

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 3 OCTOBER 2014,
AT 2.00 PM

PRESENT: Councillor Eric Buckmaster (Chairman)
Councillors P Ballam and J Jones.

ALSO PRESENT:

Councillors P Moore, P Ruffles and
N Symonds.

OFFICERS IN ATTENDANCE:

Chris Clowes	- Licensing Enforcement Officer
Peter Mannings	- Democratic Services Officer
George Robertson	- Legal Services Manager

13 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor P Ballam and seconded by Councillor J Jones that Councillor E Buckmaster be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor E Buckmaster be appointed Chairman of the Licensing Sub-Committee for the meeting.

14 MINUTES – 30 JULY 2014

RESOLVED – that the Minutes of the meeting held on 30 July 2014 be confirmed as a correct record and signed by the Chairman.

15 APPLICATION BY MR BAKI ALBABA FOR A VARIATION OF THE PREMISES LICENCE AT THE KEBABERY, 5 STATION ROAD, BISHOP'S STORTFORD, CM23 3BJ

The Legal Services Manager advised that the hearing could go ahead in the applicant's absence on the basis that there was no reason not to continue. The Chairman outlined the procedure to be followed. All those present were introduced.

The Licensing Enforcement Officer advised the Sub-Committee that an application to vary the premises licence at The Kebabery, 5 Station Road, Bishop's Stortford had been received on 6 August 2014.

The Sub-Committee was advised that the applicant had requested a one hour extension for late night refreshment as a licensable activity on Fridays and Saturdays. The applicant had also applied for a new licensable activity for the supply of alcohol on the premises. Members were referred to pages 17 and 18 of the report now submitted, which set out the hours applied for by the applicant.

Members were advised that the applicant had described the steps he intended to take to promote the four licensing objectives. These steps had been reproduced in the supporting Essential Reference Paper 'C'.

The Sub-Committee was advised that Members had the authority to add or amend conditions in respect of the premises licence if they believed that a different wording would be more appropriate to ensure the promotion of the licensing objectives.

The Licensing Enforcement Officer advised that, during the consultation period, one valid representation had been received from a local ward Member and this representation had been reproduced as Essential Reference Paper 'D'.

Members were advised to consider whether it would be

appropriate to have these premises open until 3 am on Fridays and Saturdays and offering alcohol for sale until midnight. The Sub-Committee was advised that it should consider attaching a condition that the alcohol must be shielded from view outside of the hours requested by the applicant and also that the alcohol should be shielded from those purchasing food for consumption off the premises.

In response to a query from Councillor P Ballam, the Licensing Enforcement Officer advised that the applicant hoped to raise the image of The Kebabery from being solely a take away in that tables and chairs had been installed and a small bar had been erected so that alcohol could be served at that point.

The Licensing Enforcement Officer confirmed to Councillor E Buckmaster that if this application was approved, there should be no sales of alcohol for consumption off the premises. Members were advised that any instance of an alcoholic drink being taken out of the premises would be deemed an unlicensed activity and enforcement action could be taken by Officers.

Councillor J Jones commented on whether noise would be less of an issue as alcohol was not to be consumed off the premises. The Licensing Enforcement Officer advised that the applicant intended to serve alcohol from a bar area rather than the off licence arrangement where customers purchased alcohol for consumption off the premises.

Councillor N Symonds, as the local ward Member, expressed concern that the applicant had not detailed how he would monitor how his customers used the premises. She stated that many of the customers might have been in nearby pubs and the applicant had not set how he would monitor customers who were intoxicated.

Councillor Symonds commented that she felt the application to offer hot food until 3 am would set a

dangerous precedent and she was concerned that consumption of food late at night and drunkenness often appeared to go hand in hand. She concluded by stating that two other nearby fast food outlets had been turned down for later opening hours. She referred in particular to “Chicken Corner” and the problems with customers spilling out onto the road.

In response to a query from Councillor Jones, Councillor Symonds confirmed that customers often pulled up in cars to collect fast food despite the double lines on what was part of the 24 hour 510 bus route between Harlow and Stansted Airport.

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

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of the Licensing Enforcement Officer and the local ward Member and had decided to approve the application, subject to the following:

In light of the risk of public nuisance, the Sub-Committee did not agree to the extension of the hours for late night refreshments to 3 am on Fridays and Saturdays. The Sub-Committee approved the supply of alcohol for consumption on the premises from 11 am to Midnight, Monday to Sunday, subject to the following condition:

1. The Bar to be isolated so that the alcohol was not visible to the public after Midnight.

The applicant would be advised that there was the right of appeal within 21 days to the magistrates court and the public and responsible authorities could apply for a review of the premises licence at any time.

RESOLVED – that (A) the application to vary the

premises licence for the supply of alcohol for consumption on the premises from 11 am to Midnight, Monday to Sunday, be approved subject to the following condition:

1. The Bar to be isolated so that the alcohol was not visible to the public after Midnight.

(B) in light of the risk of public nuisance, the extension of the hours for late night refreshments to 3 am on Fridays and Saturdays be rejected.

The meeting closed at 2.46 pm

Chairman
Date