

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
PLEASE NOTE THAT THIS MEETING WILL BE
HELD VIRTUALLY VIA ZOOM. ON
THURSDAY 23 APRIL 2020, AT 2.00 PM

PRESENT: Councillor J Jones (Chairman)
Councillors A Hall and T Page

ALSO PRESENT:

Councillors D Andrews, R Bolton, B Crystall,
J Goodeve and S Reed

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

46 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Page and seconded by Councillor Hall, that Councillor Jones be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

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

47 APOLOGIES

None.

48 CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained that this was the first meeting of the Licensing Sub-Committee being held virtually at East Herts Council. He said that, in accordance with legal advice, the Chairman had the authority to eject people from the virtual meeting should inappropriate material be broadcast or if they were causing a disruption.

49 DECLARATIONS OF INTEREST

None.

50 MINUTES - 13 MARCH 2020

It was moved by Councillor Page and seconded by Councillor Hall that the Minutes of the meeting held on 13 March 2020 be confirmed as a correct record 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 13 March 2020 be confirmed as a correct record and signed by the Chairman.

51 APPLICATION FOR A VARIATION OF A PREMISES LICENCE
FOR LOMO RESTAURANT, 25A ST ANDREWS STREET,
HERTFORD, SG14 1HZ

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Licensing and Enforcement Officer summarised the application for the variation of a Premises Licence for Lomo Restaurant, 25a St Andrew Street, Hertford, SG14 1HZ.

The Senior Licensing and Enforcement Officer said the application had been submitted on 20 February 2020 and sought approval for the times for existing licensable activities to be increased and to extend the licensed area to the 1st floor and to the outside area.

The Sub-Committee was advised that the application was further seeking approval to add both late night refreshment from 23:00 on a Monday through to Saturday and the supply of alcohol off the premises until 23:00 on a Monday through to Saturday.

The Senior Licensing and Enforcement Officer said that the requested hours for licensable activities were as set out in the table at paragraph 3.4 of the report. He referred in particular to the additional steps the applicant proposed to take to promote the 4 licensing objectives. The Sub-Committee was also advised of the amended to the application made during the 28 day consultation period to include conditions which had been drafted in consultation with responsible authorities.

The Senior Licensing and Enforcement Officer referred to the representations in respect of noise from music and from shouting and fighting in outside garden areas. The decision of the Sub-Committee should be based on evidence that, if granted, the variation application would promote the four licensing objectives and would not undermine them.

The Sub-Committee was advised that the decision of Members must be evidence based, justified and proportionate and any action such as conditions or a limitation of opening hours should also be appropriate and proportionate in promoting the licensing objectives. The Senior Licensing and Enforcement Officer reminded the Sub-Committee that refusing the application should be an action of last resort.

The applicant said that Lomo Restaurant would be community based and he looked forward to working with the local community. He stated that there would be no loud music and there would be a sound management plan in place. He concluded that he hoped that the restaurant would be a success, with the support of the local community.

A local resident who had made representations said that noise, loud music and fights in the outside area had been a cause for concern in the past and between December 2019 and January 2020, the same matters had been a cause for concern in respect of the current applicant and the variation application. He referred in particular to a lack of control over people leaving the premises and related noise. The resident said that conditions could provide some relief to residents from

noise.

A second local resident said that he had no issue with the premises as a restaurant. He said that these premises and the nearby dwellings were listed buildings that did not contain music noise at the levels in use at Lomo. He questioned the need for the premises to be open beyond 11 pm and said that music could be heard until 2 am and this was impairing sleep.

The local resident questioned the need to be open beyond 11 pm. Whilst he was supportive of a good steak restaurant in Hertford, he expressed concerns in respect of the smoking area and the outside area to the front of the garden. Two other local residents expressed concerns regarding the changing nature of the premises from a restaurant to a late night venue and the impact this could have on their ability to sleep.

