

\*\*\*\*\*

**DACORUM BOROUGH COUNCIL**

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

**9 NOVEMBER 2021**

\*\*\*\*\*

Present –

**MEMBERS:**

Councillors: Hearn (Chairman), Bassadone and Link

**OFFICERS:**

Sally McDonald	Licensing Lead Officer
Nargis Sultan	Legal Governance Team Leader (Litigation)
Jamie Byiers	Licensing Technical Officer
Alex Kowalski	Trainee Solicitor
Tayo Hussain	Litigation Barrister (Observing)
Layla Fowell	Corporate and Democratic Support Officer (Minutes)

**OTHER PERSONS PRESENT:**

Cllr R. Beauchamp	Ward Councillor for Hemel Town
Charlie Read	Applicant - Orange Buffalo
Wesley Read	Accompanying the Applicant - Orange Buffalo

The meeting began at 2.00 pm.

**1. MINUTES**

The minutes of the meeting held on 6 July 2021 were agreed 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 to a premises licence for the following premises:

Orange Buffalo  
Unit A2, Riverside Shopping Centre  
Hemel Hempstead

Hertfordshire  
HP1 1BT

The Chairman asked if all legal requirements had been complied with. S McDonald confirmed they had. The Chairman asked J Byiers to introduce the report.

The application was for a grant of a premises licence for a restaurant and bar with a small seating area to the front, at Unit 2A Riverside Hemel Hempstead. The application sought to provide regulated entertainment, late night refreshment and sale by retail of alcohol.

During the consultation period 1 representation had been received with the key issues being the impact on residents living nearby as a result of later opening, the playing of recorded music for customers in the outside areas, and concerns around service to the outside tables, particularly the use of disposable products which may harm the local environment. This representation was shown at Annex D, on pages 29 and 30 of the agenda.

The applicants and the objector had agreed to mediate, and the outcome of those discussions was set out at Annex E on pages 31-33. Some suggestions had been put forward by the applicants to address concerns raised, though these had not been formally presented as amendments to the application at that stage.

When considering the application, Members of the Sub-Committee were asked to take note of the relevant sections of the Dacorum Borough Council Licensing Policy and National Statutory guidance set out on pages 34 to 38 of the Agenda, and examine the nature of the activities sought and whether the operating schedule proposed by the applicant addressed potential issues set out in the concerns of the objector.

Furthermore, they should ensure that if further conditions are added to the operating schedule they are appropriate and proportionate to the application.

Clear reasons must be given for their decision.

The Chair thanked J. Byiers and asked if any Councillors had any questions before asking the applicant to speak.

Cllr Bassadone asked if there were other premises at Riverside that were also open until 1.00 am.

S. McDonald replied that there were other premises in the town centre that had late opening hours however, licenses were granted on their own merits and this one should be treated in the same way. Members should look at the operating schedule and how the applicant was going to promote the licensing objectives for their particular activity.

Cllr Bassadone also asked about the outside seating and was it correct that a couple of years ago different licenses were granted.

S. McDonald replied that that was correct and pavement licenses were now granted in accordance with the Business and Planning Act 2020. However, in this case, the applicant had asked for the outside seating to be included within their premises licence plan.

The Chairman invited the Applicants to address the committee.

The Applicants said that they were residents of Hemel Hempstead and were excited to be opening a business here. The concerns about the late opening would be covered by the

proposed licensing objectives and had been explained in detail in the application entertainment side.

The Chair asked the applicants to explain the entertainment side.

The applicant replied that first and foremost they were a restaurant with a bar attached and the plan was to install televisions to enable live sport to be shown and DJ's at the weekends with background recorded music.

The Chair asked if any Councillors had any questions.

Councillor Bassadone asked how people would be ordering their food.

The applicant replied that the style would be very similar to Nandos, ordering at the bar and delivered to the tables. There would be a similar style of service for the outside tables.

Councillor Bassadone asked about the security at the weekends.

The applicant replied that during the day on Saturdays and Sundays the outside would be a seating area but in the evening they would be removed and as part of the licence barriers would be put up and the security staff would be located within the barriers.

Councillor Bassadone referred to page 24 of the report where it was said that under eighteens would not be allowed in after 6.00pm.

The applicant replied that he believed that it was after 8.00pm on Friday and Saturday evening.

