

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE MEETING ROOM A -
CHARRINGTONS HOUSE, BISHOP'S
STORTFORD ON TUESDAY 2 OCTOBER
2012, AT 10.00 AM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors E Bedford and R Beeching.

ALSO PRESENT:

Councillors P Gray, G Jones, N Symonds
and C Woodward.

OFFICERS IN ATTENDANCE:

Jimmy Demetriou	- Assistant Environmental Health Officer
Peter Mannings	- Democratic Services Officer
Jenny Mills	- Community Protection Officer
Douglas Ochiltree	- Environmental Health Technical Officer
George Robertson	- Legal Services Manager
Maria Williams	- Licensing Officer

16 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor R Beeching and seconded by Councillor E Bedford that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the application to vary a Premises Licence at Flames Grill, 3 Northgate End, Bishop's Stortford had been withdrawn by the Applicant.

18 MINUTES – 20 AUGUST 2012

RESOLVED – that the Minutes of the meeting held on 20 August 2012, be confirmed as a correct record and signed by the Chairman.

19 LICENSING ACT 2003 – LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) – APPLICATION FOR A NEW PREMISES LICENCE TO PROVIDE LATE NIGHT REFRESHMENT ONLY (NO ALCOHOL), CHICKEN CORNER, 14A STATION ROAD, BISHOP'S STORTFORD, HERTS, CM23 3BL

The Chairman outlined the procedure to be followed. All those present for the application were introduced.

The Licensing Officer advised that the applicant had applied on 21 August 2012 for a new premises licence to provide Late Night Refreshment. The premises, known as Chicken Corner, currently operated as a hot food takeaway. The Applicant had applied to extend the hours until 2 am everyday.

The Sub-Committee was advised that valid objections had been received from Hertfordshire Police, the Environmental Health Officer (EHO), a Local Ward Member and from the Licensing Service as the enforcing responsible authority under the Licensing Act.

The Licensing Officer stated that the Police were concerned that the pavement was very narrow outside the premises and pedestrians were at risk from passing vehicles, particularly if people under the influence of alcohol strayed onto the road.

The Applicant had indicated that door staff from the same company that assisted the Bridge House Pub might be used at Chicken Corner. Concerns had been raised that this could leave the pub vulnerable if door staff were shared between the two premises.

The Sub-Committee was advised that the Licensing Process Manager had observed the premises selling late night refreshments after 11 pm when no permission existed for such activity.

A representative from Hertfordshire Police reiterated the salient points of the Police Objection, in that there was significant potential for breaches of the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children.

In response to a query from Councillor R Beeching, the Sub-Committee was advised that the premises was located in an area covered by a Designated Public Places Order (DPPO) and the police had powers to confiscate alcohol from young people in such areas.

In response to a further query from Councillor R Beeching, Members were advised that Hertfordshire Constabulary was concerned that a take away open at the hours applied for in this location would not assist with the late night dispersal of people from Bishop's Stortford Town Centre.

The Environmental Health Officers summarised the complaints they had received in respect of Public Safety, as well as ongoing concerns regarding the inadequacy of the extract ventilation system. The Sub-Committee was advised of a number of complaints from the public in July and September regarding pedestrians overflowing onto Station Road and odours of fried chicken. A complaint had also been received regarding a disturbance outside Chicken Corner at 12:45 am.

In response to queries from Councillors E Bedford and R Beeching, Members were advised that the pavement outside Chicken Corner was very narrow and there were two nightclub style venues in the vicinity of Chicken Corner.

The Applicant's Solicitor stated that the narrow pavement had always been this way and was beyond the applicant's control. Members were advised that the footfall past the premises would peak between 3 pm and 8 pm and the premises currently closed at 11 pm, with staff being on site for a further two hours to clean the cooking equipment.

The Applicant did not intend to serve any alcohol and after 11 pm, the intention was to operate as a takeaway so the only customers inside Chicken Corner would be those waiting for food. The applicant intended to display notices regarding the double yellow lines outside the premises.

The Sub-Committee was advised that there was no evidence of fighting outside Chicken Corner. The Applicant would not serve children unless they were accompanied by a sober adult. The Applicant would also work closely with PCSOs and if staff from Spotlight Security were used, these would not be the same staff as used by the Bridge House Pub.

Councillor P Gray, a local ward Member, commented that he was satisfied that his concerns had been addressed by the mitigation measures put in place since his concerns had been lodged with Licensing Officers.

The Applicant's solicitor stated that some of the instances that had resulted in complaints were isolated events that had taken place in the opening week of trading when discounts had been in place at Chicken Corner.

The Applicant was also of the view that the issues

regarding ventilation and odours had now been addressed. Members were advised that a twice weekly rubbish collection arrangement was in place with Veolia and all rubbish was placed in lockable bins.

