
DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

19 DECEMBER 2019

Present –

MEMBERS:

Councillors Hearn (Chairman), Bassadone and Link

OFFICERS:

Sally Mcdonald	Lead Licensing Officer
Usman Mohammed	Barrister
Katie Mogan	Corporate and Democratic Support Lead Officer

OTHER PERSONS PRESENT:

Jim Rowland	Applicant's husband
Suk Yee Cheng	Applicant

The meeting began at 2pm

1. MINUTES

The minutes of the meeting held on 31 July 2019 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 UNDER THE LICENSING ACT 2003

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

Cedar
Church Road
Potten End
Berkhamsted
Herts
HP4 2QY

The Chairman introduced herself, the members on the Sub-Committee and the officers present.

The Chairman asked the members of the Sub-Committee to confirm that they had read the agenda. The members of the committee confirmed they had.

The Chairman asked S Mcdonald if the legal requirements had been complied with and S Mcdonald confirmed they had.

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

S Mcdonald said the hearing was to consider a variation of a premises licence at Cedar Village Store and Café, Church Road, Potten End.

The premises had a current premises licence which authorised off sales of alcohol between 7am and 9:30pm seven days a week, which matched the premises opening hours. The variation application sought to continue off sales at the amended hours of 7am to 7pm Monday to Saturday and 8am to 4pm on Sundays. The initial variation also sought to authorise alcohol sales for consumption on the premises in the café area between noon and closing time.

One representation was received in respect of the application during the consultation period, from the proprietor of a local business in the village. Much of the content of this representation did not relate to the potential impact of the grant on the licensing objectives and therefore had to be disregarded, but some relevant concerns were raised, in particular capacity levels, noise nuisance from removal of increased waste from the premises, and the presence of unaccompanied children in the premises when on sales were taking place. This representation was set out at Annex D1 on page 36, and the sections deemed to be relevant were highlighted in bold. The applicant responded by addressing the relevant issues, and these were set out in Annex D2 on page 39. The objector confirmed that he still had concerns and that the Sub-Committee should decide the application.

As a result of a query raised in the representation about the actual timings for on sales, the applicant submitted an amendment to the application to confirm that the requested hours for on sales of alcohol would be from noon until 5pm Monday to Saturday, and noon until 4pm on Sundays, and only to customers seated in the café.

Mediation was offered between the two parties. However, the objector declined a face to face meeting, and had also notified the Licensing Team that he was unable to attend the hearing today.

The Sub-Committee were considering only the amendment to hours and the request to add the provision of on sales to the premises licence. The sale of alcohol for consumption off the premises was already an authorised activity and therefore could be considered. When considering the application the Sub-Committee should have regard for all written and oral submissions, Dacorum Borough Council's Licensing Policy, and relevant sections of Section 182 Guidance issued by the Home Office, which are appended to the report, and they must give full and clear reasons for their decision.

Councillor Bassadone asked if the amendment to the opening hours needed to be in a separate application.

S Mcdonald said the amendment was submitted during the consultation period so was acceptable.

The Chairman asked the applicants to address the committee.

J Rowland said that the business opened in May 2019 and initially, the intention was only to sell alcohol for off premise consumption. During the summer months, the café is visited by hikers and cyclist who pass through the village and stop for a break and these visitors have asked if they could buy a beer in the shop and then drink in the garden but the current licence does not allow this. The concerns of the objector have been taken into account and the applicant ran through each point and explained how they would mitigate these concerns.

- Waste. The café has a contract with Cawleys who collect the waste. The frequency of collections can be increased or decreased dependant on demand. The waste bins are stored in an alleyway outside the shop which is gated.
- Public safety. There is a full CCTV system in operation at the café alongside a fire safety system which extends to the flat above the café and to the house adjacent and is monitored 24/7 by the security partner. The certificates for both systems have been submitted to the Licensing department.
- Protection of children. The café will not be exclusively selling alcohol and it would not be the primary function of the café. This issue has been taken into account but the applicant did not feel there would be an increased risk to children. There is a pub across the road and it is not uncommon in the summer months for children to be playing on the green whilst their parents enjoy a drink. There are measures in place to ensure the staff are aware of alcohol consumption and alcohol sales will be restricted to those seated, there is not a bar. Staff are trained on the Challenge 21 principle and they have received training on how to recognise if someone has consumed too much alcohol. Most customers are not typically those who would consume high amounts of alcohol

The Chairman asked the applicant to clarify how many members of staff would be working.

