

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 23 JULY 2019, AT
2.00 PM

PRESENT: Councillor J Jones (Chairman)
Councillors R Bolton and S Reed

ALSO PRESENT:

Councillors D Andrews, G McAndrew and
P Ruffles

OFFICERS IN ATTENDANCE:

James Ellis	- Solicitor
Peter Mannings	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

11 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor R Bolton and seconded by Councillor S Reed that Councillor J Jones be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor J Jones be appointed Chairman for the meeting.

12 MINUTES - 21 JUNE 2019

It was proposed by Councillor J Jones and seconded by Councillor R Bolton that the Minutes of the meeting held on 21 June 2019 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 21 June 2019 be confirmed as a correct record and signed by the Chairman.

13 APPLICATION FOR A NEW PREMISES LICENCE FOR THE CRAFTY DUCK, 28 PARLIAMENT SQUARE, HERTFORD

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Licensing and Enforcement Officer summarised the application that was received by the Licensing Authority on 31 May 2019.

The Officer advised that the application had been modified to remove recorded music and the only licensable activity being sought by the applicant was the supply of alcohol for consumption on and off the premises at the following times:

Sunday to Thursday from 12:00 to 21:30

Friday and Saturday from 12:00 to 22:30

The Sub-Committee was advised that the premises would remain open for a further 30 minutes for the sale of soft drinks and drinking up time. The applicant

had also committed to Pub Watch and the use of challenge 21/25 policies.

The Officer summarised the other steps the applicant would take to promote the four licensing objectives including digital CCTV, closing but not locking all doors and windows, no smoking or use of the rear outside area and no disposal of bottles, or other refuse, between 21:00 hours and 07:00 hours.

The Sub-Committee was advised that if the application did not undermine the four licensing objectives, then it should be granted. Members were advised that the application of appropriate conditions, a restriction of opening hours or a refusal of the application had to be an evidence based decision that was proportionate and justified.

The applicant was present at the hearing and said that he lived in Hertford. He detailed his experience as a publican and emphasised that he had recognised a gap in the market for the sale of craft beers in Hertford and this was a fast growing segment of the market. He said that the growth of the sales of craft beer was more about offering a great service and a great product rather than encouraging binge drinking.

The applicant said the responsible authorities had not objected to the application and he hoped to bond with the community whilst championing Hertford. He said recorded music had been removed from the application and he would be working with a successful publican who had experience of running the Duncombe Arms in Hertford and The Punch House in

Ware.

The applicant confirmed to Councillor S Reed that windows closed in hot weather would be fine as air conditioning units had been installed. He also responded to a query from Councillor R Bolton by stating that there would no rear access to the Crafty Duck. The applicant responded to a query from Councillor J Jones by advising that there would be no provision of a smoking area or any provision for vaping inside or outside the premises.

The Senior Licensing and Enforcement Officer advised that the control of recorded music as a licensing activity was only relevant after 11 pm. The residents present stated that noise and music as if from a pop up bar had been heard on a number of occasions and residents had been able to identify where the music was emanating from.

The residents who were present commented on issues with smoking, vomiting and urination in public and close to their properties which they believed was being carried out by customers who had left licensed premises including the Crafty Duck. The applicant pointed out that he and his pub staff would not be in a position to control how customers behaved once they had left the Crafty Duck. The applicant confirmed that the planned off sales of alcohol would all be carried out online and the Crafty Duck would not be operating as a take away for alcoholic beverages.

Councillor S Reed commented on the capacity of the Crafty Duck and was advised by the applicant that

there was one toilet and he hoped to be installing a second toilet facility. In response to a comment from Councillor R Bolton regarding children in the Crafty Duck, the applicant confirmed that after 6pm, all under 18s would have to be accompanied by an adult.

The Council's legal advisor sought and was given clarification by the applicant that no over the counter off sales of alcohol would occur at the Crafty Duck. The applicant confirmed to the residents that CCTV would be in use and he would not be hiring out rooms for anything other than small scale events such as the use of board games.

The Senior Licensing and Enforcement Officer confirmed to the residents that the Premises License could be transferred to another operator once the application was approved. The Premises License would lapse however if a license holder was declared insolvent.

The applicant and the residents provided a summary of their final submissions to the Sub-Committee. At the conclusion of the closing submissions, the Sub-Committee, the Local Authority's Legal Advisor and the Democratic Services Officer withdrew to allow Members to consider the evidence.

Following this, Members, the Local Authority's Legal Advisor and the Democratic Services Officer returned and the Chairman announced that the Sub-Committee had listened to the comments of Officers, the applicant and residents and had read all relevant representations. Having considered the views of all

parties, the decision of this Sub-Committee was to grant the licence for the following reasons:

1. Having listened to the representations of each of the parties present at the hearing, the Sub-Committee considered the potential impact of the licence on the promotion of the four licensing objectives. In considering the licensing objective of Prevention of Crime and Disorder, which was clearly a grave concern of the Interested Persons, the Sub-Committee had to bear in mind that the Police, who were the experts on crime and disorder, were satisfied that the agreed conditions contained at Essential Papers E were appropriate and sufficient to promote that licensing objective. Having itself considered those conditions, the Sub-Committee were satisfied that the police conditions, as slightly amended, were appropriate to promote the licensing objective of Prevention of Crime and Disorder.
2. In considering the potential for public nuisance, the Sub-Committee were reassured by the conditions requiring the closing of windows and restricting the use of the outside areas.
3. The Sub-Committee were further reassured by the condition, and clarification provided by the applicants at the hearing, around the restriction on entry for children onto the premises.

The Sub-Committee agreed that the following additional conditions were to be added to the licence:

1. Where sales of alcohol take place via an online purchase, the licence holder must only send it via recorded and signed for delivery.
2. Police Condition 3 in Essential Reference Paper E to be amended to read:

“Children will only be permitted into the premises with an adult.

No Children aged under 18 years of age to be on the premises after 18:00 until closing, if alcohol is being served.” (Previously 21:00).

The Chairman said the Licensing Sub-Committee had added these conditions for the promotion of the Licensing Objectives and only after discussing the conditions with the applicant and interested parties present at the hearing.

For all of these reasons the Sub-Committee were satisfied that the granting of the licence, with the additional conditions added did not put at risk the promotion of the four licensing objectives.

RESOLVED – that the application for a new premises licence at the Crafty Duck, 28 Parliament Square, Hertford be approved for the following reasons:

1. Having listened to the representations of each of the parties present at the hearing, the Sub-Committee considered the potential impact of the licence on the

promotion of the four licensing objectives. In considering the licensing objective of Prevention of Crime and Disorder; which was clearly a grave concern of the Interested Persons, the Sub-Committee had to bear in mind that the Police, who were the experts on crime and disorder, were satisfied that the agreed conditions contained at Essential Papers E were appropriate and sufficient to promote that licensing objective. Having considered those conditions itself, the Sub-Committee were satisfied that the police conditions, as slightly amended, were appropriate to promote the licensing objective of Prevention of Crime and Disorder.

2. In considering the potential for public nuisance, the Sub-Committee were reassured by the conditions requiring the closing of windows and restricting the use of the outside areas.
3. The Sub-Committee were further reassured by the condition, and clarification provided by the applicants at the hearing, around the restriction on entry for children onto the premises.

The meeting closed at 3.30 pm

Chairman Date
