

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 8 JULY 2022, AT
10.00 AM

PRESENT: Councillor D Snowdon (Chairman)
Councillors C Redfern and N Symonds

ALSO PRESENT:

Councillors D Andrews, J Goodeve and
S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Mr Alastair Bramley - Premises Licence
Holder

8 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Redfern and seconded by
Councillor Symonds, that Councillor Snowdon be

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

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

9 APOLOGIES

There were no apologies for absence.

10 CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained the procedure for the hearing, and reminded participants to use the microphones when speaking as the meeting was being webcasted via YouTube.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 MINUTES - 5 AND 9 MAY 2022

It was moved by Councillor Symonds and seconded by Councillor Redfern that the Minutes of the meeting held on 5 May be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

It was moved by Councillor Symonds and seconded by Councillor Redfern that the Minutes of the meeting held on 9 May 2022 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared

CARRIED.

RESOLVED – that the Minutes of the meetings held on 5 May 2022 and 9 May 2022, be confirmed as correct records and signed by the Chairman.

13 SUMMARY OF PROCEDURE

The Chairman drew participant's attention to the Summary of Procedure which could be found on pages 34 – 40 of the agenda.

14 APPLICATION FOR A VARIATION TO A PREMISE LICENCE FOR WHITE HORSE HOTEL, HERTINGFORDBURY ROAD, HERTINGFORDBURY, HERTFORDSHIRE SG14 2LB (22/0646/PLV)

The Chairman summarised the procedure for the Sub-Committee hearing, and all those present introduced themselves.

The Senior Licencing and Enforcement Officer presented his report covering an application for the variation of a premises licence for the White Horse Hotel, Hertingfordbury Road, Hertingfordbury, Hertfordshire, SG14 2LB. The Sub-Committee was advised that this application was submitted on 18 May 2022 for the supply of alcohol on the premises during March through to October from an outside bar located in the patio area to the rear of the premises, Monday – Sunday from 12:00 - 22:30.

The Senior Licencing and Enforcement Officer listed the additional steps which the applicant had proposed

in order to promote the four licencing objectives, and advised that these included modifications that had been agreed with Hertfordshire Constabulary, as detailed in Appendix B.

The Senior Licencing and Enforcement Officer said that seven valid representations had been received during the consultation period. Five of the representations objected to the application, raising concerns regarding public nuisance, crime and anticipated anti-social behaviour. Two representations supported the application, citing the premises as an asset to the village, with the outside bar being in keeping with its surroundings. There had been no representations from the responsible authorities.

Members were advised that if they believed that the application would not promote the four licencing objectives, they should take appropriate and proportionate action to address these concerns.

The Chairman asked the Senior Licencing and Enforcement Officer for clarification of the hours for which the supply of alcohol had been requested (as at page 61).

The Senior Licencing and Enforcement Officer confirmed that the application sought the supply of alcohol Monday – Sunday from 12:00 to 22:30, and not from 12:00 to 10:30 as per the application. He said that this had been an error on the part of the applicant, who had inadvertently not used the 24 hour clock when completing the form. The Senior Licencing and Enforcement Officer said that Officers had liaised with the applicant regarding this matter, who had

confirmed that the end time should read 22:30. The applicant confirmed these events, and said that the supply of alcohol was being sought Monday – Sunday from 12:00 to 22:30.

Councillor Goodeve said that, should the application be granted and the applicant not be given planning consent for the outside bar, would the applicant be able to serve alcohol from the outside space. The Senior Licencing and Enforcement Officer referred Members to the Officer's observations section of the report regarding planning matters. He confirmed that should this be the scenario, the applicant could sell alcohol from the outside space.

The applicant told the hearing that they had been operating the White Horse Hotel for five years. He said that there was a demand for an outside bar, with many customers still hesitant to venture indoors due to Covid-19. The applicant said that the patio area of the premises was already very busy, often being full at weekends. He explained that the addition of the outside bar would mean that patrons would not have to walk from the patio area and around the front of the premises to purchase drinks from the inside bar.

