

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 21 OCTOBER
2019, AT 2.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors R Bolton and M Stevenson

ALSO PRESENT:

Councillors P Ruffles, N Symonds and
C Wilson

OFFICERS IN ATTENDANCE:

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

25 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor R Bolton and seconded by Councillor M Stevenson, that Councillor D Andrews be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor D Andrews be appointed Chairman for the meeting.

26 MINUTES - 4 AND 19 SEPTEMBER 2019

It was moved by Councillor R Bolton and seconded by Councillor M Stevenson that the Minutes of the meetings held on 4 and 19 September 2019 be confirmed as correct records and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 4 and 19 September 2019 be confirmed as correct records and signed by the Chairman.

27 APPLICATION FOR A NEW PREMISES LICENCE LUSO FLAVOURS, 24 - 26 HOCKERILL, BISHOP'S STORTFORD, CM23 2DW

The Chairman outlined the procedure to be followed. All those present were introduced. Councillor C Wilson confirmed that he was not present in his capacity as a Ward Councillor. He said he was present as a resident of the area. The Senior Licensing and Enforcement Officer summarised the application for a new premises licence which had been submitted on 2 September 2019.

The Sub-Committee was advised that the premises was known as Luso Flavours and the application had been amended on 9 September 2019 and advertised in the Bishop's Stortford Independent. The Officer detailed the hours being applied for as detailed on pages 32 and 33 of the report submitted.

The Senior Licensing and Enforcement Officer advised

that the applicant had taken steps to promote the licensing objectives. He mentioned in particular no glasses outside, doors being kept shut and a challenge 25 policy.

He said that the conditions had been amended by the applicant in consultation with Hertfordshire Constabulary. The full conditions had been included with the application and had been reproduced at Essential Reference Paper 'C'. The Sub-Committee was advised that 4 people had made representations as interested parties and noise nuisance had been a particular concern. Their concerns were summarised for the Sub-Committee at Essential Reference Paper 'D'.

The Senior Licensing and Enforcement Officer said that the Sub-Committee's remit allowed Members to attach conditions, limit the hours or refuse the application entirely. The decision of the Sub-Committee must be evidence based, proportionate and justified.

The Officer confirmed to Councillor C Wilson that there was no outside area so late night refreshment and music would be inside the premises. The sale of alcohol would be on and off the premises as a delivery service was proposed by the applicant.

The applicant confirmed that he had sought the hours applied for as it had proved difficult to sell food when no alcohol was included. He emphasised that he would be happy to accept small changes in opening hours and to the hours for the sale of alcohol

Councillor R Bolton commented on the location of the smoking area. The applicant said the smoking area was to the left of the premises. He confirmed to Councillor Bolton that he was trying to manage the smoking area given that people lived in flats above the premises. He believed he could manage this as Luso Flavours was not a busy restaurant.

Councillor D Andrews commented on the number of covers that could be accommodated in the premises. The applicant referred to the advice he had received from Hertfordshire Fire and Rescue and said that the premises could accommodate 30 restaurant covers and a further 20 in the café.

Councillor D Andrews expressed concerns regarding young people being on the premises unaccompanied after 8 pm. The applicant confirmed to the Sub-Committee that he would be content with a condition stipulating that unaccompanied young people should be off the premises by 9 pm.

Councillor R Bolton sought and was given clarification that no amplifiers would be used in the street going forward. The applicant said that this had occurred on one occasion due to a Portuguese religious event and BBQ. He also stated that all doors would be closed after 9 pm and could comply with that.

Following a comment from Councillor C Wilson, the applicant emphasised that there would be no loud recorded music inside the premises. All music would be background in nature and would finish by 10 pm.

Councillor C Wilson commented on the importance of limiting public nuisance. He said that residents had found it difficult to enjoy gardens in the vicinity of this premises.

The applicant confirmed to Councillor M Stevenson that he was unaware of the insulation in place in Luso Flavors as this was an old building. He said that background music should not disturb his neighbours. The Legal Officer confirmed that background music was not a matter for the Sub-Committee as this was not covered by the Licensing regime.

Councillor C Wilson made a number of further comments about Luso Flavours being a restaurant or café that was not alcohol led. He respected the need of the Portuguese community to have a community hub. He said that the agreed conditions would respect the neighbours.

At the conclusion of the closing summary submissions, the Sub-Committee, the Legal Officer and Democratic Services Officer withdrew from the meeting to allow the Sub-Committee to consider the evidence.

Following these deliberations, the Sub-Committee returned. The Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the residents and had decided to grant the application, with the following hours:

Supply of alcohol:

8 am to 10:30 pm on Monday to Thursday

8 am to 11 pm on Friday and Saturday

8 am to 10 pm on Sunday

Opening hours:

7 am to 11 pm on Monday to Thursday

7 am to 11:30 pm on Friday and Saturday

8 am to 10:30 pm on Sundays

RESOLVED – that the application for a New Premises Licence at Luso Flavors, 24-26 Hockerill Street, Bishops Stortford be approved, subject to the following conditions and reasons:

Conditions:

1. No unaccompanied children to be permitted on the premises at any time.
2. No children to be permitted on the premises after 21:00.

Reasons:

1. The Sub-Committee were concerned that having unaccompanied children on the premises would put at risk the promotion of the Protection of Children from Harm licensing objective, and that it was appropriate to include a condition so as to prohibit any unaccompanied children on the premises at any time.

- 2. The Sub-Committee, having considered the undertaking made by the Applicant during the hearing, also felt it was appropriate to include a condition to ensure that all children are excluded from the premises from 21:00 onwards on each day.

- 3. Having considered both the written and oral submissions of the interested parties, the Sub-Committee were satisfied that a reduction in the hours, as well as the assurances of the Applicant that music will not be above background level, that the Prevention of Public Nuisance objective would not be put at risk.

The meeting closed at 3.04 pm

Chairman
Date