

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 4 AUGUST 2017,
AT 2.00 PM

PRESENT: Councillor R Brunton (Chairman)
Councillors G Cutting and T Page.

ALSO PRESENT:

Councillors D Andrews and P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Agbley	- Licensing Officer
James Ellis	- Solicitor
Meyrem Flint	- Solicitor
Peter Mannings	- Democratic Services Officer

9 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor T Page and seconded by Councillor G Cutting that Councillor R Brunton be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor R Brunton be appointed Chairman for the meeting.

10 MINUTES – 9 JUNE, 12 JUNE AND 26 JUNE 2017

RESOLVED – that the Minutes of the meetings held on 9, 12 and 26 June 2017 be confirmed as correct records and signed by the Chairman.

11 APPLICATION BY MR ERDAL DURMUS FOR A NEW
PREMISES LICENCE FOR RUMBLES FISH BAR, 78
LONDON ROAD, SAWBRIDGEWORTH HERTFORDSHIRE,
CM21 9JN

The Chairman outlined the procedure to be followed. All those present were introduced. The Licensing Officer advised that the application was for a new premises licence for the sale of alcohol for consumption on and off the premises. Members were advised that Rumbles Fish bar currently operated as a traditional fish and chips restaurant and take-away.

The Licensing Officer advised that Hertfordshire Constabulary and the Applicant had agreed that the requested hours for licensable activity would be amended in respect of the supply of alcohol for consumption on and off the premises as follows:

Monday to Sunday: 11 am – 8 pm (on sales)
Monday to Sunday: 11 am – 9 pm (off sales)

The times that the premises would be open to the public would not be amended from those detailed in paragraph 2.5 of the report submitted. Members were advised that a representation against the application had been received from 2 local residents and this related to the Public Safety and Prevention of Public Nuisance licensing objectives.

The Licensing Officer advised that the objectors had stated that car parking issues and disruption to residents would invariably lead to increased public nuisance should the licence be granted. This was not a relevant consideration with regards to the licensing regime given that the issue existed now and was not linked to licensable activity.

Members were further advised that the objectors had detailed issues that were already happening. They believed that the premises licence was unnecessary and would lead to increased noise, anti-social behaviour and litter within the vicinity of the premises. Members were reminded that necessity was specifically excluded from being a consideration as this was purely a business consideration so this part of the representation should be

given no weight.

Members should decide how much weight to attach to the assertion that nuisance would increase if the premises licence was granted. Members should only consider nuisance related to the licensable activity so unless issues occurring after 9 pm were directly attributable to alcohol sales from the premises then such matters could not be addressed by the licensing regime.

The Licensing Officer concluded that the objectors had been notified by the Licensing Authority of the reduction of alcohol hours and the additional conditions which had been agreed by the applicant. At the time of writing the report the objectors had not responded to confirm whether these amendments mitigated their concerns.

The applicant's agent presented the application on behalf of the applicant. She read out a statement from the applicant's business partner after being advised that this could not be circulated to Members as the objectors were not present to consent to this.

The agent referred to a good relationship with neighbours aside from a number of incidents of builders' vans being parked in front of the premises and across the entrance to the rear car park. Members were advised that this car park was clearly signposted.

Councillor G Cutting was assured by the agent that if any customer requested to solely purchase alcohol without food the sale would be rejected and all such cases would be logged in a refusal book. The agent also confirmed that all alcohol sales would be based on customer demand and would initially be limited to beer and wine. Other types of alcohol might be made available in future based on what customers were requesting when purchasing food.

Councillor G Cutting sought and was given clarification that 15 to 20 car parking spaces were available in the rear

car park if customers parked responsibly. The applicant confirmed that there was therefore no need for customers to park on the pavement and he had asked customers to move their cars to the rear car park.

The applicant confirmed to Councillor G Cutting that there were two sets of tables and chairs on the pavement either side of the front door to the premises and these were located on his land. He also confirmed to Councillor T Page that the premises could seat 8 customers inside and there would be no underage staff working on the premises.

The applicant gave assurances to the Sub-Committee that all waste oil would be secured in closed storage in the car park and he had a large 1200 litre bin which was always closed. He emphasised that whilst he could not follow all customers to check they were not being irresponsible with food containers he did pick up waste himself if he saw anything. The premises only used the bins linked to the business and were not using residents' bins.

The applicant assured Councillor R Brunton that the premises operated as a takeaway with seating as opposed to a restaurant. No deliveries would be made to customers and there was no intention to commence such a service. The applicant confirmed his 22 years of experience in the industry in both restaurants and takeaways. He confirmed that he had experience of alcohol sales.

The applicant confirmed that he had 10 CCTV cameras on site and he had a good relationship with the youngsters who regularly used the premises and their parents. He assured the Sub-Committee that although he did not know everyone in the community he knew his regular customers very well.

The applicant confirmed to the Council's legal advisor that he was agreeable to all of the conditions detailed in

paragraphs 5.6 and 5.7 on pages 33 and 34 of the report submitted. Councillor R Brunton referred to the police condition that required a premises licence holder to be on site at all times when licensable activities were taking place.

The applicant and the Licensing Officer were given the opportunity to make closing comments. At the conclusion of the closing representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence. The Legal Adviser returned to the Council Chamber to seek clarification regarding the names of the designated premises supervisor (DPS) and the premises licence holder.

Following this the Sub-Committee returned and the Chairman stated that having listened to the comments of the applicant, his agent and Officers, the Sub-Committee had decided that the licence be granted for the agreed lesser hours:

11 am – 8 pm (on sales)

11 am – 9 pm (off sales)

subject to the amended conditions as discussed and specified at paragraphs 5.6 and 5.7 of the report with condition 1 of the police conditions amended as follows:

1. The primary purpose of the premises was food led so alcohol can only be served to patrons purchasing hot food prepared on the premises and excluding packeted snacks.

RESOLVED – that the application for a premises licence be granted for the following reason:

- 1) Notwithstanding the concerns raised by the objectors, the Sub-Committee were mindful that granting the licence was in line with the policy of East Herts Council as the Licensing Authority.

The applicant and objectors would be informed of this decision in writing within 21 days and there was a right of appeal to the magistrates' court within 21 days from receipt of this decision notice.

The meeting closed at 3.42 pm

Chairman
Date