

Alcohol and Regulated Entertainment Sub-Committee  
11 August 2022

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ALCOHOL AND REGULATED ENTERTAINMENT SUB-COMMITTEE held on Thursday 11 August 2022 at 2.30 pm via Zoom

PRESENT:	Councillors	P.Smith (Chair) J.Cragg and M.Holloway
ALSO PRESENT:	Applicant's representative	M. Kilik (Narts Licensing Team)
	Proposed Designated Premises Supervisor	F. Gungor
	Residents and their representatives:	K. Kaur
OFFICIALS PRESENT:	Licensing Technical Officer	N. Tupling
	Principal Litigation Officer	A. Byrne
	Governance Services Manager	A. Marston

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11. APPOINTMENT OF CHAIRMAN

Councillor P. Smith chaired the meeting.

12. APPLICATION FOR GRANT OF A PREMISES LICENCE FOR DRINK KING, 25 BRADMORE GREEN, BROOKMANS PARK, HATFIELD, AL9 7QR

Introduction and Procedure

The purpose of the meeting was to consider an application for the grant of a premises licence for 25 Bradmore Green, Brookmans Park, Hatfield, AL9 7QR. The application seeks a licence for the Sale and supply of alcohol for consumption off the premises Monday-Thursday 07:00-00:00, Friday–Sunday 07:00–01:00 with the same premises opening times.

The Licence Hearing is as a result of the Licensing Authority receiving three formal written relevant representations against the application within the 28 day consultation period. The representations against 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
- Protection of children from harm

Documentary Evidence

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

Report of the Licensing Officer

The Licensing Officer presented the report, explaining that the representations received had been judged as appropriate. One had been received from North Mymms Parish Council and two from members of the public.

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The officer noted that the representation received from the parish council, whilst expressing concerns about crime and disorder and public nuisance, also included views regarding parking, additional vehicle movement and the fact that there is already an off licence in the area. Members of the panel were advised that these matters do not relate to the licensing objectives so should not be taken into account when coming to a decision regarding the application.

The representations from the members of the public expressed concerns about the potential for nuisance to the residents situated above the premises, the likelihood of theft from the premises, and the proposed opening hours coinciding with school times; children from two local schools potentially passing the premises on their way to school

The licensing officer also explained that a petition against the grant of the premises licence had been received but that it had been determined to be invalid.

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

- To grant 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

M. Kilic, NARTS Licensing Team spoke as the representative for the applicant.

He opened by stating that the applicant wishes to change the requested opening hours of the premises: the application requested an opening time of 7am but this is now changed to 8am each day.

He confirmed that the proposed Designated Premises Supervisor has been a personal licence holder since 2007: successfully running licensed premises in areas like Highgate and Islington.

The applicant purchased the lease of the property, signed for 20 years from May 2022. Previously the premises was a newsagent, but the unit has been vacant for nearly two years. Three additional part time jobs will be created if the licence is granted.

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

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- The proposed staffing of the off licence would be the proposed designated premises supervisor, F. Dursun, along with his wife and father (the licence holder) and the three part-time new staff members.
- The proposed designated premises supervisor will be focusing on this premises and will not be running any other businesses.
- No responsible authorities have made representations against the application: not police, environmental health or trading standards. The police objected in the past to Brookmans Wines' application to extend their opening hours to 4am.

#### Representation from residents

K. Kaur, resident and owner of Brookmans Wines spoke against the application.

She confirmed her business is very popular in the small village and she is very knowledgeable on all the goings-on in the area. She stated that crime in the village is going unreported as locals are too scared to report it. There have always been a lot of drunken disorderly people at the pub opposite. She gave many examples of incidents, especially highlighting drugs issue in the area.

As she is very concerned with safety, the security measures taken at Brookmans Wines are sometimes seen to be over the top by locals, but they understand why. She stated that Brookmans Park is a target area for burglaries, car thefts and harassments.

K. Kaur confirmed there are currently three restaurants, one takeaway and one specialist off-licence in the area.

She asserted that Councillors take bribes from richer businessmen to grant licences for their businesses, but the Chair emphatically refuted that insinuation.

The Chair confirmed that the panel are here to judge the application on its own merits and need to ensure they are satisfied that the licensing objectives will be upheld by that business.

The objectors and then the applicant made final addresses to the sub-committee.

The sub-committee retired to deliberate a decision.

#### Determination

**The licensing sub-committee granted the application for a premises licence granted subject to the hours set out below with conditions considered appropriate to the operating schedule.**

The Sub-Committee considered the application for a grant of a premises licence.

The Applicant confirmed that they wished to vary the hours to 8am not 7am. The licence will be granted with the amended time.

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The Sub-Committee heard from the Applicants representative, and representations from local residents and North Mymsms Parish Council.

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, the prevention of public nuisance, and the protection of children from harm 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 Brookmans Park with nearby residential properties.

The Sub-Committee considered the concerns of residents with regard to the potential for disorderly behaviour/crime and also potential disturbance to the residential premises above. It did not take account of matters raised which do not pertain to the licensing objectives.

Having considered the representations from the applicant's representative and all parties, the committee were satisfied to grant the licence.

The Sub-Committee also considered that all concerns could be met by appropriately worded conditions and added conditions based upon the representations made in the application as follows:

1. All staff shall receive training on the licensing act 2003, which covers the duties of premises licence holders, duties of designated premises supervisors, under age sales and "challenge 25". A refusals book must also be kept. Proof of "ID" shall be a Passport; Photocard Driving Licence; or similar photo ID providing it has the "PASS" Hologram with photo ID,
2. Staff shall receive regular training updates/refresher, to include any new legislation affecting licensed premises,
3. Records of all training shall be recorded in a log book,
4. CCTV Cameras shall monitor the premises fully, both inside and externally, and the images shall be made available to a police officer or authorised person of the local authority upon request,
5. The CCTV shall be operable at all times the premises are open to the public, and the CCTV images shall be retained a minimum 28 days, at least one member of staff on the premises shall be familiar with the CCTV so they can provide images to a police officer and/or authorised local authority officer
6. Notices shall be displayed advising customers to respect the local neighbours, and leave the premises/area quietly,
7. Notices/posters shall be displayed clearly indicating challenge 25 policy,
8. Orders made on line or via other means shall be carried out within the permitted licensed hours,

The Sub-Committee felt that with conditions in place, the licensing objectives would be promoted.

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The panel also strongly suggested that there should be two members of staff within the premises from 23:00 hrs until closing but were happy for this to be a suggestion rather than a condition.

The Sub-Committee considered the conditions are proportionate and appropriate given the hours sought, the location of the premises and the representations and objections made.

Should any issues arise, because of its operation, the residents and responsible authorities would be able to bring a review of the premises licence which would bring the whole licence back before the Sub-Committee.

This determination with reasons for the decision will be published within 5 working days.

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 4.17 pm  
AM