Councillor Link asked if there would be a booking service for busy nights.

The applicant replied that they were going to have a booking system but they would also accept walk-ins if there was space.

Councillor Bassadone asked if food would be served until 1.00 am.

The applicant replied that although the licence would be until 1.00 am they wouldn't necessarily serve food until 1.00am. Maybe up to 12.30am.

The Chair asked Councillor Beauchamp for his views on the application.

Councillor Beauchamp explained that he appreciated and welcomed new and innovative businesses into the town centre but he was also aware that it was also a rapidly growing residential area too and he therefore had to ensure that there was a balance. Councillor Beauchamp thanked the applicant for addressing some areas of concern. Although there were not many residential properties near to the applicants' site at present, local residents had not experienced any late night activity and he hoped that the applicant would show consideration to the residents and potential customers. If the application was successful Councillor Beauchamp would look forward to working with the applicant in the new venture but he was also aware that although there were other businesses in the town centre that open late these were currently centred on the Market Square and he asked the Sub-Committee to consider this in their deliberations.

The Chair asked if the applicant had anything further to add.

The applicant said that he would disagree that there wasn't the same density of residential properties around the other late opening businesses i.e. around the Fuse nightclub as there were many residential properties in that area and he did not find that statement to be correct.

Councillor Beauchamp added that although there certainly were residential properties in the Market Square area the residents had moved in with the full knowledge of the businesses around them. Residents near Riverside had not experienced these businesses and may have chosen their properties on the basis that it was a quiet part of the town centre and he believed they deserved due consideration.

Councillor Bassadone asked the applicant about the Bid Shop Watch scheme.

The applicant explained that he wasn't really sure what that was as it was a recommendation from the Councillor but he was happy to consider joining it if it would benefit the Council.

Councillor Beauchamp explained that the Riverside area was in a Business Improvement District which extended up through the town towards the Full House. This was an initiative that was managed independently but financed through the different premises. A lot of predominantly retail premises from that area would be paying in and would receive additional policing functions. It was a recommendation that was felt to be beneficial.

The Chair clarified that it was a recommendation not a condition.

The Chair then asked if anyone else wished to speak.

N. Sultan asked for a gentleman to introduce himself just for the Council's records. L. Fowell advised that he was from Herts Life press and was here just to observe.

The Chair asked again if any Councillors or Officers had any more questions for the applicant.

The applicant added that he and his brother had lived in Hemel Hempstead their whole lives and they were residents and had a lot of care for the town and took the licensing objectives and the wellbeing of the town personally.

Councillor Beauchamp added that he was pleased to hear that the applicants were local residents and had consideration for the town in setting up this business and it should be commended. The only concern was over the 1.00 am finishing time and he would ask the Committee to consider the 1.00 am licence and whether this was appropriate.

S. McDonald added that once a customer had moved away from the premises it became their personal responsibility for their behaviour not the responsibility of the licence holder.

The Chair thanked everyone, confirming that the Committee would now consider the application and advised the applicant that they would receive a written decision notice within five days.

### Decision

In the present case, the Sub-Committee is required to consider whether they should grant the new premises licence. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to

relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

Options Considered:

- (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) refuse to specify a person in the licence as the premises supervisor;
- (d) reject the application.

The Sub-Committee has reserved to grant the application for a premises licence.

The Sub-Committee has given particular consideration to the objectors concerns regarding littering and potential noise disturbance. The Sub-Committee were advised that an external company would be tasked to manage any issues relating to rubbish and littering. As for potential noise disturbance to local residents, the Sub-Committee notes that this is speculative and that the objector is speaking purely from him own experiences and more importantly, it relates to a different location. The Sub-Committee further notes that there were no representations from responsible authorities and neither were there any from any other interested parties.

Furthermore, the Sub-Committee notes that the premises is not located in a residential area albeit that there are some residential premises. However, the Sub-Committee was further assured that music will be contained within the premises.

Moreover, the Sub-Committee also notes from Annex 2 of the Licence that the Licence contains conditions and obligations upon the Licence Holder to prevent anti-social behaviour and noise nuisance from occurring and this is deemed sufficient to meet the concerns of the local residents, as such, no additional conditions shall be attached. The Licence Holder is reminded to maintain these obligations.

The meeting ended at 2.28 pm.