

\*\*\*\*\*

## **DACORUM BOROUGH COUNCIL**

### **LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE**

**14 JANUARY 2016**

\*\*\*\*\*

Present –

#### **MEMBERS:**

Councillors Mrs Hearn (Chairman), Barnes and Howard

#### **OFFICERS:**

Barbara Lisgarten	Legal Governance Team Leader
Sally Taylor	Lead Licensing Officer
Trudi Coston	Member Support Officer
Kayley Johnston	Member Support Officer

#### **Other Persons Present:**

Mr Gyash Uddin	Applicant
Mr Ripan Miah	Applicant
Mr Peter Connolly	On behalf of the Management Company representing the landlord
Mr Amir	Colleague of the applicants

The meeting began at 2.00 pm

#### **1. MINUTES**

The minutes of the meeting held on 17 December 2015 were confirmed by the members present and then signed by the Chairman.

#### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **3. DECLARATIONS OF INTERESTS**

There were no declarations of interests.

#### **4. PREMISES LICENCE APPLICATION**

The Sub-Committee were required to consider a licence application for the following premises:

73 High Street  
Markyate  
St Albans  
Hertfordshire  
AL3 8PJ

The Chairman asked the members of the Sub-Committee to confirm that they had read the agenda. Councillors Barnes and Howard confirmed they had read the documents at hand.

The Chairman asked the Members of the Sub-Committee if they had visited the premises. Councillors Barnes and Howard said they knew of the premises.

The Chairman asked S Taylor if she had anything to add to the report.

S Taylor said members had before them an application for the grant of a new premises licence for 73 High Street, Markyate, Hertfordshire. The application was set out on page 9 of the agenda. S Taylor advised that both the applicants and the person who had made a representation had been invited to attend and address the Sub-Committee; however no response had been received from the objector.

The options available to the Sub-Committee were set out at paragraph 4.1 of the report, and S Taylor reminded them that any steps taken were to be considered appropriate in order to promote one or more of the licensing objectives. Furthermore, the Sub-Committee must give clear reasons for any decision reached.

The Chairman invited the Applicants to make representations.

G Uddin said he would like to speak on behalf of himself and partner Mr Miah, and made the following submission:

"I make this statement in support of the application by my partner R Miah and I for a Premises Licence in respect for our restaurant

G Uddin accentuated the following points

- Markyate High Street being a mixture of residential and commercial units - two being public houses and one other restaurant.
- One public house being opposite their restaurant
- The outlining of a strategy in the application that covered the Council's four licensing objectives
- Expressing their experience in the catering industry and their strict policy that alcohol was to be sold with food under a calm and controlled environment."

P Connolly supported G Uddin's statement by saying the premises was an end of terrace and it had access to the flats above with its own front door. Furthermore, there was a corridor between the dining hall of the premises and the adjoining property. Mr Connolly advised that the premises had ceased to be a Post Office in 1999, and A3 use had been granted by the Planning Department in 2002.

The Chairman asked if they still intended to apply to play live music.

R Miah said they had originally applied to play live music and have events four times a year but they had withdrawn this since the objection.

S Taylor asked the applicants to confirm if they were withdrawing Section E and H of the application form, which comprised live music and similar entertainment such as karaoke.

R Miah confirmed that was correct. R Miah asked if they would be allowed background music.

S Taylor confirmed that background music was allowed and it wouldn't require a licence.

The Chairman asked the Councillors if they had any questions for the Applicant.

Councillor Barnes asked what other premises they had.

G Uddin confirmed that his Father and Grandfather had restaurants which he held licences for and ran for many years. He also confirmed he had a licence for a premises in Leighton Buzzard.

Councillor Barnes asked the Applicant if they knew the names and opening times of the Pubs nearby and if they would be amenable to serving times.

G Uddin said he wasn't sure of the names or the times of the pubs nearby. He added they could be flexible on opening times.

The Chairman asked the Applicants how they would feel about stopping serving alcohol at 22.30 hours and closing at 23.00 hours.

B Lisgarten advised the Sub-Committee that they would need to justify their reasons why they suggested a change in serving and opening hours.

The Sub-Committee agreed to adjourn the meeting and for S Taylor to get the licence details for the pub opposite to confirm the opening hours.

The meeting was adjourned at 14:20.

The meeting reconvened at 14:27.

The Chairman confirmed that the local pub had longer opening hours than the Applicant had wished for so they should disregard the suggestions for a change in those times.

The Chairman asked if anyone had any further questions.

P Connolly asked if he could make a couple of points that were relevant to the objection.

The Chairman confirmed that this would be appropriate.

P Connolly made reference to the large community in Markyate and the lack of restaurants it currently had. He said restaurants were in high demand and they had received lots of positivity from the Community, minus the one objection.

P Connolly suggested that the objector could be the neighbour that had recently put their house up for sale so they could potentially be leaving the area.

G Uddin also said they had taken steps to minimise nuisance to neighbours regarding pollution and had put extractors in place which were located at the opposite side of the premises to their neighbours property. They had also taken measures to soundproof the premises.

The Applicants and the Officers withdrew from the meeting whilst the Sub-Committee considered the application.

Resolved:

The Sub-Committee considered both the applicant's submissions and the objectors' representations when coming to its decision.

The Sub-Committee concluded that the objectors' concerns regarding potential anti-social behaviour and other unnecessary noise were properly mitigated by the withdrawal of all amplified live entertainment by the applicant, and the implementation of further noise reduction measures as outlined in the applicant's submission.

The Sub-Committee therefore felt it was appropriate for the promotion of the licensing objectives to grant the licence with the amendments as proposed.

The meeting finished at 2.48 pm.