

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 4 OCTOBER 2013,
AT 10.00 AM

PRESENT: Councillor Eric Buckmaster (Chairman).
Councillors Mrs R Cheswright and
Mrs D Hone.

ALSO PRESENT:

Councillors M McMullen and N Symonds.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

12 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Mrs R Cheswright and seconded by Councillor Mrs D Hone 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.

13 MINUTES – 31 MAY 2013 (AM) AND 13 AUGUST 2013

RESOLVED – that the Minutes of the meetings held on 31 May 2013 (am) and 13 August 2013 be confirmed as correct records and signed by the Chairman.

14 APPLICATION BY MEHMET EMIN TEKAGAC TO VARY A PREMISES LICENCE AT FLAMES GRILL, 3 NORTHGATE END, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 2ET

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application and summarised an amendment which had been put forward by the applicant. The details of a number of additional conditions put forward by the applicant were made available at the meeting.

The Sub-Committee was advised that Hertfordshire Constabulary felt that the applicant had not demonstrated how the application satisfied the 4 licensing objectives. Officers were of the opinion that the application would undermine these objectives.

Members were advised that there had been 15 objections from residents in relation to all 4 of the licensing objectives. Residents had mentioned a number of existing problems and were of the view that this application would exacerbate these issues.

The Senior Specialist Licensing Officer advised that 2 local business had objected on the grounds that the application would cause crime and disorder as well as problems with noise and litter. Concerns had also been expressed in relation to the proximity of the premises to the YMCA hostel.

Police Constable Alexandra Nicolaou summarised the police objection on the grounds that the daytime sale of alcohol from a fast food establishment would exacerbate problems of anti-social behaviour in a Designated Public Places Order (DPPO) area.

Officers did not feel that the amendment to the application, whereby alcohol would be delivered to private dwellings after 11 pm, would prevent anti-social

behaviour as the alcohol would be readily available from Flames Grill during the day and Officers were aware of 10 incidents where alcohol had been a contributing factor to anti-social behaviour.

Police Sergeant Andrew Palfreyman stated that there was an element of unknown risk with this application. He commented that even when adhering to the Challenge 25 policy, the applicant would have limited control over who was being sold alcohol.

In response to a query from the applicant's consultant, Police Sergeant Palfreyman confirmed that whilst the anti-social behaviour logs could not be directly attributed to Flames Grill, reports of this nature were often made away from the premises where incidents had occurred.

Councillor N Symonds, in her capacity as Chairman of the Health and Wellbeing Panel, stated that a key aim of the East Herts Public Health Strategy was reducing the harm caused by alcohol. She expressed concerns regarding the proximity of the YMCA hostel and the Northgate End Youth Centre to Flames Grill. She concluded that the amended application and the suggested conditions did not address her concerns.

The Chairman of the Chantry Residents Association commented that the late amendment to the application, whereby no alcohol would be sold from the premises after 11 pm, had not altered his views and concerns.

He referred to the profound potential impact of this application on the local community in terms of traffic, litter and anti-social behaviour. Residents supported responsible drinking but could not support the late night sale of alcohol where the control of such sales would be difficult.

In conclusion, the representative of the Residents Association stated that residents felt the application contravened all 4 of the licensing objectives and were

particularly concerned that customers, who had already been drinking in town centre pubs, would be served.

Residents were also concerned that public safety was being compromised due to the consistently inconsiderate parking of the staff and delivery drivers working for and with Flames Grill. The nearby pedestrian crossing was regularly blocked by parked cars.

In response to a query from Councillor Mrs R Cheswright, a local resident confirmed that a nearby pedestrian access to residential properties was often blocked by vehicles associated with Flames Grill. He stated that the Flames Grill staff, when asked to move vehicles, were always polite and moved their cars when asked, but the access was then repeatedly blocked in subsequent days causing frustration for residents.

The local resident went on to explain that residents continued to object to the amended application on the grounds that the sale of alcohol would encourage on-street consumption in close proximity to residential dwellings.

Residents were conscious that the police and the licensing authority could not monitor the sale of alcohol and there was a reliance on trust that the terms of the premises license were followed.

Residents were frustrated by the continued lingering of intoxicated persons outside residential properties causing a public nuisance. Litter was also a major problem with the bin to the rear of Flames Grill overflowing with rubbish.

The resident stated that an alcohol licence was an incredible responsibility and Flames Grill was in close proximity to the Bishop's Stortford YMCA hostel and a local youth club. Should this application be approved, the Authority would have no logical grounds to refuse similar applications from other nearby takeaways.

Members were advised that this application would have a profound effect on the local area and contravened the East Herts corporate priority of enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.

The applicant's representative stated that the applicant wished to further amend the application so that no alcohol would be served from the shop and all alcohol sales would be by home delivery only. Police Sergeant Palfreyman stated that the police concerns were unchanged by this further amendment to the application.

The applicant's representative stated that the applicant hoped this application would enhance the viability of Flames Grill. The delivery drivers would not deliver alcohol to anyone suspected of being underage via the challenge 25 system. The applicant would also do what he could to discourage discourteous parking.

As regards the bins, the applicant had requested an additional bin and collection from East Herts Council. The applicant would ensure that notices were displayed in Flames Grill explaining that alcohol could not be purchased at the premises but could be delivered to a private dwelling, subject to a minimum £7 spend per order.

There was a general debate in respect of whether the applicant was in a position to use the Waitrose Car Park to avoid continued disruption for the local residents and a continued risk to public safety.

At the conclusions of the representations the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence. Following this, they returned and the Chairman announced the decision of the Sub-Committee.

The Sub-Committee had listened to the comments of the

applicant, the police, residents and the Senior Specialist Licensing Officer and had decided to approve the amended application subject to the amended conditions now detailed.

RESOLVED – that the application, as amended, be approved, subject to the following amended conditions:

1. No display of alcohol in the shop.
2. Alcohol sales will be by way of home delivery only.
3. A minimum spend of £7.00 on food is required for a sale of alcohol. No alcohol will be sold unless a minimum food order of £7.00 is placed and accompanies the alcohol.
4. All orders for home delivery of alcohol to be phoned through to the restaurant. Records of orders to be produced to Police & Council Officers if required.
5. Alcohol will only be delivered to persons at the residential address given.
6. Alcohol will not be delivered to any person other than at a residential address. It will not be delivered to persons in the vicinity, in a park, street or similar location.
7. Challenge 25 to be operated as the proof of age scheme.
8. Credible proof of age to be seen in respect of a person appearing to be under 25 for home deliveries of alcohol. Proof of age for deliveries to be a passport, photo driving licence or a Proof of age card with the PASS logo on it.
9. A valid refusals record to be kept and produced to Police / Council Officers on request.
10. A maximum of 8 cans of beer or 2 bottles of wine per order.
11. No spirits or alcopops to be offered for home delivery.
12. Alcohol only to be delivered by trained

competent staff over the age of 21. All such delivery staff to receive training on induction and refresher training at quarterly intervals. Written training logs to be kept.

13. All menus / delivery menus to state the proposed conditions and that no alcohol will be delivered to a person under 18.
14. No deliveries of alcohol to a person under 18.
15. All drivers instructed to be quiet when loading cars, not to leave engines running or otherwise make a noise.
16. An additional refuse bin to be provided for waste produced by the business.
17. Rubbish must not be allowed to overflow outside the bins to the rear of the premises.

Residents and the police are reminded of the review process. The applicant, the Chief Officer of Police and Persons who have made relevant representations also have the right to appeal this decision at the magistrates court within 21 days of being notified of the decision of the Licensing Authority.

The meeting closed at 11.43 am

Chairman

Date