

Minutes of the meeting of Licensing sub-committee held at on Friday 1 October 2021 at 11.15 am

Present: Councillor Alan Seldon (chairperson)
Councillors: Paul Andrews and Tony Johnson

Officers: Licensing technical officer and Senior solicitor, major projects

141. APOLOGIES FOR ABSENCE

No apologies for absence were received.

142. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

143. DECLARATIONS OF INTEREST

There were no declarations of interest made.

144. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF JJ AND LITTLE DOTS, 14 BRIDGE STREET, HEREFORD. HR4 9DF - 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 27 September 2021 and the background papers.

The licensing technical officer presented the report and at the request of a sub committee member explained the proximity of residential premises to currently licenced premises in the area.

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

- This was a new application which promoted the licensing objections and should be considered on its own facts and merits;
- None of the responsible authorities had raised objections to the application;
- Efforts had been made to engage with the objector;
- There were a number of other licenced premises in the vicinity so it was not right to consider Bridge Street as a residential area;
- The hours sought were not excessive and the nature and style of the business would not inevitably lead to disorder.

The applicant stressed the family friendly focus of the business and that there was simply a desire to be able to offer alcohol alongside the existing menu.

Members of the sub-committee queried what measures would be put in place to ensure children would be protected from harm, noting the focus of the business and provision of a play area would attract families and that the licence applied for would permit sales of alcohol from 9AM.

The agent for the applicant confirmed that:

- All expected protection of children from harm would be in place through use of the Herefordshire Council Licensing Policy 2020-2025, model pool of conditions such as challenge 25;
- The play area was excluded from both the proposed consumption area and licensable area;
- The business was family friendly and the police had never been called to the premises;
- The business intended to offer both on and off sales, with alcohol being served with the lunchtime menu onwards.

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, the applicant and the applicant's agent and had carefully considered the written public representation.

The sub-committee took note of the licensing objectives, particularly the protection of children from harm and the prevention of public nuisance. The sub-committee also noted that the revised guidance issued under s182 of the Licensing Act 2003 allowed consideration of the likely impact of a license being granted, but that case law, specifically *Daniel Thwaites plc v Wirral Borough Magistrates' Court 2008*, stipulated that conditions applied to a licence must be evidence based. The sub-committee found no evidence to suggest that additional conditions should be applied in this case.

The chair of the sub-committee urged the applicant to be mindful of the licensing objectives and to be a good neighbour. The chair also highlighted the process by which members of the public could initiate a review of a licenced premises.

The meeting ended at 12.21 pm

Chairperson