

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 22 JULY 2024,
AT 10.30 AM

PRESENT: Councillor R Townsend (Chair)
Councillors M Connolly and C Redfern

OFFICERS IN ATTENDANCE:

Michele Aves	- Committee Support Officer
Jonathan Geall	- Head of Housing and Health
Peter Mannings	- Committee Support Officer
Dimple Roopchand	- Litigation and Advisory Lawyer

ALSO IN ATTENDANCE:

Police Sergeant Nathan Howson	- Hertfordshire Constabulary
Saab Minichiello	- Licensing Officer (Hertfordshire Constabulary)

15 APPOINTMENT OF CHAIR

Councillor Connolly proposed and Councillor Redfern seconded, a motion that Councillor Townsend be appointed Chair of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor Townsend be appointed Chair of the Licensing Sub-Committee for the meeting.

16 APOLOGIES

There were no apologies.

17 CHAIR'S ANNOUNCEMENTS

The chair welcomed all parties to the hearing, and reminded participants to use their microphones when speaking so that all the proceedings could be heard by those present in the room.

18 DECLARATIONS OF INTEREST

There were no declarations of interest.

19 SUMMARY OF PROCEDURE

The chair drew everyone's attention to the summary of procedure document included as part of the formal agenda.

20 EXCLUSION OF PRESS AND PUBLIC

Councillor Townsend proposed and Councillor Connolly seconded, a motion that pursuant to Section 100 (A) (4) of the Local Government Act 1972 as amended, the press and public be excluded during consideration of the business referred to in Minute 21, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

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

RESOLVED – that the press and public be excluded during consideration of the business referred to in Minute 21, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

21 CONSIDERATION OF A TEMPORARY EVENT NOTICES GIVEN FOR THE WARE EXPRESS, 79 HIGH STREET,

WARE, SG12 9AD (24/1050/TEN)

The Head of Housing and Health presented the report and summarised the application for the Temporary Event Notices (TENs) at Ware Express, 79 High Street, Ware SG12 9AD (24/1050/TEN).

He advised that there had been a representation from Hertfordshire Constabulary that had included correspondence sent to the premises user from trading standards. Members were advised that the police representation related to the following three licensing objectives:

Prevention of Crime and Disorder
Public Safety
Prevention of Public Nuisance.

The Sub-Committee was reminded that they could attach conditions from the existing licence, which were included at appendix E of the agenda. The Head of Housing and Health emphasised that the Police had commented that the premises licence was at some point 'invalid'.

The Sub-Committee was advised that the wrong terminology had been used, and that the premises licence had always been valid. The Head of Housing and Health said that conditions were breached making licensable activity unauthorised, and therefore an offence.

The Sub-Committee was advised that the premises user had amended the TENs request to end at 2 am. There were no questions from the Sub-Committee or the police as the responsible authority. The premises user was not present at the hearing.

Police Sergeant Nathan Howson presented the police representation in respect of the TENS (24/1050/TEN). He said that in addition to the three licensing objectives referred to by the Head of Housing and Health, he considered that the protection of children from harm was

also triggered by the police representation.

Sergeant Howson said that the closely managed Old Town Live event in Ware would run from 11:30 am to 10 pm on 27 July 2024, and the premises users had sought to use a TENs application to stay open beyond the end of the event.

He spoke at length in more detail in respect of the police concern and the lack of confidence in the DPS following a number of previous reports and incidents that had been brought to the police.

Sergeant Howson said that the police could not support any extension of hours under a TENs beyond the opening hours permitted by the existing premises licence. He referred to a history of anti-social behaviour and said that there was a lack of trust from the police following previous incidents.

Sergeant Howson responded to questions from the Sub-Committee. In line with procedure, and at the conclusion of closing statement from Sergeant Howson, the Sub-Committee retired to consider the evidence presented to the hearing by the police as the responsible authority. They were accompanied by the Committee Support Officer and the Legal Advisor.

The Sub-Committee reconvened in public session to give its decision. The Chair said that the Licensing Sub-Committee had reviewed the report for this matter and had listened to the comments from the Head of Housing and Health and the oral and written representations made by the police. He said that as the Premises User had not attended the hearing the Sub-Committee had therefore only been able to consider the written papers submitted by the Premises User.

The Chair said that the Licensing Sub-Committee had decided that the application should be rejected in its entirety on the basis that it failed to support the four

Licensing Objectives. The Sub-Committee had particular concerns regarding the documentation submitted by the Police evidencing the Premises Users previous lack of compliance with the prevention of crime and disorder licensing objective, and that as the Premises User did not attend the hearing the Sub-Committee could not satisfy itself that the Premises User would adhere to the additional measures offered up as part of the application.

The Chair said the decision notice would serve as a counter notice to the temporary event notice applied for under ref 24/1050/TEN.

The Chair said that there was usually the right of appeal against the counter notice by appealing in writing to the local Magistrates Court within 21 days of the decision, but as this event was less than 5 working days before the planned event, there was no right of appeal.

RESOLVED – that the TENs should not be allowed, and a counter notice issued.

22 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.41 am

Chairman
Date