

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD AS AN
ONLINE MEETING ON WEDNESDAY 9
DECEMBER 2020, AT 10.00 AM

PRESENT: Councillor J Jones (Chairman)
Councillors M Goldspink and C Wilson

ALSO PRESENT:

Councillors D Andrews and R Bolton

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Mr Thomas Day	- Applicant
Mr Ben Fathers	- Local Resident (Interested Party)

15 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Goldspink and seconded by Councillor Wilson, 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.

16 APOLOGIES

There were no apologies.

17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable Councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Licensing Sub-Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

18 DECLARATIONS OF INTEREST

There were no declarations of interest.

19 APPLICATION FOR A NEW PREMISES LICENCE FOR FRENCH AND DAY LTD (20/0885/PL)

The Chairman summarised the procedure for the Sub-

Committee hearing. All those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer presented his report covering a new premises licence application under Section 17 of the Licensing Act 2003.

The Sub-Committee was advised that on the 19 October 2020, French and Day Ltd submitted an application for a new premises licence for 55 High Street, Ware. The application was for the supply of alcohol for consumption both on and off the premises between 9:00 hours to 23:00 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.

Members were also advised that the applicant, in consultation with Environmental Health and Hertfordshire Constabulary, had also varied the application to include a number of extra measures, including a 'Challenge 25' policy and measures to limit noise transference to neighbouring properties.

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 party.

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 granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activity. The application should only be refused as a last resort and the Members' decision should be evidence based, justified and appropriate.

The applicant briefly explained the nature of the business, which would be a delicatessen specialising in the sale of local produce and also serving beers, wines and spirits. It was hoped, if the license was granted, that occasional evening events would be held, such as wine tasting sessions.

The Chairman asked about the planned opening hours and how many evening events it was foreseen would be held.

The applicant said opening hours would likely be 10am – 7pm. The evening events would be a maximum of once a month, with around 15 to 20 people attending. It was foreseen that the rear sales floor would be used, and attendees would have to book in advance, with food being served.

The Chairman and Councillor Goldspink asked the applicant where the premises adjoined the

neighbouring residential property.

The applicant said that the properties adjoined on the first floor, flying over Water Row. His premises comprised only of the basement and ground floor, with the first and second floors being retained by the landlord. Councillor Wilson asked whether the applicant had explored any soundproofing options.

The applicant said he had not. Due to the listed status of the building, including wooden panelling on the walls, soundproofing would not be achievable.

The Legal Services Manager asked the applicant about any measures that would be taken to avoid nuisance being caused by the premises.

The applicant said that in relation to the adjoining wall, as this was at the first floor level, this was not within his premises and would be retained by the landlord. He believed that this would be used as an office space.

The interested party confirmed that that the applicant's description of how the properties were adjoined was correct. He said that the applicant's business sounded like a good fit for the area and made it clear he did not wish to be an unnecessary hindrance.

Members were advised that his employment often meant that he worked through the night and slept early. The noise transference was therefore of particular concern, which had been noticeable but less problematic when the adjoining premises was used as

a bank. There was also the potential worsening of the existing problem of people urinating on Water Row, although he accepted the expected clientele of the delicatessen did not sound likely to be very intoxicated or rowdy. These issues could have an effect on the value of his property. He added that soundproofing in his property could be explored as the doors were the only listed feature in his home.

The Chairman said that the license could be reviewed at a later date if any problems did arise and were raised by residents or responsible authorities. This was confirmed by the Legal Services Manager.

The interested party said he would be satisfied with a limit being placed on the number of evening events which could be held and proposed a figure of one a month. The applicant confirmed this would be acceptable to him.

The applicant made a brief closing submission before the Sub-Committee retired to make its decision. At the conclusion of the closing submission, 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 Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and the interested party and the Sub-Committee had taken into account concerns

raised by the interested party. The Sub-Committee decided to grant the application, subject to an additional condition along with the steps agreed with the Police and Environmental Health to promote the licensing objectives.

Additional Condition:

- Licensed hours are limited from 9am – 7pm from Monday to Sunday, apart from during pre-arranged events that are to take place no more than once monthly, during which licensed hours will extend from 9am – 11pm (the sale of alcohol finishing 15 minutes before closing time at 10:45pm).

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 four licensing objectives. The evidence was balanced against the representations made by the interested party.

RESOLVED – that the application for a New Premises Licence for French and Day Ltd, be granted subject to the additional steps agreed with the Police and Environmental Health to promote the four licensing objectives and subject to the following additional condition:

- Licensed hours are limited from 9am – 7pm from Monday to Sunday, apart from during pre-arranged events that are to take place no more than once monthly, during which

licensed hours will extend from 9am – 11pm
(the sale of alcohol finishing 15 minutes
before closing time at 10:45pm).

The meeting closed at 11.20 am

Chairman

Date