

MINUTES OF A MEETING OF THE
 LICENSING SUB-COMMITTEE HELD IN
 THE COUNCIL CHAMBER, WALLFIELDS,
 HERTFORD ON MONDAY 8 APRIL 2024,
 AT 10.00 AM

PRESENT: Councillors M Connolly, V Smith and
 R Townsend

OFFICERS IN ATTENDANCE:

Michele Aves	- Committee Support Officer
Peter Mannings	- Committee Support Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Dimple Roopchand	- Litigation and Advisory Lawyer

ALSO IN ATTENDANCE

Paul O'Leary	- Interested Party
Darren Grover	- Designated Premises Supervisor (DPS)
Piers Warne	- Applicant's Legal Representative

56 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Connolly and seconded by Councillor Smith that Councillor Townsend be appointed as Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

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

57 APOLOGIES

There were no apologies.

58 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all to the hearing, and reminded participants to use their microphones when speaking so all could be heard on the webcast.

59 DECLARATIONS OF INTEREST

There were no declarations of interest.

60 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the main agenda pack at pages 5 – 11.

61 APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR THE OLD BELL, 38 BELL STREET, SAWBRIDGEWORTH, HERTFORDSHIRE (24/0207/PLV)

The Licensing and Enforcement Service Manager presented his report and summarised the application. He advised that additional evidence had been received from the Interested Party on the 5 and 6 April 2024, and that as this was outside of the required timeframe it had not been circulated. He said that in line with hearing regulations this late additional evidence received from the Interested Party could be included at the acceptance of the other participants.

There were no questions from the Sub-Committee or the applicant, a question was answered from the Interested Party.

The Legal Advisor asked if participants were happy to

accept the additional late evidence received from the Interested Party. Upon receiving such agreement from all participants, the Chairman advised the hearing that copies of the late evidence received from the Interested Party would be made available. He said that there would be an adjournment of ten minutes to allow the Applicant to view and digest this late evidence.

At 10.15, Councillor Townsend proposed and Councillor Connolly seconded, a motion to adjourn the meeting for ten minutes to allow the Applicant to read and digest the late additional evidence received from the Interested Party. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the meeting be adjourned for approximately ten minutes.

The meeting reconvened at 10:19, with all participants in agreement that they were happy to proceed. The Sub-Committee considered the late additional evidence received from the Interested Party.

The Applicant's legal representative presented the application and questions were answered from the Sub-Committee and the Interested Party. There were no questions from officers.

The Interested Party made their submission and questions were answered from the Sub-Committee. There were no questions from the Applicant or officers.

In line with procedure, at the conclusion of closing statements, the Sub-Committee retired to consider the evidence presented to the hearing by the Applicant and the Applicant's Legal Advisor, and the Interested Party. They were accompanied by the Committee Support Officer and the Legal Advisor.

The Sub-Committee reconvened in public session to give its decision.

The Chairman said that the Licensing Sub-Committee had considered the application for a variation of the premises licence for The Old Bell, 38 Bell Street, Sawbridgeworth, Hertfordshire, CM21 9AN (24/0207/PLV) and had read and listened to the comments of the Service Manager of Licensing and Enforcement, and the oral and written representations from the Applicant and the Interested Party.

DECISION OF LICENSING SUB COMMITTEE

In determining this matter, the Sub Committee agreed to grant the application for the variation of the licence sought for:

- (i) The supply of alcohol (for consumption ON and OFF the premises) OUTSIDE

Monday – Saturday 10:00 – 23:00

Sunday 12:00 – 23:00

to include the external area of the premises to allow the use of a mobile bar in the external area but only to the extent of the first drinking area adjacent to the public house, as shown within the plan highlighted in yellow which was attached to the decision notice.

The Sub Committee also accepted the four conditions offered up by the applicant as follows:

1. The external bar servery will close by 22.30h on any day.
2. When in use, the external bar will be constantly supervised.
3. When not in use, all alcohol sold from the external bar will be secured so that it is not accessible to members of the public.
4. A garden management plan will be drawn up and implemented at the premises. A copy of the plan will be made available to the responsible authorities on

request.

REASONS FOR DECISION

1. The Licensing Sub Committee considered all of the evidence before it including the written representations made by the interested party. 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 variation to 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, the Sub Committee was mindful to strike a healthy balance between the interests of the interested party and supporting the local economy. Members were mindful of the concerns addressed by the interested party but noted that the representations regarding the public nuisance licensing objective and planning considerations made were not supported by any Responsible Authorities, i.e. Environmental Health, Planning or the Police.
4. Whilst Members were mindful of the proximity of the premises and the interested party, Members also considered the clear representations made by the Applicant confirming that the use of the mobile bar will be solely limited to the current canopy area. The condition to limit the licensed area was based on the Applicant's submissions that there is no scope at present to extend the use of the mobile bar beyond this boundary that is being licensed.

There was no urgent business.

The meeting closed at 12.20 pm

Chairman

Date