

MINUTES OF A MEETING OF THE
 LICENSING SUB-COMMITTEE HELD IN THE
 COUNCIL CHAMBER, WALLFIELDS,
 HERTFORD ON TUESDAY 17 AUGUST 2021,
 AT 2.00 PM

PRESENT: Councillor C Wilson (Chairman)
 Councillors R Bolton and C Redfern

OFFICERS IN ATTENDANCE:

Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

John Gudgin	- Applicant
Ben Hudson	- Applicant's Business Partner
Graham Hopkins	- Applicant's Representative
Linda Potter	- Applicant's Representative

21 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Bolton and seconded by
 Councillor Redfern, that Councillor Wilson be

appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

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

22 APOLOGIES

There were no apologies for absence.

23 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

24 DECLARATIONS OF INTEREST

There were no declarations of interest.

25 MINUTES - 27 MAY, 14 JUNE, 9 JULY AND 16 JULY 2021

It was moved by Councillor Bolton and seconded by Councillor Redfern that the Minutes of the meetings held on 27 May, 14 June, 9 July and 16 July 2021 be confirmed as correct records 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 27 May, 14 June, 9 July and 16 July 2021 be confirmed as correct records and signed by the Chairman.

26 APPLICATION FOR A NEW PREMISES LICENCE FOR BEER SHOP, 26A NORTHGATE END, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 2EU

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 an application for a new premises licence under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on 26 June 2021, Beer Shop Ltd submitted an application for a new premises licence at 26A Northgate End, Bishop's Stortford, Hertfordshire, CM23 2EU. The application - which had been revised since the report was produced, following discussions with the Responsible Authorities - sought permission for the supply of alcohol for consumption both on and off the premises, Monday - Sunday, 10:00 – 22:00 with an extension to 01:00 on New Year's Eve.

Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives, including, but not limited to the prevention of rapid and excessive drinking, a CCTV system, a policy that all those under 18 must be accompanied by an adult, and a Challenge 25 policy. The applicant had agreed further conditions with Environmental Health and Hertfordshire Constabulary.

Members were advised that representations had been received from two residents acting as interested

parties, which engaged the prevention of public nuisance and the prevention of crime and disorder licensing objectives. The representations related to potential nuisance for neighbours and anti-social behaviour.

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 Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

The applicant's representative briefly introduced the application. The premises had formerly been a retail unit which had fallen into disuse, which would be refurbished by the applicant if the application was granted. The premises would be a mixed use bottle shop and nano-brewery, with customers being able to sit in and taste or purchase beer to consume on site. Most of the premises' business would be generated by off sales or online orders for dispatch. The maximum capacity of the premises was 50 and toilets were available for customers.

Members were advised that, as well as the additional conditions agreed with the responsible authorities, the applicant had offered two further conditions, relating

to a written dispersal policy and making a telephone number available at the front of the premises for residents.

The applicant's representative said that the applicant and his business partner had two other premises in Hertfordshire, with eight years of experience. These premises had been run responsibly and in accordance with the conditions of the respective licenses and this would also be the case at this premises. The customer base would likely be more mature, and not under 25. Real and premium ales would be served, with half pints ranging from £2.65 to £5.60 in cost, which highlighted that this was not a place to drink cheaply or to excess. The licensed hours applied for complied with the Licensing Authority's framework and a 22:00 closing time meant that the premises would not be part of the night time economy. There was a premises very close by which was already licensed until 01:00. No objections had been raised by responsible authorities and the applicant had not received a response when approaching the interested parties to try and resolve their concerns. Residents' concerns over parking, speeding and road traffic collisions should be disregarded as they were not licensing objectives. Similarly, there had been no representations made by the developer or future residents of the new housing development, so this was not relevant. Although this was not an alcohol free area as had been suggested, there was no provision for customers to drink outside in any case, and only around five customers would be permitted to smoke outside at once.

The applicant's representative said that the conditions offered would address the concerns raised by residents. There was no evidential basis to support the suggestion that the premises would cause public nuisance or anti-social behaviour and as such, the Sub-Committee should grant the licence.

Councillors Redfern and Bolton asked why the premises wished to open at 08:30 given it would not be licensed until 10:00.

The applicant said that this gave the premises flexibility to potentially run 'meet the brewer' and other similar session from an earlier time.

Councillor Bolton asked if there were any windows at the rear of the premises. She also asked where waste would be stored in the hours that using outdoor bins would be prohibited and how it would be taken out of the premises thereafter.

The applicant said there were no windows at the rear of the premises. Waste would be taken downstairs to the basement before being taken up and out again during permitted hours.

Councillor Redfern said that another of the applicant's premises in the county closed at 21:00 and asked why the applicant had chosen a 22:00 closing time at this premises.

The applicant said that the conditions of each licence and opening hours varied at each premises.

The Chairman asked whether the applicant expected for the capacity of the premises to be reached regularly. He also asked for a breakdown of expected revenue in terms of on-site and off-site sales.

The applicant said that the maximum capacity was only likely to be reached at peak hours on a Friday or Saturday evening. Around 70% of existing revenue was generated from off-site sales with the rest being made up of on-site sales.

At the conclusion of the closing submission, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers 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 had taken into account the concerns of the interested parties. The Sub-Committee decided to grant the application, subject to additional conditions 1-19 offered by the applicant and agreed with Hertfordshire Constabulary, together with conditions 1-3 offered by the applicant and agreed with Environmental Health and conditions 1 and 11 offered by the applicant at Section 18 of the application. It was to be noted that Police condition 16 was to be merged with Environmental Health condition 3. The Sub-Committee also accepted the two additional conditions offered by the applicant regarding the written dispersal policy and availability of a telephone number to residents.

In coming to its decision, the Sub-Committee believed that the conditions attached to the licence would be sufficient to promote and not undermine the four licensing objectives and would seek to address the concerns raised by the interested parties.

RESOLVED – that the application for a New Premises Licence for Beer Shop, 26A Northgate End, Bishop’s Stortford be granted, subject to additional conditions 1-19 offered by the applicant and agreed with Hertfordshire Constabulary, together with conditions 1-3 offered by the applicant and agreed with Environmental Health and conditions 1 and 11 offered by the applicant at Section 18 of the application. It was to be noted that Police condition 16 was to be merged with Environmental Health condition 3. The Sub-Committee also accepted the two additional conditions offered by the applicant regarding the written dispersal policy and availability of a telephone number to residents.

Those present were advised that the decision would be issued in writing and there was the right of appeal within 21 days to the magistrate’s court.

27 URGENT BUSINESS

There was no urgent business.

The meeting closed at 3.09 pm

Chairman
Date