

Licensing Sub-committee
3 February 2021

WELWYN HATFIELD COUNCIL

RECORD OF PROCEEDINGS of a hearing by the LICENSING SUB-COMMITTEE of an application for a variation of premises licence for the Rose and Crown Public House, 14 Church Street, Welwyn, AL6 9LX via Zoom meeting held on Wednesday 3 February 2021 at 2.00 pm.

PRESENT: Councillors B. Fitzsimon (Chairman)

M. Larkins and J. Cragg

ALSO K. Cochrane (Applicant's Solicitor)
PRESENT: P. Mann (Operates Rose and Crown)
O. Bishop (Area Manager)
Residents

OFFICIALS Senior Litigation Officer (R. Simpson)
PRESENT: Licensing Technical Officer (J. Moatt)
Team Leader (Public Health & Protection) (J. Hollingsworth-Biggs)
Environmental Health Officer (A. McCormack)
Governance Services Officer (Clerk to the Hearing) (G. Paddan)

18. APPOINTMENT OF CHAIRMAN

Councillor B. Fitzsimon had been appointed Chairman for this meeting.

19. APPLICATION FOR VARIATION OF PREMISES LICENCE FOR THE ROSE AND CROWN PUBLIC HOUSE, 14 CHURCH STREET, WELWYN, AL6 9LX, HERTFORDSHIRE

Introduction and Procedure

The purpose of the meeting was to consider an application for the variation of premises licence for the Rose and Crown Public House, 14 Church Street Welwyn AL6 9LX. The report noted that the premises is located in the central location within Welwyn village and is bordered at the rear by a residential Cul de sac.

The Licence is held by Punch Partnerships (PTL) Ltd and the application was received on 22 December 2020. The variation application has since been amended by the applicant after a number of written relevant representation were submitted.

The Sub-Committee was advised that 26 written representations had been received against the variation application on grounds of preventing public nuisance and preventing crime and disorder. Most of the residents who have

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submitted representations live very close or border The Rose and Crown and all are against the variation application. A map illustrating the location of nearby properties had been made available to the Sub-Committee.

Documentary Evidence

A copy of the Licensing Officer's report, the premises licence, resident's written representation, application for review of the license and a site location map had previously been circulated.

Report of the Licensing Officer

The Licensing Officer presented his report on an application which had been received from the Applicant under the Licensing Act 2003 for a variation of the premises license. The Licence Hearing was a result of the Council receiving 26 formal written representations against the proposed variation within the consultation period. The representations have been received on the grounds of a) prevention of public nuisance; b) prevention of crime and disorder.

The amended and current application to vary the Licence is as follows:

1. To change the Premises Plans to include the rear Barn/Annexe building
2. To add Late night refreshment
3. To change to opening times for the Public House building only to 0800hrs daily
4. To Extend the hours for the sale of Alcohol for the Public House building only on Fridays and Saturdays to midnight
5. To extend the Closing time on Fridays and Saturdays for the Public house building only to 0030hrs
6. The Barn/Annexe building would adopt the current times of the current Premises Licence

The Licensing Officer advised that 24 objections were from residents living in close proximity to the premises and the other representations were from Environmental Health, Welwyn Parish Council (WPC withdrew their representation before the meeting) and the Welwyn Planning and Amenities Group. These representations were judged as appropriate and therefore brought to the Licensing Sub Committee to be determined. The representations were included within the agenda pack at Appendix C and D.

It was noted that other matters such as parking difficulties could not be taken into consideration as these did not fall under the licensing objective subject of this hearing. Most representatives mentioned previous historic issues of public nuisance and crime and disorder primarily drunken behaviour, criminal damage, fighting and bad language.

The Sub-Committee noted that The Rose and Crown Premises licence number PA 26921 allowed for the sale of alcohol by retail on and off the premises and is

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licensed for regulated entertainment namely live music limited to two entertainers and Karaoke and recorded music.

Representation by Environmental Health

The Environmental Health Officer reported that there has been concern in terms of noise from people leaving the premises after midnight, which has had an impact on neighbouring properties. There has been complaints in the past relating to external music events, whilst the variation being applied is for an increase of 30 minutes for internal licensable activities. On this basis, a refusal was not being recommended and the applicant has been given the opportunity to show that they can operate without causing issues.

To help with the issues raised it was advisable that all external doors and window be kept closed whilst live or recorded entertainment was played in the barn. Also no drinks to be taken outside after 2300hrs, as this would help residential properties from noise disturbance. The Environment Health have a statutory duty to investigate noise complaints and can serve an abatement notice if noise nuisance is observed but prefer to work with the Applicant/Licence Holder to resolve issues before any notices are served by means of a workable noise management plan.

