

Minutes of the meeting of Licensing sub-committee held as Online meeting on Thursday 2 February 2023 at 10.00 am

Present: Councillor Paul Andrews (chairperson)
Councillors: Polly Andrews and Clare Davies

Officers: Senior Solicitor, Litigation and Principal licensing officer

19. APOLOGIES FOR ABSENCE

No apologies for absence were received.

20. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

21. DECLARATIONS OF INTEREST

There were no declarations of interest made.

22. 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 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 Representations had been received from West Mercia Police but had been withdrawn following agreement of conditions to be applied to the licence.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 The agreed conditions had been shared with the objectors but they had not withdrawn their objection.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.

A supplementary plan was published on 2 February 2023 from the licensing authority.

The re-convened sub-committee on 2 February 2023 heard from the principal licensing officer who outlined the report and highlighted a condition of the current licence was that alcohol not be sold in open containers or be consumed in the premises. This condition would need to be removed to align with the intentions outlined in the application to vary the licence.

The sub-committee heard from the representative of Marden Parish Council that the plans submitted for the planning permission for the works to the building did not appear to relate to those supplied with the application to vary the licence and it was hard to see how 12 staff would be accommodated, especially with a single toilet.

The sub-committee then heard from the legal representative of the applicant that the planning department had not raised any objections to the application and that it was an exciting opportunity from which local people and visitors to the village would benefit. He acknowledged that the condition on the current licence would need to be removed.

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

After hearing representations on 2 February 2023 and on 16 January 2023, and having regard to all written and verbal evidence submitted, the sub-committee's decision is to approve the application as applied for with the following conditions:

- 1) The alcohol must be consumed with food purchased from the premises kitchen;
- 2) The alcohol must be served via table service.

The general licensing condition on the Premises Licence which states “Alcohol shall not be sold in an open container or be consumed in, the licensed premises” is removed as a condition on the licence.

REASONS

The sub-committee has taken into account the written representations and information presented to the sub-committee and fully recognise the concerns raised and the reasons why the representations were made, however the sub-committee considers the application with the additional conditions will promote the licensing objectives.

The meeting ended at 10.27 am

Chairperson