

Minutes of the meeting of Licensing sub-committee held at Online meeting on Wednesday 16 June 2021 at 10.00 am

Present: Councillor Alan Seldon (chairperson)
Councillors: Elizabeth Foxton and Jeremy Milln

Officers: Licensing technical officer and legal advisor to the sub-committee

117. APOLOGIES FOR ABSENCE

No apologies for absence were received.

118. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

119. DECLARATIONS OF INTEREST

There were no declarations of interest made.

120. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF THE LEDBERRY LTD, 36 THE HOMEND, LEDBURY. HR8 1AE - LICENSING ACT 2003

Members of the licensing sub-committee from the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda, the supplement published on 14 June 2021 and the background papers.

The technical licensing officer presented the report.

The sub-committee heard from the public representations who highlighted the following:

- That since the applicant have moved in next door, their privacy had been affected which caused anxiety and stress and had affected their mental health.
- There is no barrier between the two premises.
- The CCTV was pointing at their property which had led to the curtain being drawn across a door for the last 3-4 weeks. This was totally unacceptable.
- If they made a noise, then customers would look at them.
- Builders had been present at the premises with power tools until 9.00 pm on occasion.
- Even with the windows and doors closed, noise could still be heard.
- Throughout the building project, drivers had parked inappropriately.
- The public notice had not been displayed in an inaccessible manner and had been published in the Worcester Evening News and not the Ledbury Reporter.
- It was unclear whether people would be walking around with drinks or if it would be a seated café.

The licensing technical officer stated that the principal licensing officer had confirmed that he had been happy with where the premises licence application had been displayed and that the applicant was entitled to advertise the application in any newspaper that is either delivered door to door or readily available at a shop local to the premises. It was

advertised in the Worcester Evening News due to the 10 working day timescale to advertise. It was noted that the Worcester Evening News was sold in Ledbury.

The sub-committee then heard from the applicant:

- The concept of the business was that it was an experience retail shop with a café
- The premises had been vacant for three years and a lot of building work had been required.
- Unfortunately, bringing the premises into a working order had meant building work which had caused noise and there was sympathy for the public representations.
- The café garden was designed to be a nice relaxed, sophisticated venue and not a beer garden.
- The access to the garden was through the store and premises licence application had been to request a terminable hour of 2200 hrs so that there was the opportunity to hold special events.
- Due to the access to the café being through the store, there would be a need to employ someone for the store so there was no intention to open until 2200 hrs on a regular basis.
- The café would be seated table service and not a pub or beer garden.
- The CCTV was not pointing into the public representations' premises and the applicant was happy to share screen shots to show this. It was the applicant's understanding that it was illegal for CCTV to record outside of the demise of the premises.
- Even if the licence was not granted, the CCTV would remain as it was required for insurance purposes.
- The premises would be open 7 days a week and until 1700 hrs on a Sunday. The Sunday trading had been a trial which had proved positive to date.

Following questions from the sub committee, the following was confirmed:

- That it may be helpful to show the public representations the CCTV screen shots.
- The café would be seated and people would not be milling around.
- Moving forward there would be some weather proofing of the garden, e.g. parasols which may provide a barrier to the noise and privacy concerns raised by the public applicants.
- There was no intention to open until 2200hrs regularly.

The committee carefully considered all the representations, reports and evidence before them today. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's statement of licensing policy.

DECISION

The sub committee's decision was to grant the licence as applied for.

REASONS

- The licensing sub committee had heard from the licensing technical officer applicant, the public representation and had carefully considered the written representations and the published supplement.
- It had been noted that the building works and associated noise were not a consideration of the licensing regime. The sensitive hours were considered to be 2300 hrs to 0800 hrs and this was when noise issues should be taken into account. The Licensing Act 2003 is weighted in favour public nuisance and not private

nuisance. We welcome the offer of the applicant to share evidence of the CCTV coverage with the public representation.

- On the information presented, no evidence had been provided which showed that the applicant would not promote the licensing objectives and on this basis the committee had decided to grant the licence.