Applicant/Licence Holder's Representative

The Licence Holder (Punch Partnerships (PTL) Ltd) was represented by K. Cochrane of Flint Bishop LLP (solicitor). It was confirmed that Peter Mann (Operates the Rose and Crown) and Oli Bishop (Area Manager) were present.

The Solicitor advised that planning consent had been received for the refurbishment of the premises, to provide an attractive pub with a barn attached. The premises would like to open at 08.00hrs to provide teas, coffees and breakfast, which in their opinion raises no concern. They would like to provide hot meals until 2300hrs.

It was clarified that the current licensing hours apply to the barn with the request for increased hours to be reduced to an additional 30 minutes for the sale of alcohol in the pub. The plan to be amended and the barn to be licensed for late night refreshment on a Friday and Saturday with no change to regulated entertainment. The additional 30 minutes for the sale of alcohol applies to the licensed premises on Friday and Saturday evenings.

The Sub-Committee were advised that the stated times would bring the Rose and Crown in line with the other four public houses in the area – White Hart, White Horse, The Tavern and The Wellington. There had been concern expressed that the premises could become a party venue but it was explained that the barn would predominately be used as an over-flow. The barn will be used for small gathering such as family events, small wedding gatherings and funeral wakes. 18th and 21st birthdays would not be permitted. Maximum seating capacity is 42.

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Reference was made to The Engineer pub in Harpenden, which had been run successfully by Mr Mann for seventeen years. He has over 20 years of experience in this trade. The Engineer, has an allocated space with TV screens for people to enjoy sport – Rugby/Wimbledon.

The following points were noted:

- There will be CCTV on site and images can be made available to the Police when required.
- The Police being the experts in crime and disorder had not submitted any representations, which was seen as a positive sign.
- It is not unusual for public houses to have opening times beyond 1am but her client had taken into account the concerns raised and consequently the application had been amended.
- Should anything else be required, in terms of an event, a Temporary Events Notice (TEN) will be applied for. Up to 15 TENs per year can be attained.
- The Applicant would like to create a separate area for customers to watch sport; children will not be permitted in this area.
- The applicant is investing £500k and in return it will be an asset for the village.
- It was felt that some of the concerns raised were speculative.
- The conditions already in place and being considered were clarified.
- The Designated Premises Supervisor (DPS) was not present at the meeting but will be residing at the premises. If any issues arise the DPS will be able to resolve these immediately.

Representation from residents

The residents introduced themselves and most spoke on the proposed variation application. The main concern expressed was the noise from the licensed premises and problems associated with car parking and people causing a nuisance in the early hours when leaving the public house. Some felt that they were best qualified to have an opinion rather than those outside the village. A resident explained that there has been a lack of Police presence and they have been slow to respond when issues have arisen. It was noted that some of these issues were historic and steps were being taken to resolve these. Unfortunately, car parking problems could not be dealt with as it did form part of the licensing hearing. Some residents explained that during the summer months it was not possible for them to enjoy their gardens as the noise is inexcusable. Although the application has not mentioned installation and paneling for the barn but it would contribute to mitigating noise, together with the noise management plan.

Some residents added that they welcomed the new landlord, who also runs the Engineer public house in Harpenden and looked forward to him bringing his values to Welwyn village. Some comparative comments were made regarding Harpenden's demographics and village status of Welwyn. The Sub-Committee

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noted a quote from a resident, "What company has a right to come into a small village and impose their noise and business ideas on everyone over the weekends, when we are in our gardens". It was noted that The Engineer does not have live music during the months of June, July and August.

A question was raised on how many parking spaces would there be within the new design for the Rose and Crown car park? The Solicitor advised that the car park was being re-designed to make it more user friendly but did not know how many spaces would be available and that car parking was not a licensing matter, but it would have been considered by the planners.

Clarification was sought on whether the barn would be operating as a restaurant or as a barn? As noise is loud and smokers congregate outside with drinks. It was suggested that the barn should not be licensed and a temporary events notice license to be sought when an event is held.

The Solicitor advised that the garden showed on the plan is not licensed. But a license is not required to consume alcohol outside the barn in the garden. Sale of hot food is not a licensed activity so that would be allowed within the grounds. There are no plans for the Rose and Crown to have live music but it would automatically be allowed until 2300hrs.

It was explained that if people do not adhere to the conditions of the licence, an enforcement notice can be served and action taken accordingly.

