

Minutes of the meeting of the Licensing Sub-Committee held in Online Meeting on Monday 13 November 2023 at 2.00 pm

Committee members present in person and voting: **Councillors: Polly Andrews (Chairperson), Clare Davies, Dave Davies and Stef Simmons (Acting Chairperson on Agenda Item 6).**

Officers in attendance: E Bowell (Licensing technical officer), R Brown (Senior Lawyer), M Evans (Democratic services officer), J Higgins (Democratic Services Assistant), J Preece (Democratic Services Officer) and F Spriggs (Principal licensing officer)

23. APOLOGIES FOR ABSENCE

No apologies for absence were received.

24. NAMED SUBSTITUTES (IF ANY)

Cllr Stef Simmons acted as a substitute for Cllr Polly Andrews under agenda item. no 6, application for premises licence for Skyblue Liquor.

25. DECLARATIONS OF INTEREST

Cllr Polly Andrews declared an "other registrable interest" in agenda item no. 6, application for premises licence for Skyblue Liquor, as a member of Hereford City Council and chair of the city council's planning committee that considered the Skyblue Liquor application and provided a representation.

26. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF NISA, 38 HIGH STREET, KINGTON, HR5 3BJ - 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.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. Four relevant public representations had been received.

The sub-committee heard from the public representatives that:

- Kington Town Council strongly objected to the application.
- Concerns were raised with the extension resulting in noise complaints and anti-social behaviour in the town.
- Issues with car parking and worries of encouragement for drink driving were heard.
- Concerns for the welfare and mental health of young people and those already suffering with substance abuse were stressed.
- It was unclear what benefits approving this application would have.

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

- It was clarified that the store is branded “Morrison’s” store but owned solely by Samy Ltd. It is, in effect, a franchise.
- Fully recognised the concerns raised and the reasons why the representations were made but highlighted none of the responsible authorities had raised objections to the application.
- Queried the petition received by the Licensing Team which was not published as part of the agenda.
- The Council’s Legal Representative advised the committee that little, if any, weight should be given to the petition received as it had not been disclosed to the applicant.

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 grant the application as applied for.

REASONS

The sub-committee has considered the verbal representations heard today and the written representations from members of the public, and fully recognise the concerns raised and the reasons why the representations were made, however the sub-committee considers the application made, with the additional conditions will promote the licensing objectives.

We would like to clarify to members of the public that you can go to the Licensing department at Herefordshire Council with any evidence based concerns.

27. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF WEAVERS, 4 NEW STREET, LEDBURY, HR8 2DX - LICENSING ACT 2003

This application was withdrawn following an agreement between the applicant and public objector.

Councillor Polly Andrews (Chairperson) left the meeting. Cllr Stef Simmons joined the meeting and was elected as the Chairperson for the remainder of the meeting.

28. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF SKYBLUE LIQUOR, 60 COMMERCIAL ROAD, HEREFORD, HR1 2BP - 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 a supplement published on Tuesday 7 November 2023.

Prior to making their decision the Council’s Licensing Officer presented the report which outlined the options available to the sub-committee. Two relevant public representations had been received.

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

- The late receipt of representations from the Hereford City Council was queried.

- The Council's legal adviser confirmed the committee could accept and consider the representations received as while the completed representations were late by one working day, the subsequent clarification provided was deemed to be borderline.
- None of the responsible authorities had raised objections to the application.
- There were a number of other licenced premises in the vicinity.

Following questioning by the sub committee it was confirmed that:

- The applicant's representative confirmed there had been an error on the original application form and that Skyblue Liquor were applying for an Off-license only. The applicant withdrew their request for on-licence sales.
- The Council's legal adviser confirmed that the sub-committee could continue to determine the off-licence application only.

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 grant the off-licence application. During the course of the hearing the onsite licence was withdrawn by the applicant.

REASONS

The sub-committee has considered the written representations from members of the public and Hereford City Council, and fully recognise the concerns raised and the reasons why the representations were made, however the sub-committee considers the application for off-licence sale of alcohol, with the additional conditions proposed by the applicant, will promote the licensing objectives. In agreeing the application as an off-licence only the sub-committee has endorsed that there will be no consumption of alcohol on the premises but the premises will operate as an off-licence / convenience store. Furthermore the committee supports the conditions as proposed by the applicant.

We would like to clarify to members of the public that you can go to the Licensing department at Herefordshire Council with any evidence based concerns.

The meeting ended at 15:55.

Chairperson