

MINUTES

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

18 AUGUST 2020

Present:

Members:

Councillors Bassadone, Peter and R Sutton (Chairman)

Officers:

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| Sally McDonald | Lead Licensing Officer |
| Usman Mohammed | Barrister |
| Trudi Angel | Corporate and Democratic Support Officer (Minutes) |

Other persons present:

Nathan March –Objector on behalf of the licensing authority
Darrell Peter – Applicant
Jon Payne – Applicants Representative

The meeting began at 10.01 am

1 ELECT A CHAIRMAN

It was proposed by Councillor Bassadone and seconded by Councillor Peter that Councillor R Sutton be elected as Chairman for this meeting.

2 MINUTES

To be agreed at the next meeting.

3 APOLOGIES FOR ABSENCE

There were no apologies for absence.

4 DECLARATIONS OF INTEREST

There were no declarations of interests.

5 PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003

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

The Craft Yard

The Cottage
Parsonage Place
Tring
Hertfordshire

The Chairman asked S McDonald to introduce the report.

S McDonald confirmed that all legal requirements had been complied with.

She advised that this application was to vary a premises licence in respect of The Craft Yard. The application submitted sought to extend the licensable area to the front of the premises, and to remove conditions from the current licence that are deemed by the applicant to be unenforceable or unnecessary as a result.

There were 18 representations received in total. 12 of those were from residents living in the vicinity of the premises, and from Tring Town Council, which cited concerns about anti-social behaviour and public nuisance, and these were set out at Annexes D1 to D12. 6 representations supported the application, referring to the promotion of public safety if it was granted.

A further representation was received from Nathan March, Licensing Team Leader, in his capacity as a responsible authority under the Licensing Act on behalf of the Licensing Authority, citing concerns regarding the removal of the requested conditions, and public safety. Some discussion had taken place between the Licensing Team Leader and the applicant's solicitor, and, as a result, some amendments had been suggested, although not as yet formally to Licensing as a proposed amendment to the application.

Promotion of the Licensing objectives was the aim when determining a licensing application, together with consideration of any matters that were specifically relevant to that application, and evidence to support any decision.

For the benefit of all present, the licensing objectives were:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm.

The Chairman invited questions for S McDonald.

There were no questions.

The Chairman invited the applicant's representative, Jon Payne, to address the sub-committee.

Mr Payne advised there had been some further discussion on this application since it was first submitted. In terms of the licence area that was sought that already appeared on the licence so the area at the front of the premises already formed part of the licence. It was however subject to a number of conditions and those conditions were the ones that had been applied for to remove from the licence. Firstly, that

alcohol supplied in open drinking vessels should be consumed indoors within the licenced premises only or outdoors within the designated smoking area. He said there was an outdoor area and outside drinking was permitted in that area. There was also an area in front of the bay windows which was part of the licensed area but at the moment alcohol consumption in that area was restricted by virtue of that condition. In view of that, he said they were asking for that area to have the restriction removed.

The second condition that the applicant sought to remove from the licence was that all alcohol supplied for consumption off the premises shall be in sealed containers. The Committee were advised that the applicant was content to maintain that condition on the licence and was no longer asking for that condition to be removed. He hoped that addressed the concerns of the Licensing Team Leader.

He summarised that this application was to remove the condition restricting consumption of alcohol only to indoors and the smoking area. In the interests of trying to resolve matters a number of suggestions had been made and put forward as amendments to be included in the applicant's operating schedule should the variation be granted.

- Management shall request that customers who have gathered outside the premises from 10PM Tuesday-Saturday, or 8PM on a Sunday, vacate the area promptly. An advance notice will be given to such customers 30 minutes beforehand.
- The area outside the front of the main building shall be cordoned to contain customers within the licensable area at all times whilst consuming alcohol. Management will advise customers that they should not be outside the cordoned area.
- A refuse bin shall be placed outside the front of the premises. Staff will carry out regular checks to avoid littering.
- Clear and legible notices shall be displayed at the premises requesting that customers respect local residents and leave the area quietly.
- The number of persons in all the external areas will be limited to 50 at any one time. Signage will be provided to advise customers of this.
- The hours of trading will be clearly displayed at the public entrance of the premises.

He felt there was some confusion about where previous problems had occurred and whether it was the responsibility of the Craft Yard or different premises. He said the two applicants representing Jakes Ginale Ltd included a director with significant experience with the Police and local PCSO's, and they had the knowledge and capability of managing the issues that needed to be controlled and dealt with. It had also been demonstrated through the TEN's (Temporary Event Notices) that had been used over the last two years that this was something that can be accommodated and controlled effectively.

The Chairman invited questions for Mr Payne.

Councillor Bassadone referred to page 36 and queried how 50 people could fit in the outside area and maintain social distancing. Mr Payne advised there were two

external areas and 50 people was the maximum that could fit in those areas. He added that there were restrictions in place at the moment which would reduce that capacity down and also the Environmental Health officers that had visited the premises were satisfied with the arrangements they had put in place.

Councillor Bassadone asked how many TEN's had been applied for recently. Mr Payne advised there had been 5 TEN's submitted. Councillor Bassadone asked if the Police had been called during any of those times. Mr Payne advised there was one occasion that the Police were called but didn't relate to any of the TEN's. The incident was before the full lock-down period when they were providing a takeaway service.

