 March 2015

4.5 Public notice published in newspaper

13 February 2015

4.6 Visits and Enforcement action

None

#### 5.0 PROMOTION OF LICENSING OBJECTIVES

5.1 The applicant's proposed operating schedule is set out at appendix 3.

#### 6.0 RESPONSIBLE AUTHORITIES

6.1 The following representations have been received:

Responsible authority	Ground for representation	Appendix No
<i>Police</i>	Crime and disorder	4
<i>Licensing authority</i>	Crime and disorder	4
<i>Environmental Health</i>	None	-
<i>Trading Standards</i>	None	-
<i>Public Health</i>	None	-
<i>Fire &amp; Rescue</i>	None	-
<i>Local Planning Authority</i>	None	-
<i>Children's Safeguarding</i>	None	-

#### 7.0 INTERESTED PARTIES

7.1 Forty-six identically-worded letters have been received, and one copy and a list of those interested parties are shown at appendix 5. A further small number of representations were rejected by officers as they had been submitted by people from outside of the Borough.

- 7.2 The representations cite concerns about street drinkers in the area; public nuisance; the risk of under-age alcohol sales to children; the lack of demand for more off-licences in the area; and the longer-term impact on existing shops caused by increased competition.

## 8.0 POLICY CONSIDERATIONS

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

- Sections 17 and 18 (Application for premises licence):  
These sections set out how an application for a premises licence should be determined where valid representations have been received.
- The Licensing Act 2003 (Hearings) Regulations 2005 (as amended)  
These regulations detail how hearings should be conducted to determine applications submitted under the Licensing Act.

## 8.2 Statutory guidance

The following provisions of the statutory guidance published in October 2014, to which the licensing authority must pay regard, 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 appropriate to promote the licensing objectives. It is equally important to use the same measure when looking at any steps requested by a party making representations against an application.
- Paragraph 9.12:  
This paragraph explains how the licensing authority should accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not promote the licensing objectives. However, it is still the responsibility of the Police to ensure that their representations can withstand scrutiny.
- Paragraphs 9.30 – 9.39:  
These paragraphs explain that hearings should be focussed on the steps considered appropriate to the promotion of the licensing objectives, as well as how appropriate weight must be attributed to the steps to promote the licensing objectives, the representations presented by all parties, the statutory guidance and the licensing authority's statement of licensing policy.
- Paragraphs 9.41 – 9.43  
These paragraphs explain that when determining applications, the authority's determination should be evidence-based, as well as how to assess if a step is 'appropriate' for the promotion of the licensing objectives.

- Chapter 10:  
This chapter looks at best practice in relation to conditions that may be attached to a premises licence should it be believed that such conditions are appropriate to promote the licensing objectives. Any additional conditions requested by any party 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  
The premises appear to meet the criteria for an off-licence under this policy.
- Policy LP2 – Location and Operation of Premises  
Off-licences will, in the absence of any relevant representations and according to the merits of any individual case, generally be granted hours to sell alcohol consistent with the normal opening hours of the shop.
- Policy LP4 – Sensitive Licensing Area  
The premises are within a Sensitive Licensing Area (see below).
- Policy LP6 – Prevention of Crime and Disorder  
Under this policy the Sub-Committee will consider any necessary measures to deal with the potential for crime and disorder where relevant representations have been received.
- Policy LP7 – Public Safety  
Under this policy the Sub-Committee will consider any appropriate measures to deal with the issue of public safety where relevant representations have been received.
- Policy LP8 – Prevention of Public Nuisance  
Under this policy the Sub-Committee will consider any appropriate measures to deal with the potential for public nuisance and/or anti-social behaviour where relevant representations have been received.
- Policy LP9 – Protection of Children from Harm  
Under this policy the Sub-Committee will consider any appropriate measures to deal with the potential for under-age alcohol sales where relevant representations have been received.
- Policy LP11 – Representations About 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 **CONDITIONS**

9.1 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.

### 9.2 Conditions consistent with the operating schedule

The most critical part of the operating schedule is the steps taken by the applicant to promote the four licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be translated as conditions on the licence. The operating schedule is set out at appendix 6 and a draft licence (should the application be granted) is set out at appendix 7.

9.3 Applicants should give consideration to the local area and reflect this in their application (see the statutory guidance at paragraphs 8.33 – 8.36). It should demonstrate an awareness of the local community, local crime and disorder issues, and the local environment. The Sub-Committee may consider that this application had not sufficiently considered the potential implications of street drinkers but that defect may be cured by the imposition of stringent conditions.

### 9.4 Conditions proposed by Interested Parties

The interested parties have not proposed any additional conditions.

9.5 This does not restrict the Sub-committee's power to attach conditions from the pool of model conditions (amended or otherwise) if they consider that they appropriate, proportionate, justifiable and within the applicant's power to comply with.