Councillor Snowdon asked which drinks would be available at the outside bar. The applicant said that there would be a smaller and condensed product range and summarised the drinks that would be available.

Councillor Snowdon asked the applicant how they would deal with noise complaints. The applicant said that the patio area was already used by customers,

and he explained that the premises was a food led business, and not for example a sports bar. He said that there would be no stools around the outside bar area, and only tables and chairs on the patio. He said that being able to purchase drinks on the patio would not change customer's behaviour, it would just be more convenient. The applicant referred to a past Christmas Party event at the premises where a noise complaint was made. He said that they always responded to complaints, and worked with the Local Authority.

Councillor Snowdon asked how the outside bar area would deal with the extra provision of rubbish, including any noise from bottles being put into rubbish bins. The applicant said that rubbish would be cleared from the patio tables by staff with trays, and disposed of behind the bar. There would be no big bins in the area as these attracted wasps.

Councillor Symonds referred to several of the representations received from families with children at neighbouring properties. She asked how noise from the bar area would be mitigated for, in particular for houses at the back of the venue where the outside bar was situated. The applicant said that the representations from neighbouring houses with children were located at the front of the premises, and therefore the furthest away from the outside bar. He said that there would be no more noise from the patio area with the addition of the outside bar, adding that there would be less customers on the patio as the outside bar took up space.

Councillor Symonds asked if food would be available

on the patio. The applicant said that food was not prepared on the patio area, but had been serviced to it for the past five years.

Councillor Goodeve said that the venue needed to be a good neighbour, with consideration given to surrounding properties which were both listed and in a conservation area and therefore unable to be double glazed.

Councillor Rutland-Barsby asked that, if the applicant was not granted planning permission for the outside bar, would alcohol be served from an unsecure table on the patio. The applicant said that they would not serve drinks on the patio area unless this was from the outside bar.

At the conclusion of these questions, the Sub-Committee, the Litigation and Advisory Lawyer and the 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 considered the application. He said that the Sub-Committee had heard the representations from the Applicant and the Interested Parties who had attended the hearing, and had reviewed the application and the written representations submitted.

The Chairman said that the Licensing Sub-Committee had determined to grant the application for the supply of alcohol for consumption on the premises during March to October from an outside bar located in the patio area to the rear of the premises Monday to

Sunday 12:00 – 22:30. Members had also agreed to grant the licence subject to the conditions proposed by the Applicant and those agreed between the Applicant and Hertfordshire Constabulary as noted at Appendix B.

The Chairman said that in granting the application, Members had been mindful of the concerns raised by the interested parties and are assured that the Applicant has, and will continue to take steps to negate these concerns.

RESOLVED – To grant the variation to the Premises licence sought for:

- (i) The supply of alcohol (for consumption on the premises) Monday to Sunday 12:00 – 22:30
- (i) Opening hours of 09:00 – 23:00 Monday to Sunday
- (ii) Subject to the conditions proposed by the Applicant and those agreed between the Applicant and Hertfordshire Constabulary as noted at Appendix B.

Reasons for Decision

- 1 The Licensing Sub Committee considered all of the evidence before it including the written representations made by the interested parties. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance

promulgated pursuant to Section 182 of that Act.

- 2 The Licensing Sub Committee is required to adopt a presumption in favour of granting a licence unless there is clear evidence upon which to base a refusal or modification. There was insufficient evidence before the Sub Committee to rebut that presumption.
- 3 In reaching this decision Members had regard to the objections received and noted that the residents live near the front of the premises and the location of the bar area covering the variation was further away. Members noted that the grant of this licence was independent of any planning permissions which the Applicant will require.
- 4 The Sub Committee was mindful that local residents had a certain amount of protection under the Environmental Protection Act 1990. The Sub Committee was also mindful that the residents could request a review if problems were experienced as a result of the operation of the Premises Licence which the Licence holder fails to address.
- 5 Members were assured by the Applicant that concerns raised to them by local residents will be addressed in the future.

There was no urgent business.

The meeting closed at 10.52 am

Chairman
Date