There were no further questions.

The Chairman invited Nathan March to address the sub-committee.

N March advised that since his objection had been put forward there had been some changes to the application. In relation to the initial representation on the original application that had been submitted, the concerns related to public safety and public nuisance. He advised there had previously been complaints from residents that lived close to the premises and that possibly reflected why there had been so many objections to this application.

He said he welcomed the change to no longer seek to remove the condition relating to alcohol supplied for consumption off the premises to be in sealed containers, however that didn't resolve all his concerns. In relation to public nuisance, he explained that the front of the building was quite different to the smoking area, in that it was exposed and closer to residents. The public safety concerns related to the use of the front of the premises which was on a service road that was in constant use and the buildings had displayed signage stating they needed access throughout the day. He said there were always vehicles parked on the service road when he had been there and he had also seen vehicles driving up and down the road.

His concerns had been reduced by the proposed additional conditions but were not completely removed. He added that although the Environmental and Community Protection Team hadn't objected to the application, the Police and the Licensing Team had visited the premises previously and the Craft Yard had been served with a Community Protection Notice at the beginning of the restrictions as social distancing wasn't being managed effectively. He said he had visited the premises since and felt the set up was sufficient.

The Chairman invited questions for N March.

Councillor Bassadone asked if N March had any comments on the submission from Tring Town Council. N March replied he had concentrated on his concerns and didn't have any comments to make on the other objections.

There were no further questions.

S McDonald advised there was one other person that had registered to speak but had experienced technical difficulties and was unable to join the meeting. She asked for that submission to be taken in to account.

The Chairman invited Mr Payne to sum up any final points he wished to make. Mr Payne explained that the use of the external areas was already part of the licence and therefore not for consideration as part of this variation application. He said they were seeking the ability to allow customers to sit in the external areas having been sold a drink inside the premises in an open container. Consumption of alcohol wasn't a licensable activity and therefore the condition could not stand, so they had requested for it to be removed. He felt this application should be approved and that the premises was well controlled and would continue to be.

The Chairman invited N March to sum up any points he wished to make.

N March said he supported the proposed conditions. He felt it was a complicated case as the application initially didn't match what the applicant wished to achieve. He continued to have concerns about encouraging individuals to be outside at the front of the premises, however he recognised that the front area was already licensed and that it was a complex issue. He summarised that his concerns had been lessened by the proposed conditions, and he hoped that the operation of the business would be managed better and that there were no further issues. He added that any change to the licence would be permanent and wasn't a temporary measure to aid social distancing restrictions.

Councillor Peter asked that in the event of further problems or Police involvement, could the licence be reviewed. U Mohammed advised there was a review mechanism and the application could be called in for review at any point by a responsible authority. At that point the sub-committee could consider the application again and if necessary revise the conditions or take appropriate action in respect of the licence. There were no further comments or questions.

The meeting was adjourned at 10.50 am so that the sub-committee could deliberate.

Decision:

The Committee has resolved to grant the application with the following modification and addition to the conditions of the Licence:

Modification

The following modification is made to the third paragraph under 'General – all licensing objectives' of Annex 2 – Conditions consistent with the Operating Schedule:

1. Alcohol supplied in open drinking vessels shall be consumed within the licensed area only (marked on the attached plan). Staff shall ensure that no such alcohol is taken outside of this area.

Addition

The following additions are made to the conditions:

1. Management shall take steps to ensure that customers utilising the outdoor licensed area vacate the licensed outdoor area promptly from 22:00 on Tuesday to Saturday and 20:00 on Sunday. An advance notice will be given to customers utilising the outdoor licensed area 30 minutes before they are required to vacate the area.

2. The licensed area immediately outside the front of the main building shall be cordoned using café barriers to contain customers within the licensed area at all times whilst consumption of alcohol within this area is permitted. Management will advise customers that they should not be outside this cordoned area. These barriers will be removed outside of the hours when consumption of alcohol within this area is permitted.
3. The number of customers in the licensed area immediately outside the front of the main building shall not exceed 24 seated customers.
4. A refuse bin shall be placed in the licensed area immediately outside the front of the main building and emptied when full. Staff will carry out frequent, and no less than hourly, checks of this licensed area to avoid littering. Staff will ensure that the refuse bin is emptied once this licensed area has been cleared of customers each day and the area is cleaned of any litter.
5. Clear and legible notices shall be displayed in the licensed area immediately outside the front of the main building requesting that customers remain within the cordoned area, respect local residents and leave the area quietly.

The remainder of the Licence conditions remain unchanged.

In reaching this decision, the Committee acknowledge that the area affected by the variation requested in this application already forms part of the licensed area. The Committee also note from Annex 3 of the Licence that the Licence contains conditions and obligations upon the Licence Holder to prevent anti-social behaviour and noise nuisance from occurring. The Licence Holder is reminded to maintain these obligations. The Committee consider that the additional conditions attached following the hearing on 18 August 2020 will further address concerns raised by residents in their representations with regard to this application.

The Committee are satisfied that the Licensing Authority and other responsible authorities have powers available to them in the event that issues arise following the variation of the Licence.

The Meeting ended at 10.50 am