Councillor Page asked why the applicant intended to increase the off sales of alcohol. He also questioned how the use as a restaurant and the increase in the facilities for late night drinking and casual drinking would be managed.

The applicant said that the new grill and the increase in opening times would avoid customers having to leave Lomo earlier than they would wish. He confirmed to Councillor Jones that Lomo would remain a food led business with excellent chefs. The applicant confirmed to Councillor Page that the plan to extend to the off sales of alcohol was to allow customers to relax with a drink following an evening meal. He also confirmed to

Councillor Jones that the capacity of Lomo was 60 downstairs and a further 30 upstairs.

Councillor Hall questioned the nature of the business as a restaurant and questioned the applicant on the loud music referred to by residents. The applicant explained that the premises would be run as a restaurant and the sound system had a back office controlled limit that could not be exceeded.

Councillor Page commented on the public in Hertford after 11 pm seeking to solely consume more alcohol. The applicant said that he was not seeking to attract these customers to Lomo. Councillor Jones commented on the measures the applicant intended to take to manage temperature in terms of windows or the use of air conditioning.

The Applicant said that a ventilation system was in place as air conditioning was not possible due to building regulations. He said that windows would not open after 11 pm. The residents present for the virtual meeting asked a number of further questions of the applicant that did not cover any new issues.

One of the local residents asked whether the applicant would be willing to consider not admitting new customers after the last orders for food at 10:30 pm. The applicant said that this suggestion would prove to be an issue for the business.

The applicant, local residents and the Senior Licensing and Enforcement Officer were all given the opportunity to sum up. After this, the Sub-Committee, the Legal

Services Manager and the Democratic Services Officer left the meeting to consider the evidence.

The Sub-Committee, the Legal Services Manager and the Democratic Services Officer re-joined the meeting and the Chairman said that the Licensing Sub Committee had listened to the comments of the Applicant, the Senior Licensing and Enforcement Officer, and the residents and Members were mindful of the powers available to the Sub-Committee, and of the need to exercise them with a view to achieving the licensing objectives.

In reaching their decision, the Licensing Sub Committee had regard to the East Herts Statement of Licensing Policy, the Section 182 Guidance, Licensing Act 2003, and all representations contained within the agenda pack, and representations made during the hearing.

It was decided that the application for the variation of the premise licence be granted, subject to the conditions proposed by the applicant, with the following amendments made:

- The Premises Licence Holder or Designated Premises Supervisor and / or Duty Manager is on the premises during opening hours to ensure groups of people will not be allowed to gather / loiter outside the premises.
- Additional door supervisors shall be employed at the premises on occasions as deemed necessary by

the Designated Premises Supervisor and/or premises management following a risk assessment and on occasions following consultation with the Police and this risk assessment will be available for viewing at the request of the Licensing Officer.

The following additional condition be added:

- The capacity of the premises will be limited to 100.

Reason: In order to promote the licensing objective of the Prevention of Public Nuisance.

We have sympathy and we note that the residents' concerns in respect of noise and we are encouraged by the positive attitude of the applicant to work with the residents to alleviate these concerns.

RESOLVED – that the application for the variation of the premises licence at Lomo Restaurant, 25a St Andrews Street, Hertford, SG14 1HZ, be approved subject to the following amended conditions:

- The Premises Licence Holder or Designated Premises Supervisor and / or Duty Manager is on the premises during opening hours to ensure groups of people will not be allowed to gather / loiter outside the premises.
- Additional door supervisors shall be employed at the premises on occasions as

deemed necessary by the Designated Premises Supervisor and/or premises management following a risk assessment and on occasions following consultation with the Police and this risk assessment will be available for viewing at the request of the Licensing Officer.

And subject to the following additional condition:

- The capacity of the premises will be limited to 100.

Reason: In order to promote the licensing objective of the Prevention of Public Nuisance.

The meeting closed at 4.23 pm

Chairman
Date