

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
ZOOM ON FRIDAY 20 NOVEMBER 2020, AT
10.00 AM

PRESENT: Councillor B Crystall (Chairman)
Councillors D Andrews and R Bolton

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Mr Harry Garbutt	- Applicant (Director of Premium Alcohol Delivery)
Mr William Thomas	- Applicant (Director of Premium Alcohol Delivery)

8 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Bolton and seconded by Councillor Andrews, that Councillor Crystall be appointed Chairman for the meeting. After being put

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

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

9 APOLOGIES

There were no apologies.

10 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 MINUTES - 1 AND 5 JUNE 2020

It was moved by Councillor Andrews and seconded by Councillor Bolton that the Minutes of the meetings held on 1 and 5 June 2020 each 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 1 and 5 June 2020 each be confirmed as a correct record and signed by the Chairman.

13 APPLICATION FOR A NEW PREMISES LICENCE FOR PREMIUM ALCOHOL DELIVERY LTD (20/0750/PL)

The Democratic Services Officer assisted the Chairman by summarising the procedure for the Sub-Committee hearing. All those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer referred Members to the report covering a new premises licence application under Section 17 of the Licensing Act 2003.

The Sub-Committee was advised that on the 31 August 2020, Premium Alcohol Delivery Ltd submitted an application for a new premises licence for Office Six, Broadmeads Pumping Station, Hertford Road, Ware. The application was solely for the supply of alcohol off the premises between 18:00 hours to 06:00 hours Monday to Sunday. Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives.

The Senior Licensing and Enforcement Officer said that the public would not have access to the premises at any time as the business model was for delivery only and an age verification scheme would be in use. The Sub-Committee was advised that all windows would be closed and the applicant's private vehicles would be used from onsite parking and loading bays. The Officer referred to the intended use of blackout blinds and he said that these measures were further strengthened by the conditions agreed with Hertfordshire Constabulary.

The Sub-Committee was advised that 12

representations had been received from local residents and interested parties during the consultation period regarding the prevention of public nuisance, the prevention of crime and disorder and public safety licensing objectives.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts statement of licensing policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives and Members must consider if the applicant had evidenced whether the application would not undermine the licensing objectives and this should be balanced against the evidence given by interested parties and residents.

The Senior Licensing and Enforcement Officer said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be approved. Members were advised that if they believed that the application would not promote the 4 objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the application should only be refused as a last resort and the Members' decision should be evidence based, justified and appropriate.

Councillor Bolton asked if there had been representations from the responsible authorities. The Senior Licensing and Enforcement Officer confirmed that there had been no such representations. He also confirmed for Councillor Bolton that this was a

commercial office site with no residents living there and there were no other premises.

Councillor Andrews commented on his assumption that there was no change of use meaning that planning permission was not required. The Senior Licensing and Enforcement Officer confirmed that this was a commercial site and there had been no replies from Planning Officers.

Councillor Crystall posed a question as to whether the gates to the site were locked at night. The applicant, Mr Thomas, was assured that the Sub-Committee had received the statement that he had issued. He confirmed that he believed that the gates to the site were not locked at night.

Mr Thomas said he believed that the nature of the application had been misinterpreted as being for a large scale warehouse and he could understand that concern. He said that the business had been run for two years from a residential area without there having been any complaints.

Mr Thomas referred to noise and said that the nearest residential premises was 70 metres away and he felt that this was a substantial amount of ground. He said that the concern of safety of access was not an issue as there would be no delivery drivers or forklifts as Premium Alcohol Delivery Ltd was a small independent company with 2 directors using personal vehicles meaning that there would be no significant build up in traffic due to this application.

Mr Thomas said that Sally Bannister from Hertfordshire Constabulary had inspected the premises regarding crime and disorder and some conditions had been attached and the police had no objections to the application. Councillor Andrews posed a question to the applicant in terms of the steps to be taken to protect minors from accessing alcohol.

Mr Thomas said that all customers were required to confirm age when placing an order online or by phone. He said that the terms and conditions confirmation also covered a declaration that customers were over 18. He said that a challenge 18 policy would be used and most people would be ID checked to prove their identity on delivery.

Councillor Andrews was assured by Mr Thomas that parking and loading could take place behind the premises if that was required as a condition on the application. He said that there was only one entrance and no HGVs or forklift trucks would be used by Premium Alcohol Delivery Ltd.

Councillor Bolton made the point that some 15 years old looked 18. Mr Thomas confirmed that he and his fellow director were very aware of what was required and would never sell alcohol to anyone who was not 18. He said that checks would be carried out when required and any further delivery personnel would be over 18 and trained in ID work and would also need to have a clean driving record.

The Sub-Committee was advised by Mr Thomas that he would accept a condition on a minimum age of

delivery driver and would be happy to operate a challenge 21 or 25 policy. He confirmed to Councillor Bolton that there had been no complaints with regards to his current licence in a residential street and he did not believe that many residents on this street were actually aware that the business existed and was operating from this site.

Councillor Crystall referred to a public nuisance matter in the event that gates were locked at night with a chain and padlock arrangement. Mr Thomas emphasised that the gates were open at night and there was an office linked intercom system in case the gates did happen to be locked. He said that all products were packed in an office and then loaded straight into a vehicle to minimise noise. He assured Councillor Crystall that there was not going to be a high volume of orders, perhaps around 30 in a typical weekend.

Councillor Crystall asked about the proposed hours until six in the morning. Mr Thomas said that this was to allow for potential growth of the business and the hours would initially stay the same prior to future expansion. He also stated that it was not the plan to use courier vans to visit wholesalers as he and his fellow director collected direct from wholesalers. He explained that a courier company might be used to deliver solely to the business in future.

Mr Thomas made a brief closing submission before the Sub-Committee retired to make its decision. At the conclusion of the closing submissions, the Sub-Committee, the Legal Services Manager and the

Democratic Services Officer withdrew from the main Zoom session to allow Members to consider the evidence.

Following this, Members and the Democratic Services Officer returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the applicant and the Sub-Committee have taken into account concerns raised by the interested parties.

The Chairman said that the Sub-Committee had decided to grant the application, subject to the following additional conditions, along with the steps agreed with the Police to promote the licensing objectives and subject to the following additional conditions:

- Only a car / small van (Light Goods Vehicle) will be used for stock receipts and deliveries;
- That no vehicle used outside normal office hours of 09:00 –17:00 should be fitted with a reversing alarm;
- No mechanical / material handling equipment to be used at anytime
- That condition 2 of paragraph 3.6 be replaced with a “Challenge 25” policy to be used.

In coming to its decision, the Sub-Committee believed that the applicant had provided evidence that the granting of the licence would promote and not undermine the

licensing objectives. The evidence was balanced against the representations that had been made by residents.

RESOLVED – that the application for a New Premises Licence for Premium Alcohol Delivery Ltd, be granted subject to the additional steps agreed with the Police to promote the licensing objectives and subject to the following additional conditions:

- Only a car / small van (Light Goods Vehicle) will be used for stock receipts and deliveries;
- That no vehicle used outside normal office hours of 09:00 –17:00 should be fitted with a reversing alarm;
- No mechanical / material handling equipment to be used at anytime
- That condition 2 of paragraph 3.6 be replaced with a “Challenge 25” policy to be used.

14 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.13 am

Chairman
Date