

MINUTES of the meeting of Licensing sub-committee held at Committee Room 1, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 7 June 2017 at 2.00 pm

Present: Councillor DW Greenow (Chairman); Councillors: J Hardwick and LC Tawn

Officers: Fred Spriggs, Claire Corfield

43. APOLOGIES FOR ABSENCE

No apologies for absence were received.

44. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

45. DECLARATIONS OF INTEREST

There were no declarations of interest made.

46. APPLICATION FOR A VARIATION OF A PREMISES LICENCE: HEREFORD FISH & CHIPS, 60 COMMERCIAL ROAD, HEREFORD, HR1 2BP - LICENSING ACT 2003

Members of the licensing sub committee of the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

The committee heard from:

- Claire Corfield, licensing, traveller and technical support service manager,
- Fred Spriggs representing the licensing authority,
- Sergeant Duncan Reynolds and Jim Mooney representing West Mercia Police.
- Varinderjit Singh, applicant;
- Nick Semper - applicant's agent
- Mr Gaktin who was representing M Williams who had made a public representation.

The committee carefully considered all the representations made, the statutory framework as well as having regard to the statutory guidance and Herefordshire council's licensing policy.

In particular during the course of the hearing they were advised that West Mercia Police had withdrawn their objection to the application as the applicant had agreed to amend their application to 0400 terminal hour on a Saturday and was no longer seeking non-standard timings and that having considered the conditions already on the licence they were satisfied they were sufficient to promote the licensing objectives and not undermine the special policy.

The licensing authority also made representations that they did not consider the applicant had appropriately demonstrated through their licensing schedule how they would promote the licensing objectives and made reference to some statistical data that illustrates both incidences of crime and anti-social behaviour in the vicinity.

Members also heard from the Mr Gaktin who was representing M Williams who had made a relevant representation. Mr Gaktin explained that if the licence was granted that it should not be for longer than the other premises licences in the area.

The applicant's representative in their presentation made a number of points relating to crime data and asserted that since the special policy had been adopted the situation in the city centre has improved and that the amount of crime in the city centre beat was 32% less than its closer comparator police beat area in Worcester which was a smaller area. The city centre had also won an award for achieving an exemplar standard for managing the night time economy and this was illustrative of this change. The applicant's agent also made the additional point that the number of premises on Commercial Road had reduced and made reference to Wok and Rice closing and two fish and chip shops closed at 2000 and 2300 respectively. They also made an offer of a number of additional conditions should the committee consider them appropriate and proportional. Finally they outlined that the applicant and his family would reside above the shop and this would ensure they would be mindful of safeguarding residents from noise nuisance and anti-social behaviour.

Decision

This is the decision of the regulatory sub-committee in respect of a variation to a premises licence concerning Hereford Fish & Chips, 60 Commercial Road, Hereford, HR1 2BP. It is the committee's decision that the application should be granted as amended; namely that the terminal hour should be 0400 on Saturdays and no non-standard timings are being applied for. No additional conditions are being imposed on the licence.

Reasons

The committee were mindful of their duty under Section 4 of the Licensing Act 2003 and further that the special policy contained within the Herefordshire statement of licensing policy 2013/2018 was engaged. This policy creates a rebuttable presumption that an application made within the cumulative impact area will normally be refused and while each case must be considered on its own merits, the applicants have to comprehensively demonstrate that it will not add to existing problems in the area.

They found the evidence of the applicant's agent persuasive and were mindful that the application had been amended reducing the latest terminal hour to 0400 and that non standard timings were no longer being sought. They noted that the number of premises had reduced and that the city centre crime rate was considerably less than its comparator. In addition, they noted that the applicant would reside above the premises with his family and this assured members that this would assist in ensuring regard would be had to the impacts of the business on surrounding residents. In addition, they considered the representations made by West Mercia Police and that they were no longer objecting as they had been persuaded that the amended application would not undermine the licensing objectives or the special policy. They considered very carefully the letter and comments of the resident and her representative and the representation of the licensing authority but on balance thought that the applicant had comprehensively demonstrated that to grant the application would not add to the existing problems in the area or undermine the licensing objectives and that a departure from the special policy was justified in this case. They also carefully reviewed the operating schedule and considered the conditions already on the licence. They formed the view that these were

appropriate and proportionate to deal with any of the issues relating to both public nuisance and crime and disorder.

RESOLVED

That the application be granted.

The meeting ended at 2.50 pm