Question from the Sub-Committee Member

A Member sought clarification on the opening and closing times for the premises. It was confirmed that the early opening was not for licensed activity but for breakfast with tea and coffees and the amended application was seeking an additional 30 minutes in licensing hours for Friday and Saturday nights; for sale of alcohol; not music. This was in line with the other public houses in the vicinity.

Determination

The Licensing Sub-Committee had decided to grant the application for a variation of premises licence at The Rose and Crown Public House, 14 Church Street, Welwyn, Hertfordshire.

An application to vary the licence was received by Welwyn Hatfield Borough Council Licensing Department on the 22nd of December 2020. The licence for The Rose and Crown Public House is held by Punch Partnerships (PTL) Ltd and the Designated Premises Supervisor is Christine Baker. Punch Partnerships (PTL) Ltd was represented by Karen Cochrane of Flint Bishop LLP.

James Moatt, Licensing Officer read his report to the Sub-Committee, prepared following receipt of the application to vary the licence.

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Members of the Sub-Committee chaired by Councillor Barbara Fitzsimon considered carefully the written and oral evidence and representations made by both the representative for the Applicant and Objectors to the application.

The Sub-Committee also heard from an Officer of the Environmental Health Department namely Aimee McCormack who had consulted with the Licensing Officer in relation to this application.

The Sub-Committee took advice on points of law from the legal advisor before reaching a decision.

The concern raised by the objectors to the application was that later opening hours at the Rose and Crown combined with the licensing of the barn annexe would lead to noise nuisance of an unacceptable level for local residents and may lead to an increase in anti-social behaviour.

On behalf of Punch Partnership (PTL) Ltd it was said that the application had been amended in response to concerns raised and that the amendments to the licence that they sought would not be likely to promote anti-social behaviour or increased noise nuisance.

Having heard the representations for both the Applicant and the Objectors to the application the Sub-Committee retired to consider the same and to reach a decision.

In reaching a decision the Sub-Committee noted the following as being of particular relevance:

The Applicant's original application was a request for a variation of the existing licence to:

- Amend the licensing plan in accordance with drawing number 87560-318 dated 14.12.2020 which accompanies this application.
- Amend the opening hours to 08:00 daily, to provide the flexibility to open for the provision of non-licensable activities, e.g. sale of tea/coffee/breakfast.
- Remove condition 2 of annex 3 and amend the licensing hours to 01:00 on a Friday and Saturday to provide the flexibility to better cater for weddings/functions.
- Permit late night refreshment on a Friday and Saturday.

Twenty six written representations were received which were opposed to making the variation and many of those who had submitted written objections also attended the hearing in person to set out their objections.

The objections were considered to be relevant by the Sub-Committee and it was noted that the majority of those objecting lived in close proximity to the Rose and Crown and would therefore be amongst those most impacted by any variation made. The objections made were on the grounds of:

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- Prevention of public nuisance.
- The prevention of Crime and Disorder.

It was noted that some of the concerns outlined related to historic incidents involving a previous premises licence holder.

It was also noted that in view of the written representations made by objectors, the Applicant had amended its application, and that the application as amended sought just a 30 minute increase in licensing hours for 2 nights of the week, bringing The Rose and Crown in line with the licences granted to other public houses in Welwyn.

Consideration was also given to:

- The fact that a license for regulated entertainment in the barn was not being sought and that the seating capacity in that annexe was relatively modest.
- The Applicant's clarification that the late night refreshment licences sought would enable hot beverages to be sold.
- The DPS would be living on site which it was felt would have a positive effect on the adherence to the licence conditions.
- Assurances given that the Applicant would engage with Environmental Health in making a workable noise management plan.

Due regard was given to the Licensing Act 2001 and the Guidance to it as well as to the Welwyn Hatfield Borough Council licensing policy.

The Sub-Committee also took into account the lack of objections received from the Police or the Parish Council to the amended application, and the representations and recommendations of the Environmental Health Officer, which included the making of a noise management plan.

The amended application to vary the Licence sought to:

- Amend the licensing plan in accordance with drawing number 87560-318 dated 14.12.2020 which accompanies the application.
- Amend the opening hours to 08:00 daily, to provide the flexibility to open for the provision of non-licensable activities, e.g. sale of tea/coffee/breakfast.
- Remove condition 2 of annex 3 and amend the licensing hours to midnight on a Friday and Saturday.
- Permit late night refreshment on a Friday and Saturday.

In view of all the above noted considerations, the application to vary the licence on the amended basis has therefore granted by the Sub-Committee.

Meeting ended at 3.40 pm
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