

Alcohol and Regulated Entertainment Sub-Committee
10 August 2022

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ALCOHOL AND REGULATED ENTERTAINMENT SUB-COMMITTEE held on Wednesday 10 August 2022 at 2.30 pm via Zoom

PRESENT:	Councillors	P.Smith (Chair) D.Jones and T.Travell
ALSO PRESENT:	Applicant's representatives:	
	• from John Gaunt & Partners	C. Grunert
	• from Marstons PLC	C. Gouldson
	• Designated Premises Supervisor	M. Cardi
	Residents and their representatives	C. Henaghan
OFFICIALS PRESENT:	Licensing Technical Officer	N. Tupling
	Principal Litigation Officer	A. Byrne
	Governance Services Manager	A. Marston

9. APPOINTMENT OF CHAIRMAN

Councillor P. Smith chaired the meeting.

10. APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR THE BAKEHOUSE, BESSEMER ROAD, WELWYN GARDEN CITY, AL7 1HH

Introduction and Procedure

The purpose of the meeting was to consider an application for variation of the premises licence in place at The Bakehouse, Bessemer Road, Welwyn Garden City, AL7 1HH. The variation application sought to extend the premises sale of alcohol hours on Fridays and Saturdays to 10:00 – 02:30, with an extension to premises opening hours Friday - Saturday to 07:00 - 03:00..

The Licence Hearing is as a result of the Licensing Authority receiving three formal written relevant representations against the application, a representation from Hertfordshire Police and two representations from local residents. The representations to the application have been submitted under the Licensing Act 2003 on the statutory grounds of:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance

Documentary Evidence

The report of the Licensing Officer, the variation application and supporting documents, along with written representations had been previously circulated.

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Report of the Licensing Officer

The Licensing Officer presented the report, explaining that the representation received from the police was on the grounds of prevention of crime and disorder, whereas the representations from residents relate to the licensing objectives of prevention of crime and disorder, prevention of public nuisance and public safety.

The officer explained to the hearing the choices available to the panel:

- To grant the variation of the licence as proposed.
- To modify the conditions of the licence by altering or omitting or adding to them (and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).
- To exclude any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the designated premises supervisor.
- To reject the whole of the application or part of it.

The licensing authority may grant an application subject to different conditions in respect of:

- Different parts of the premises concerned
- Different licensable activities

The Applicant

C. Grunert, John Gaunt and Partners, spoke as the applicant representing Marstons PLC. He drew attention to the fact that the council's Environmental Health team had not objected to the application with regards to noise nuisance; their absence from this hearing suggests there is no history of noise issues at the premises.

The applicant did not accept that there is a high level of violence associated with the premises or that additional hours would unavoidably lead to additional crime. They stated that no CCTV has ever been requested in relation to any incident.

The applicant stated that additional conditions had been proposed as mediation which had not been accepted by the objectors. These were:

- Save for the purposes of exit and egress, windows and doors are to remain closed after 23:00, when live and/or recorded music is being played from the premises.
- On any Friday and Saturday evenings when the Premises intends to carry on licensable activity after 1 am, the premises shall employ at least 2 SIA door staff from 8pm.

In addition

- On any Friday and Saturday evenings when the Premises intends to carry on licensable activity after 1 am, no new customer will be permitted entry to the premises after 12:30 am (excluding those persons who have exited the building to smoke).

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- From 11:30 pm the premises will not permit the consumption of alcohol to take place in external areas of the premises.

The applicant stated that no enforcement action had been taken by any authority since the premises opened. Not from Licensing, Environmental Health or the Police: if there were issues at the premises, surely there would have been action taken.

The applicant suggested that the objections are fear-based rather than evidence-based.

Members asked questions of the applicant and the following points were raised and clarified:

- The opening hours as advertised on the website are inaccurate and understood to be a known issue with the pub chain as a whole. The current opening hours are as shown on the premises' facebook page. The applicant stated that the premises is not trading beyond the licensed hours.
- All door staff are SIA licensed and there are always a minimum of two on site.

