

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 12 OCTOBER
2023, AT 10.00 AM

PRESENT: Councillor D Willcocks (Chairman)
Councillors M Connolly and G Hill

ALSO PRESENT:

Councillors S Nicholls

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

40 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Connolly and seconded by Councillor Hill that Councillor Willcocks be appointed Chairman for the meeting. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Willcocks be appointed Chairman for the meeting.

41 APOLOGIES

There were no apologies.

42 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded those present to use the microphones when addressing the meeting.

43 DECLARATIONS OF INTEREST

There were no declarations of interest.

44 MINUTES - 22 AUGUST AND 12 SEPTEMBER 2023

It was moved by Councillor Connolly and seconded by Councillor Hill that the Minutes of the Sub-Committee meetings held on 22 August and 12 September 2023 be confirmed as correct records 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 Sub-Committee meetings held on 22 August and 12 September 2023 be confirmed as correct records and signed by the Chairman.

45 SUMMARY OF PROCEDURE

The Chairman drew the hearing's attention to the Summary of Procedure which was included in the main

agenda pack at pages 16 – 22.

46 APPLICATION TO VARY A PREMISES LICENCE FOR BUDGENS (FORMERLY MCCOLLS), BALDOCK ROAD, BUNTINGFORD, HERTFORDSHIRE (23/1202/PLV)

The Senior Licensing and Enforcement Officer presented his report and summarised the application. He answered questions from the Sub-Committee, the applicant's legal representative, the applicant, the police as a responsible authority and the interested parties.

The Applicant's legal representative said that amended conditions had been sent to the council on Tuesday 10 October and these superseded those initially submitted at Section 16 of the application. He said that these conditions had been submitted following a meeting held with the Police on Friday 6 October.

The Sub-Committee was advised by Sergeant Nathan Howson that whilst the Police agreed to the conditions, they still opposed the 24-hour licence application. After it was established that none of the Interested Parties had been sent these amended conditions, Councillor Willcocks proposed and Councillor Hill seconded, a motion that the hearing be adjourned for 5 minutes to allow the amended conditions to be circulated.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the meeting be adjourned for 5 minutes to allow the amended conditions to

be circulated.

The meeting reconvened and the Applicant and his legal representative presented the application and explained why they had applied to vary the premises licence. The Sub-Committee was advised why full consultation had not been carried out by the applicant.

The applicant answered questions from the Sub-Committee, the police as a responsible authority and the interested parties.

Police Sergeant Howson made a submission on behalf of Hertfordshire Constabulary as a responsible authority. He responded to questions from the Sub-Committee, the applicant and his legal representative and the interested parties.

Councillor Duncan Wallace, on behalf of Buntingford Town Council, addressed the Sub-Committee in respect of his written submission. He answered questions from the Sub-Committee, the police and the applicant's legal representative.

Councillor Willcocks proposed and Councillor Hill seconded, a motion that the hearing be adjourned to allow the Sub-Committee, the applicant, police and the interested parties time to consider the content of an email from Buntingford Town Council. This had been supplied to the licensing authority within time but had not been passed to all parties as this email was mixed within other correspondence received.

After being put to the meeting and a vote taken, the

motion was declared CARRIED.

RESOLVED – that the meeting be adjourned to allow the Sub-Committee, the applicant, police and the interested parties time to consider the content of an email from Buntingford Town Council.

The meeting reconvened and Councillor Sue Nicholls, ward councillor for Buntingford addressed the Sub-Committee regarding her written submission. She answered questions from the Sub-Committee, the police and the applicant's legal representative.

In line with procedure, following the closing statements from the applicant, the police as responsible authority and the interested parties, the Sub-Committee retired to consider the evidence presented to the hearing. They were accompanied by the Democratic Services Officer and the Litigation and Advisory Lawyer.

The Sub-Committee reconvened in public session to give its decision. The Chairman said that the Licensing Sub-Committee had determined to:

- (a) Refuse the application for the extended hours for the sale of alcohol of alcohol for consumption off the premises;
- (b) Refuse the application for the provision of late-night refreshments between 23:00hrs and 05:00 daily; and

- (c) Remove the restrictions to the sale of alcohol and opening hours on Good Friday and Christmas Day.

Following the decision of the Licensing Sub Committee, the Applicant's legal representative invited the Sub-Committee Members to consider the following application:

- (a) An application for the sale of alcohol for consumption off the premises from 06:00 – 00:00 Monday to Sunday;
- (b) Late night refreshments to sell hot drinks only; and
- (c) To replace the conditions listed in Annex 2 and 3 of the current licence with the amended conditions agreed between the Applicant and the Police.

The applicant and his legal representative, the police as responsible authority and the interested party addressed the Sub-Committee in respect of the revised variation application. At the conclusion of these submissions, the Sub-Committee retired to consider the application. They were accompanied by the Democratic Services Officer and the Litigation and Advisory Lawyer. The Sub-Committee reconvened to give its decision.

RESOLVED – that the application for the variation of a premises licence for Budgens (formerly McColls), Baldock Road, Buntingford,

Hertfordshire, (23/1202/PLV), be granted, for the following:

- The supply of alcohol for consumption off the premises
Monday to Sunday 06:00 – 00:00
- Late night refreshments
Monday to Sunday 23:00 – 00:00

The Sub-Committee agreed to:

- (a) To remove conditions listed in annex 2 and 3 of the current licence to be replaced with conditions agreed between the Applicant and Hertfordshire Constabulary as at 6th October 2023 subject to amendments to the following conditions:
 - (i) Condition 4 – Two Members of staff to be present on the premises from 18:00 until 00:00 every day;
 - (ii) Condition 13 – to remove as will not apply to a licensable activity; and
 - (iii) Condition 15 – insert a year from today's date.

47 URGENT BUSINESS

There was no urgent business.

The meeting closed at Time Not Specified

Chairman
Date