J Rowland said they have six members of staff working at any one time.

The Chairman asked how many staff would be solely dedicated to the café.

J Rowland said staff were dedicated to certain sections like the shop, café and the kitchen.

The Chairman asked if the training provided to staff was sufficient to protect children.

J Rowland said he believed it was adequate. If the licence is granted, staff will be given an additional set of training before operation.

Councillor Bassadone asked how they would be serving alcohol and whether it would be in cans and bottles.

J Rowland said it would be served in glasses.

Councillor Bassadone asked where they would store the alcohol.

J Rowland said it would be stored in the servery.

Councillor Bassadone asked if the alcohol would be seen by children in the shop.

J Rowland said the alcohol they see is no different to what they see now in the shop. There is beer and wine on the shelves and spirits behind the counter.

Councillor Bassadone asked what food was served in the café.

J Rowland said it was light food like sandwiches, soups, cakes etc.

S Cheng clarified that they would only be serving alcohol from 12 noon.

Councillor Hearn asked if they were only serving alcohol to people seated.

J Rowland confirmed this.

U Mohammed wanted to clarify if the serving of on sales of alcohol would be dependent on two factors, customers would need to be seated and eating.

J Rowland confirmed this.

U Mohammed asked the applicants if they would have any objections to conditions attached to the licence that stated that appropriate training should be given to staff prior to the serving of alcohol and that it would only be served to those who were seated and eating in the café.

J Rowland said he would be happy to accept those.

U Mohammed asked to clarify how many staff would be working solely in the café.

J Rowland said four.

S Cheng said training was a very important control procedure. She said that she and her husband were from a corporate background so understood that training was an important risk control. All staff had received food safety training, including part time staff, in case any of them needed to cover sickness and holidays.

Councillor Bassadone asked if Environmental Health had visited the café.

J Rowland said they visited in June and the café received a five star rating.

The Chairman referred to the objector's query about the cafes capacity.

J Rowland said there were 22 seats inside and 12 seats outside.

S Cheng said the shop has been popular during its six months in operation. If the licence was granted, it would give the café the flexibility to cater to different requests. There was no intention to change the use into a bar or pub. The café had a relaxing atmosphere and there were no gambling machines or music played so people were not coming in to watch sport or gamble.

The meeting adjourned at 2.24pm

The meeting reconvened at 2.30pm

The Chairman asked the applicants to return in order to ask some additional questions. She referred to the additional training that would be given to staff should the licence be granted and asked how long this would take to implement.

J Rowland said the training would take a couple of hours to deliver which can be implemented immediately. There were four full time staff members and 4-6 part time staff,

two of which were seasonal workers. This training would build on the training already given about the challenge 21 principle and noting down in the log book anyone who has been rejected for sale. There was also a file under the till with important numbers for staff to contact should they need too.

U Mohammed asked if the training would cover the protection of children.

J Rowland said all staff were aware of who they can serve alcohol too – those who are seated and eating.

U Mohammed asked how they would control the access to the café.

J Rowland said the café wouldn't exclusively be selling alcohol. Children will be in the café with their parents and being accompanied by an adult would be a requirement. There is a clear divide between the shop and café areas. Staff are trained to be aware of children in the shop.

S Cheng said there are two separate teams in the shop and in the café.

J Rowland said there is only table service in the café, there is no bar style serving.

The meeting was adjourned at 2.38pm

The meeting reconvened at 2.47pm

Decision

The Committee has resolved to modify the conditions of the licence as follows:

1. The Applicant do submit to the Licensing Authority written records of additional training provided to all members of staff to control access and egress of children to the Premises, and ensure their safety and protection from harm.
2. Alcohol consumption may only take place on the Premises between the hours of 12pm-5pm on Monday to Saturday and 12pm-4pm on Sunday.
3. Alcohol can only be sold for consumption on the Premises to those who are seated and eating in the café.

The Committee are satisfied that the concerns raised in the objections have been satisfactorily addressed by the Applicant. The Committee are also satisfied that the Licensing Authority and other responsible authorities have powers available to them in the event that issues arise following the variation of this licence.

The meeting ended at 2.50pm