The representative from Hertfordshire Constabulary confirmed that, although he was aware of a report of a fight outside Chicken Corner, no formal complaint had been made to the Police by a member of public so there was no formal evidence to present to the Sub-Committee. Members were advised that there was no formal contractual arrangement in place with Spotlight Security to support Chicken Corner.

The Environmental Health Officers confirmed that Officers were not satisfied with the flue extraction arrangements at Flames Grill and although letters had been written to the applicant stating that this issue remained unresolved, there had been no response. Officers were also not satisfied with the waste handling methods in place at Chicken Corner.

Officers were aware of clear reports of a fried chicken aroma in the vicinity that could only be attributed to these premises. Members and the Applicant were advised that various levels of flue filtration were available and a level 1 filtration system might not be sufficient.

In response to queries from Councillor R Beeching, the Applicant confirmed that only take away soft drinks were available at Chicken Corner. The Applicant also confirmed that two hours was necessary to clean up the premises each night as cooking equipment was in full view of the public and had to cool before cleaning could commence.

The Applicant assured Councillor R Beeching that waste oil was disposed of in line with standard industry guidelines. The Applicant also indicated a willingness to seek additional waste collections from Veolia if this became necessary.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced the decision of the Sub-Committee. The Sub-Committee had listened to the comments of the Applicant, the Police, Environmental Health and Licensing Officers and decided to approve the application allowing the sale of refreshments until 1 am Sunday to Thursday and on Fridays and Saturdays until 2 am.

The Applicant was advised that Members expected him to work with the Responsible Authorities to address the Environmental Health issues and that the times be rigidly adhered to as reports of out of hours opening had been noted.

RESOLVED – that the application for a new premises licence be approved.

20 LICENSING ACT 2003 – LICENSING ACT 2003
(HEARINGS) REGULATIONS 2005 (AS AMENDED) –
APPLICATION FOR A NEW PREMISES LICENCE TO
PROVIDE LATE NIGHT REFRESHMENT ONLY (NO
ALCOHOL), SHEKOS, NORTH STREET, BISHOP'S
STORTFORD, HERTS, CM23 2LR

The Chairman outlined the procedure to be followed. All those present for the application were introduced.

The Licensing Officer stated that Sheko's had made an application on 9 August 2012, through John Gearing of Gearing Property Services Ltd, for a new premises licence to provide Late Night Refreshment.

Officers had received valid objections from the Police, the Town Councillor P Gray and also from the Licensing Section in its capacity as a Responsible Authority and

also as the enforcing authority under the Licensing Act.

The Sub-Committee was advised that the Licensing Process Manager had observed the premises selling late night refreshments after 11 pm where no permission existed for such activity. Councillor P Gray had also commented on the application in that he was concerned in respect of the unauthorised selling of late night refreshment.

The Sub-Committee was also advised that the premises did not have A5 planning consent for use as a takeaway, and the permitted use as an A3 restaurant was currently restricted after 11 pm.

The Applicant's Barrister advised the Sub-Committee that the applicant had considered the opening hours permitted for Flames Grill on Northgate End, which were Monday to Wednesday until 1 am, Thursday to Saturday until 2 am and until midnight on Sunday.

The Applicant's Barrister stated that the applicant's original application was for considerably longer hours to provide for people leaving HOST bar and another premises off North Street. The Applicant had however, been mindful of the nature of the area and residents' objections and, following discussions with John Ivens of Hertfordshire Constabulary, had agreed to amend his application to the operating hours of Flames Grill.

The Applicant was aware that Flames Grill did not enjoy a good reputation with residents and he hoped to prove he could demonstrate good management when operating Shekos. The Applicant ran another premises in Bishop's Stortford and was willing to mark all Shekos' packaging with UV markers and to clear up regularly in the vicinity of the premises.

The Applicant had installed CCTV at Shekos and had rarely experienced any problems with the existing premises in South Street. The applicant's Barrister

concluded that the applicant was willing to accept a condition regarding the clearing up an agreed extent of North Street, perhaps 30 metres either side of Shekos.

In response to a query from Councillor R Beeching, the Applicant's Barrister confirmed that a planning application had been submitted for the A5 use and if that application was not granted, there could be separate enforcement proceedings.

At the conclusion of the representations the Applicant, Officers, the Police and Local Members withdrew whilst the Sub-Committee, along with the Legal Services Advisor and the Democratic Services Officer, considered the evidence.

Following this, they returned and the Chairman announced the decision of the Sub-Committee. The Sub-Committee had listened to the comments of the Applicant, the Police and Licensing Officers and had decided to approve the application allowing the sale of refreshments until 1 am Monday to Wednesday, until 2 am Thursday to Saturday and until Midnight on Sunday, subject to the following condition:

1. the applicant must clear an area 30 metres either side of Shekos immediately after closing.

The Applicant was also advised that Members expected the times to be rigidly adhered to as reports of out of hours opening had been noted.

RESOLVED – that the application for a new premises licence be approved, subject to the condition now detailed.

The meeting closed at 11.40 am

Chairman

Date