

PART A

Report to: Licensing Sub-Committee
Date of meeting: 29 June 2015
Report of: Head of Community and Customer Services
Title: Application for new premises licence:
Seu Café, 30 Vicarage Road, Watford, WD18 0EH
15/00654/LAPRE

1.0 SUMMARY

- 1.1 An application has been received from Mr Lindomar Silva and Mr Gilson Mendes for a new premises licence in respect of Seu Café, 30 Vicarage Road, Watford to allow alcohol sales for consumption on and off the premises between 1000 hours and 2300 hours 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

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
Seu cafe is a cafe and delicatessen specialized in Portuguese and Brazilian products. We have toilet facilities for our costumers. We also have a few tables and chairs for our costumers. We [are applying] for [an] on and off licence because we would like to add Portuguese wine, spirits and beer to our Portuguese deli products like cheese, parma ham, rice, pasta, [and] cereals. On licence for our costumers who would like to have a glass of wine or a beer if they wish. We don't [have] any intention to have tables and chairs outside the facilities.

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

3.4 The premises are a small retail unit on the pedestrianised area of the Vicarage Road precinct local shopping parade, with residential accommodation immediately nearby. The submitted plan shows a total of seven tables with thirty seats.

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

3.6 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 alcohol sales hours	Proposed late night refreshment hours	Proposed opening hours
Monday	1000 – 2300 hours	2300 – 2330 hours	0700 – 2330 hours
Tuesday	1000 – 2300 hours	2300 – 2330 hours	0700 – 2330 hours
Wednesday	1000 – 2300 hours	2300 – 2330 hours	0700 – 2330 hours
Thursday	1000 – 2300 hours	2300 – 2330 hours	0700 – 2330 hours
Friday	1000 – 2300 hours	2300 – 2330 hours	0700 – 2330 hours
Saturday	1000 – 2300 hours	2300 – 2330 hours	0700 – 2330 hours
Sunday	1000 – 2230 hours	2300 – 2330 hours	0800 – 2300 hours

4.0 **BACKGROUND INFORMATION**

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor

Mr Lindomar Silva

4.3 Current licences held

There are no previous licences associated with the premises.

4.4 The applicants currently have a premises licence granted to them by the licensing sub-committee on 16 March 2015 (reference 15/00155/LAPRE). It is understood the purpose of this present application is to allow the applicants to move into larger premises with better facilities. It is understood that if this application is granted the licence for 26 Vicarage Road may be transferred to a third party in the future. Any transfer would at that stage be subject to vetting by the police and any subsequent variation open to the usual public consultation process.

4.5 Closing date for representations

9 June 2015.

4.4 Public notice published in newspaper

22 May 2015.

4.7 Visits and Enforcement action

The following notes relate to the premises at 26 Vicarage Road but are nevertheless relevant. However no other visits or actions have been necessary since the grant of the licence for those premises.

(1) The Licensing Enforcement Officer visited with PCSO and police Licensing Officer on 30.01.15 to discuss sale of alcohol to street drinkers. Advice only, no evidence and no further action. Spoke to one of the two owners, not the premises licence applicant.

(2) Visited again on 02.01.15, both owners were present. Allegation of sale of

alcohol on 01.02.15. No alcohol on premises, shown fridges and cupboards. Optics on wall in place pending grant of licence. Repeated advice and need for them to remain vigilant.

(3) On 10.02.15 the licensing authority emailed the applicant directly to advise him not to place any furniture on the highway as no licence had been applied for or granted under the Highways Act 1980.

5.0 PROMOTION OF LICENSING OBJECTIVES

- 5.1 The applicant's proposed operating schedule is set out at appendix 3.
- 5.2 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.
- 5.3 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
- 5.4 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.
- 5.5 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. A draft licence is set out at appendix 4 should the Sub-committee be minded to grant the application.

6.0 RESPONSIBLE AUTHORITIES

- 6.1 A representation was made and withdrawn by Environmental Health following a modification to the operating schedule. The operating schedule has also been modified following discussions with the police (see below). No other responsible authorities have made representations.

7.0 INTERESTED PARTIES

- 7.1 One representation signed by two people (attached at appendix 5) has been received from interested parties:

Reference letter	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
A	Clotilde Lockey and Gary Stocker	73A Vicarage Road	No	Public nuisance and crime and disorder

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 March 2015 statutory guidance, 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.
- 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 explains 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 a café-bar under this policy.
- Policy LP2 – Location and Operation of Premises
Café-bars will, in the absence of any relevant representations and according to the merits of any individual case, generally be granted the hours and licensable activities according to the application.
- 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 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. **CONDITIONS**

9.1 The operating schedule, referred to above, sets out conditions that can be translated onto the premises licence if granted.

9.2 The starting point for dealing with applications where representations have been made should be to see whether there are any conditions that might address those concerns.

9.3 The applicants have agreed to the following conditions in response to concerns raised by the police:

(1) There shall be no alcohol served without food before 1200 hours;

(2) There shall be a minimum price to be paid for alcohol, wine and beer sold before 1200 hours

9.4 The applicants have agreed to the following conditions in response to the representation by Environmental Health:

- (1) there will be no more than five customers smoking outside at any one time;
- (2) ashtrays will be available outside;
- (3) the manager to monitor the noise levels outside;
- (4) a staff member will clean outside area every two hours and that service will be recorded;
- (5) signage will be displayed outside the facilities, asking costumers to respect neighbours when leaving the facilities or smoking;
- (6) the manager will warn costumers regarding illegal motorcycling parking and will report to the authorities;
- (7) meetings will be held with local neighbours on a regular basis to monitor the situation.

10.0 OFFICERS' OBSERVATIONS

- 10.1 The sub-committee will be aware that each case must be considered on its own merits, and therefore the grant of the premises licence to the applicants for 26 Vicarage Road does not mean there is an automatic right to this application being granted.
- 10.2 The applicant has shown a willingness to include additional conditions to address the concerns of the responsible authorities and the interested parties. Officers have consulted with the Parking Service who have indicated that they are not aware of motorcycle parking taking place or increasing in The Hornets precinct, although they will be paying additional attention to the area as it is within a Controlled Parking Zone.
- 10.4 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 - draft premises licence
Appendix 5 – representations from interested parties

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
(March 2015)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (January 2013-18)

Watford Borough Council Pool of Model Conditions (March 2013)

File Reference

Seu Café, 30 Vicarage Road