

## **Minutes of the meeting of Licensing sub-committee held at Online Meeting on Monday 16 January 2023 at 1.45 pm**

**Present:** Councillor Paul Andrews (chairperson)

**Councillors:** Polly Andrews and Clare Davies

**Officers:** Licensing technical officer, Senior Solicitor, Litigation, Principal licensing officer and Technical Officer, Licensing and Gypsy Traveller

### **13. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### **14. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the meeting.

### **15. DECLARATIONS OF INTEREST**

In respect of agenda item 6 Cllr Polly Andrews declared that Hereford City Council, of which she is a member, has provided financial support to Close House but that she has no personal connection to the centre.

### **16. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'MARDEN POST OFFICE, MARDEN, HEREFORD HR1 3EW' - 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. A supplement containing agreed conditions was published on 13 January 2023.

Prior to making the sub-committee making their decision, the Council's Licensing Officer presented the report which outlined the options available to the sub-committee and summarised the terms of the existing licence. Representations had been received from West Mercia Police but had been withdrawn following agreement of conditions to be applied to the licence. Two (2) relevant public representations had been received, including one from Marden Parish Council. The agreed conditions had been shared with the objectors but they had not withdrawn their objection.

The sub-committee heard from the representative of Marden Parish Council that:

- The principle of improvements to the shop and post office was positive but there was no detail on what was proposed;
- There were concerns about the protection of children entering the shop;
- There was minimal parking provision and additional housing to be built nearby would add to the traffic;
- The pub in the village, currently closed, would be a better location and more suited to this type of activity;

- There was only one toilet provided for customers;
- There were concerns about the numbers of people who would congregate in the outside area;
- It was queried whether the Post Office had been consulted about having an on-licence for the premises.

The sub-committee then heard from the applicant's representatives that:

- The variation applied for was to cover the serving of alcohol in the new café to be established in the residential bungalow attached to the store;
- The applicant was happy to speak to the parish council and residents about their concerns;
- The existing licence allowed sale of alcohol until 11pm but the store currently chose to close at 6pm;
- The applicant also owned the village pub but had struggled to make it viable in its current form, it was even more important therefore that the shop and post office remained open;
- The applicant had made a significant investment to expand the shop area and increase footfall;
- Separate staff would be recruited for the café so the store and post office would not be left unattended;
- No responsible authorities other than the police had objected, and their objection had been withdrawn on the basis of the agreed conditions.

Following questions from the sub committee, it was confirmed that planning permission had already been granted for the change of use of the residential bungalow and that there was already some outside seating where coffee was served and a smoking area.

After a private discussion, the sub-committee agreed to adjourn to allow for a site visit to take place on 26 January 2023 at 2:30 pm.

The sub-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 2020 - 2025.

## **17. EXCLUSION OF PUBLIC AND PRESS**

Sub committee members were advised that information in the public representation should be discussed privately to prevent the disclosure of exempt information.

The report of the licensing authority was able to be heard publically and their report and its appendices had been published. However it was recommended that the presentations from the public and the applicant should be heard privately in order to prevent the disclosure of exempt information.

It was resolved that in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from this part of the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act 1972 and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Specifically, the presentations may include:

- information relating to an individual;
- information which is likely to reveal the identity of an individual; and
- information relating to action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**18. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF 'NOVELLOS POOL BAR & SPORTS LOFT', 57 COMMERCIAL STREET, HEREFORD, HR1 2DJ - 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. A supplement containing agreed conditions was published on 13 January 2023.

Prior to the sub-committee making their decision, the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. A representation had been received from West Mercia Police but had been withdrawn following agreement of conditions to be applied to the licence. One (1) relevant public representation had been received from Close House Youth Centre. The agreed conditions had been shared with the objector but they had not withdrawn their objection. The proposed Designated Premises Supervisor had not been granted a personal licence at the time the report was produced.

The sub-committee heard from the objector that:

- The premises were immediately next door to the entrance to the youth centre;
- The youth centre were very concerned that the young people they worked with, many of whom were vulnerable and had lived or were living in homes where they were exposed to problem drinking and drug taking, would be uncomfortable walking past the entrance and smoking area because of the proximity to unknown and unsupervised adults;
- The youth centre had had to work hard to establish a positive relationship with the other neighbouring premises, which also had a licence, and had arranged for the separation of the outside spaces;
- There was concern about the historic reputation of the brand name and also the risks of exploitation of the young people accessing the youth centre services.

The sub-committee then heard from the applicant's representative that:

- The premises had previously been licenced and had operated as such for some 50 years;
- No objections had been received from responsible authorities with the exception of the police, who had withdrawn their objection following agreement of revised conditions;
- The applicants had met with the manager of the youth centre and offered to provide screening to the smoking area and a tailored exclusion policy to ensure vulnerable users of the youth centre were not admitted to the licenced premises;
- The applicants were committed to upholding the licensing objective to protect children from harm and that if the agreed conditions were applied faithfully it should be possible to operate the youth centre services next door;
- The historical reputation of the premises was not a valid consideration and neither applicant had anything to do with the incident referenced in the written submission relating to a different premises previously owned by them.

Following questions from the sub-committee, it was confirmed that discussions had taken place with the neighbouring licenced premises, who were excited that there would

be additional footfall in the area. The applicants were hopeful that they could establish a good relationship with the youth centre and would continue to talk with them and indicated that they still wanted to offer the conditions previously offered to the youth centre.

The sub-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 2020 - 2025.

## **DECISION**

The sub-committee's decision is to approve the application as applied for with the revised conditions which were published on 13 January 2023.

## **REASONS**

The sub-committee had taken into account the written representations and the information presented to the sub-committee and fully recognised the concerns raised and the reasons why the representations were made, however the sub-committee considered the application with agreed conditions will promote the licensing objectives.

The meeting ended at 3.25 pm

**Chairperson**