Herefordshire Council

Minutes of the meeting of Licensing sub-committee held as Online meeting only on Tuesday 14 September 2021 at 10.00 am

Present: **Councillor Alan Seldon (chairperson)**

               Councillors: Paul Andrews and Tony Johnson

Officers: **Licensing technical officer and Senior solicitor, major projects**

137.   APOLOGIES FOR ABSENCE

No apologies for absence were received.

138.   NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

139.   DECLARATIONS OF INTEREST

There were no declarations of interest made.

140.   APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF PEPE'S PIRI PIRI, 21 COMMERCIAL STREET, HEREFORD. HR1 2DE - 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 and the background papers.

The licensing technical officer presented the report.

In response to a query from the chair, the licensing technical officer and legal advisor confirmed that some additional information in the form of photographs and video footage had been submitted but were deemed not relevant under the licensing regime and so had not been shared.

The sub-committee heard from the public representation who highlighted that:

- There were issues of public safety and nuisance associated with the driving and parking of vehicles in the pedestrianised zone and these were mainly delivery drivers visiting the take away premises in the street;
- Issues had been reported to the police and parking enforcement who had done their best to address the situation but with limited success;
- Government guidance to licensing authorities stated that they should be mindful of the requirements and responsibilities placed on them by other legislation;
- It was not expected that the applicant should enforce the traffic orders being breached but that the applicant should show judgement when serving drivers who breached these orders;
- As any conditions which might mitigate the impact, such as the use of the electric bikes purchased by the applicant for deliveries, were unenforceable the only option for

the committee was to refuse the application for public safety and the prevention of nuisance.

The legal advisor reminded sub committee members that they could not seek to use the licensing regime to address problems that had not been adequately addressed through the primary means.

The sub-committee then heard from the applicant's agent who highlighted that:

- Around 70% of deliveries were done in house with only 30% being done through third parties such as Just Eat, Uber and Deliveroo;
- The business would be encouraging customers to place orders in house, reducing further the number of orders placed through third parties and had purchased electric mopeds for deliveries;
- There was an access to the rear but the landlord restricted it's use, if this could be made available for deliveries it would address the issue of parking in the pedestrianised area;
- Other take away businesses in that same area also had deliveries and in some cases drivers parked outside the applicant's premises to pick up from these other businesses.

The committee carefully considered all the representations, reports and evidence before them. 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 and the applicant's agent and had carefully considered the public representation.

The sub committee took great note of the traffic and parking issues in Commercial Street but found it difficult to relate these issues directly to the premises for which the application had been made. The sub committee also noted the proximity of other premises in the area which were open to similar times to that being applied for today.