



**LICENSING ACT 2003
 REPRESENTATION ABOUT LUX RESTAURANT & BAR, 46 GADE
 HOUSE, THE PARADE, HIGH STREET, WATFORD WD17 1AY
 Reference 15/00728/LAPRE**

On behalf of the Licensing Authority for the Borough of Watford I am writing to make the following representations about this application which was received on 14.05.2015.

The premises are applying for a licence to provide regulated entertainment, late night refreshment and the sale of alcohol. The premises is not currently licensed and so this is a new application.

The hours requested for such activities are as follows:

Regulated Entertainment

Sunday through Wednesday 11:00 – 01:00
 Thursday through Saturday 11:00 – 02:00

Late Night Refreshment

Sunday through Wednesday 23:00 – 01:00
 Thursday through Saturday 23:00 – 02:00

Sale of Alcohol

Sunday through Wednesday 11:00 – 01:00
 Thursday through Saturday 11:00 – 02:00

Opening Times

Sunday through Wednesday 11:00 – 01:30
 Thursday through Saturday 11:00 – 02:30

The application form indicates that the premises will operate as a café, bar and restaurant. The licensing authority is aware that bars and other such premises have the potential for being a flash-point for alcohol-related crime and anti-social behaviour. Such problems are well documented, and underpin the licensing authority's policy LP3 for this part of the town.

Policy LP3 was intended to reduce alcohol-related crime and disorder by limiting the hours of licensed establishments, as well as to set a starting point of refusing an application unless the premises can successfully argue that they are an exception to the policy and contribute to promoting, developing, and sustaining, a family-friendly town centre. It has largely succeeded in

reducing crime and disorder and the policy should be maintained to ensure crime and disorder does not again escalate to pre-policy levels.

Although the premises does say that it will trade as a café, bar and restaurant, officers consider that the operation of the premises will be more akin to a nightclub during the night-time trade as set out under policy LP2. This is because it is felt that there will be a strong emphasis on alcohol sales and the provision of entertainment during the key hours of the night time economy. The conditions put forward by the applicant also suggest a greater element of risk, and therefore a greater element of control is needed, than what officers would normally associate with a restaurant or café.

The hours requested for this application do exceed the recommended hours for night-clubs as set out in policy LP2. Under policy LP2, the recommended terminal hour for alcohol for a night-club within the Town Centre is 1am. The application exceeds this terminal hour on Thursdays, Fridays and Saturdays. The proposed hours for Sunday through Wednesday do satisfy this policy.

The licensing authority is concerned that granting a licence to sell alcohol at this premises to allow alcohol sales to take place after 1am will have a negative impact upon the Town Centre. The premises is immediately next door to 2 licensed venues, which are able to open until after 2am or later due to them having historic licensing hours granted before the current licensing policy coming into force. There is a concern over allowing all 3 premises, with an estimated capacity of 2000 people, to empty onto the street at the same time. This will not be a quiet activity, as most people would have been drinking or come from noisy environments. Allowing this number of people to leave at the same time also increases the possibility of flashpoints occurring and the potential for anti-social behaviour. In reality, a terminal hour of alcohol of 1am will see people vacating this premises from 1am, earlier than neighbouring premises, and will stagger dispersal, which was one of the original aims of the Licensing Act. An earlier closing time will also assist in dispersal of these patrons before the other premises within the Town Centre close.

Having scrutinised the operating schedule and application form, the licensing authority cannot find any reason why this application ought to be made an exception to LP3. Although the day-time operation of the premises will be more focussed on being a restaurant or café, and is not a cause of concern, it is the night-time trade which is the real subject of this objection. There is no indication that the night-time operation would contribute to the family-friendly development of the town centre. If the premises was to operate as an out-and-out restaurant, with seated consumption, waiter service, full food menu in operation until close, and alcohol being sold ancillary to food, then the hours for this application could be justified because the premises would fulfil the criteria of operation as a restaurant as laid out in policy LP2, and would not cause any significant concern as a premises. It is not felt that the other 2 exemptions are applicable to this application because this premises is not currently licensed, and so the application is not reducing alcohol sales (and is

instead increasing the capacity for alcohol sales) and is not replacing a vertical drinking establishment with seated consumption and waiter service.

The licensing authority are very concerned that the application is seeking permission for off-sales of alcohol with take-aways. Although such alcohol will only be sold ancillary to a take-away meal, this has the potential for customers to extend their drinking and increase their consumption of alcohol outside of the venue and in full view of the public within the Town Centre. The Council and Police have worked to discourage the consumption of alcohol within the Town Centre, as this is not an image which we want to be associated with Watford, or for people to think that this is now acceptable. This also has the potential for allowing glass bottles to be in circulation within the Town Centre, which cause a concern in case they are used as weapons, or are smashed on the floor. The Town Centre as a whole is subject to a Designated Public Place Order (DPPO), making it an offence for people consuming alcohol to not surrender their alcohol if requested by the Police. The consumption of alcohol within an area covered by a table licence is acceptable, and is controllable, and off-sales should still be permitted to allow the consumption within such an area, but not for any other purpose.

In light of the above policy factors the licensing authority's stance is that granting the application as sought would undermine the intention behind policy LP3 through potentially increasing crime and disorder and anti-social behaviour. Accordingly the licensing authority's view is that the application ought not be granted, as laid out in policy LP3, but consideration may be given to granting this application with hours which are in line with policy.

Austen Young
03/06/2015