## 10.0 **OFFICERS' OBSERVATIONS**

10.1 The premises are located in the heart of Market Street and at the centre of one of four Sensitive Licensing Areas (SLAs) within the Borough. SLAs were introduced into the authority's 2013 Statement of Licensing Policy to recognise community concerns about the impact that a concentration of licensable activities in a small geographical area has on the licensing objectives. This includes:

- (1) availability of stronger-strength alcohol to street drinkers leading to anti-

- social behaviour in the immediate vicinity of the premises
- (2) alcohol and/or late night refreshment being available at times that are significantly different from other premises in that area likely to have an adverse impact on the licensing objectives
- (3) litter and other nuisances from a concentration of late-night take-aways.

- 10.2 In this instance the first limb of the SLA policy would be satisfied in terms of community concerns about street drinkers. These are particularly amplified in the representations from the police and the licensing authority's own officers.
- 10.3 Both of the responsible authorities refer to historical problems with street drinkers in Market Street that have now largely abated and which clearly do not want to be resurrected. The police representation (on page 2, appendix 4) does raise the question of need and the Sub-committee will be aware that they cannot take this into consideration in line with paragraph 3.18 of the Secretary of State's guidance. The licensing authority's representation points out that other premises in the locality have had conditions relating to pricing, alcohol strengths and permissible quantities of alcohol being sold and these may all be legitimately considered by the Sub-committee.
- 10.4 The interested parties refer to need and competition in their representations. The Sub-committee is strongly advised that need and competition are immaterial matters for licensing purposes and ought not to be taken into account in reaching a decision. The Sub-Committee might want to consider how much emphasis they wish to place on the standard letters. Each letter has been individually signed and, officers surmise from the dates they were received, generally posted on an individual basis. This may differentiate them from a petition in that each party appears to have made a deliberate and conscious effort to make their representation.
- 10.5 Accepting that the premises are within an SLA and that there are valid representations allows the Sub-Committee to strictly apply policies LP6, LP7, LP8 and LP9. The strict starting point would be consider whether conditions are appropriate to address the concerns that have been raised, or whether a refusal is justified on the basis that the licensing objectives would be undermined.
- 10.6 The Sub-Committee might consider the following conditions in relation to the application and these are set out in the draft licence at appendix 6 should the application be granted:

	Condition	Reason
1*	The Premises Licence Holder will arrange for a crime prevention audit to be conducted by Hertfordshire Constabulary and/or an authorised officer of the Licensing Authority, and the recommendations of the audit to be implemented to the satisfaction of the Licensing Authority before any alcohol may be sold.	For the purpose of preventing crime through the theft or unlawful sale of alcohol
2*	The Premises Licence Holder and/or Designated	For the purpose of

	Premises Supervisor shall co-operate with reasonable requests made by authorised officers of responsible authorities under the Licensing Act 2003 to ensure the licensing objectives are not undermined, providing such requests do not involve additional expenditure.	preventing crime and disorder through sales of alcohol to street drinkers, people already drunk or young people
3*	The Premises Licence Holder shall ensure that no member of staff shall sell alcohol unless they have received appropriate training to do so and records of such training maintained for inspection by the Licensing Authority and police	For the purpose of preventing crime and disorder through sales of alcohol to street drinkers or people already drunk
4*	The designated premises supervisor should attend a formal training course on avoiding underage sales such as National Certificate for Designated Premises Supervisors or the BIIAB Award in Responsible Retailing, and provide evidence of attendance if requested.	As above and consistent with the operating schedule
5	The Premises Licence Holder shall ensure that the details of the age-verification policy required to be implemented by mandatory condition X in annex 1 of the licence shall be visible at all times where alcohol is displayed and at each point of sale within the premises.	For the purpose of preventing crime and disorder by sales of alcohol to young people or people already drunk
6*	No single cans or bottles of beer, lager or cider shall be sold at the premises	For the purposes of preventing crime and disorder through alcohol sales to street drinkers
7*	No sales of miniature or quarter bottles of spirits of any kind shall be permitted	As above
8*	No sales of beer, cider or lager of above 6%ABV shall be permitted	As above
9*	<ol style="list-style-type: none"> <li>1. CCTV shall be in use at the premises, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.</li> <li>2. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.</li> </ol>	Condition consistent with the operating schedule



	<p>3. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.</p> <p>4. The correct time and date will be generated onto both the recording and the real time image screen.</p> <p>5. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.</p> <p>6. The Premises Licence Holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.</p> <p>7. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.</p>	
10*	<p>(1) The Premises Licence Holder shall maintain a log (which may be electronically recorded) detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale.</p> <p>(2) The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises is open.</p>	For the purposes of preventing crime and disorder and consistent with the operating schedule

\* Conditions drawn from the licensing authority's pool of model conditions.

- 10.7 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.
- 10.8 In determining this application, the Sub-Committee must have regard to the representations and take such steps as it considers appropriate for the promotion of licensing objectives. The steps are:
- (a) grant the application in full.
  - (b) modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding them.
  - (c) reject the whole or part of the application.

#### Appendices

Appendix 1 - map of the premises' location

Appendix 2 - plan of the premises

Appendix 3 – operating schedule

Appendix 4 - representations from the Police and Licensing Authority

Appendix 5 – representations from interested parties

Appendix 6 - 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  
(October 2014)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2013-18)

Watford Borough Council Pool of Model Conditions (March 2013)

#### File Reference

Watford Superstore