Representation from Hertfordshire Constabulary

A. Kettle-Stupka addressed the sub-committee, and the following points were made and noted:

- The correlation between alcohol and crime are related, hence the licensing objectives
- Should the licence variation be granted, this would be the latest open pub in the area and would draw people from other establishments. No entry after certain hour is self-regulating and difficult for police to establish breaches.
- There is a level of crime and disorder already at the premises, with the police carrying out multiple visits in the last 18 months; he attended the premises himself three times in that period.
- A clear pattern of assaults and disorder exists after midnight.
- Two SIA door staff have not stopped the problems thus far.

The applicant asked Police to clarify his submitted statement that referred to crime reports. It was explained that they were reported incidents that the police had received reports of. Basic investigations were carried out for each but the incidents were not able to be substantiated and in-depth investigations were not carried out as insufficient evidence was found to justify these being carried out.

Representation from residents

C. Henaghan, resident of Mercury House (situated directly opposite the Bakehouse) spoke against the application.

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She confirmed that in her understanding the noise nuisance was still under investigation which was the reason she had not raised issues more recently directly with the premises.

Commenting on the discussion between the police and the applicant about incidents reported to the police that did not end up in full criminal investigations, she asserted that whether the occurrences are classified as crimes or not or what the outcomes are, the issue still translates to noise nuisance. Incidents are still happening and still heard irrespective of the outcome with police; with arguments, fights and drunken disorder often more of a problem than the noise itself.

She confirmed that her neighbour had informed her that they had witnessed another fight which woke them in the early hours of the morning which took place within the last few weeks.

She pointed out that many incidents do not even reach the police; there are many more examples of disorder that do not result in the police being called. The impact on residents of extending the opening hours would mean disruption later into the night which will have a massive impact.

The objector rebutted the statement from the applicant earlier in the evening by stating that the Bakehouse's Facebook page is already advertising the extended opening hours including an invitation for applicants for staff to work through until 3am.

The relevant authority (Hertfordshire Constabulary) and then the applicant both made final addresses to the sub-committee.

For clarity, the Chair asked the Licensing Officer to confirm that the council's Environmental Health team were consulted as part of the Licence variation application. The officer confirmed that they were, and they submitted a representation but not until after the consultation period had ended so that could not be considered.

The sub-committee retired to deliberate a decision.

Determination

The licensing sub-committee were not satisfied to grant the variation requested.

The full decision is as follows:

The Sub-Committee considered the application for a variation of an existing premises licence to extend hours for sale and supply of alcohol.

The Sub-Committee heard from the Applicants representative, Hertfordshire Police and considered written and oral representations from two local residents.

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The Sub-Committee considered carefully the written and oral evidence and representations of all parties.

The Sub-Committee considered the licensing objectives of the prevention of crime and disorder, public safety, and the prevention of public nuisance, which were all raised in representations. It also considered the National Guidance and the Council's Licensing Policy.

The Sub-Committee considered the area of the premises and its location, that it was located within walking distance of Welwyn Garden City Town Centre with nearby residential premises.

The Sub-Committee considered the concerns of Hertfordshire Police with regards to previous crime and disorder associated with the premises, it also considered the concerns of nearby residential premises and the disturbance caused to them.

The recent history of the premises shows that there have been incidents of crime and disorder, and noise disturbance. Both are a matter of concern. The Sub-Committee had regard to the police representations of the number and frequency of the incidents and the fact they were predominantly late at night.

Residents both have felt the need to make representations on this application. Despite the Applicant advising that the noise issue had been resolved by a resident speaking to the pub the resident advises that the disturbances continue, involving witnessing fights which have spilled out onto the public footpath, noise and disturbance in the smoking area on Friday and Saturday, these representations are echoed by the second resident's representations.

The Sub-Committee welcomed the suggested conditions but did not feel these would meet the concerns raised by the representations.

The Sub-Committee in its evaluation of what is reasonably acceptable in this location formed the view refusal of the application was necessary to promote the licensing objectives of prevention of crime and disorder and prevention of public nuisance. It reached this decision having considered all the representations both oral and written.

The parties are hereby notified that they may appeal against this decision to the Magistrates Court within 21 days beginning with the date of notification of this decision.

Meeting ended at 4.50 pm
AM