

Licensing Sub-committee
4 March 2020

WELWYN HATFIELD COUNCIL

RECORD OF PROCEEDINGS of a hearing by the LICENSING SUB-COMMITTEE of an application for a premises licence by The Hope and Anchor, 2 Station Road, Welham Green, Hatfield AL9 7PJ held on Wednesday 4 March 2020 at 2.00 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors B. Fitzsimon, P. Hebden and M. Larkins

ALSO Councillors P. Zukowskyj and J. Boulton (North Mymms Parish
PRESENT: Councillor)
Residents

OFFICIALS J. Moat (Police Licensing Officer, Hertfordshire Constabulary)
PRESENT: S. Smith (Police Constable)
D. Pennyfather (Licensing Technical Officer)
Senior Litigation Officer (S.S.)
Environmental Health Officer (K. Riahi)
Licensing Technical Officer (N. Tupling)
Governance Services Officer (Clerk to the Hearing) (G. Paddan)

Mr G. Bush and Mr A Wyatt (Licence Holder)
Mr R. Taylor (Representative of Licence Holder – Gosschalks Solicitors)

14. APPOINTMENT OF CHAIRMAN

Councillor B. Fitzsimon was appointed Chairman of the Sub-Committee.

15. APPLICATION FOR A PREMISES LICENCE FOR THE HOPE AND ANCHOR, 2 STATION ROAD, WELHAM GREEN, HATFIELD, AL9 7PJ

Introduction and Procedures

The purpose of the meeting was to consider an application which had been received from Gosschalks solicitors on behalf of the premises licence holder EI Group Plc under the Licensing Act 2003 for variation of an existing premises licence for the Hope & Anchor, Welham Green to extend the times for the Live Music, Recorded Music, Sale of Alcohol and Opening Times and to remove a condition restricting the number of events held each year.

The Chairman welcomed those present to the meeting and introduced the Members of the Sub-Committee, the Police, Environmental Health Officer and the Officers serving the Sub-Committee, explained the hearings procedure which

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had been adopted by the Council, copies of which had previously been circulated.

The Licence holder's representative and those in attendance confirmed their identity to the Sub-Committee.

Documentary Evidence

A copy of the Licensing Officer's report, the premises licence, application for the variation of the Hope & Anchor's premise Licence; together with the site location map had previously been circulated. Also included were the conditions agreed by the Environmental Health Officer and representations received (confidential).

Report of the Licensing Officer

The Licensing Officer presented his report which contained the application for the variation of the Hope & Anchor's premise Licence – PA29562/11/102019 licence which had been in force since 15 November 2005. The premises licence was granted at a licensing hearing held to determine an application from the premises licence holder at that time to convert and vary a premises licence issued under the old 1964 Licensing Act.

The Licensing Officer stated that if the Committee were mindful to grant the variation, the last agreed condition between the applicants and the Environmental Health Officer relating to noise being inaudible is a condition that Licensing could not enforce as it has no clear definition in law.

The Sub-Committee noted that the premises licence holder took over the licence in February 2019. The current designated premises holder Mr Adam Wyett took over in September 2019 and has run a number of Soul Nights at the premises at weekends.

The report noted that The Hope and Anchor is surrounded by houses on all four sides, some quite close and as a result there had been some noise issues over the years when events have been held, hence at the previous licensing hearing restrictions were put on the licence hours and the number of events that could be held.

Applicant

There were representations from responsible authorities, Parish and Ward Councillors and residents.

The Applicant's representative Mr Taylor from Gosschalks Solicitors spoke on behalf of Mr Bush and Mr A Wyett. He advised that the conditions had been inherited from the previous license holder. Mr Taylor stated that his clients wanted to provide a community pub and that they had been holding events at the premises under Temporary Event Notices and trading until 1am. The application was being presented for an extension for the pub to remain open until 2am on

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Thursday, Friday/Saturdays, with Sunday operating hours being 10.00 to 00.30 hrs; with Bank Holiday weekends including Sundays, as this would provide flexibility for the business. The Sub-Committee were advised that the owners do not want to run the business as a night club. Mr Taylor said that since his clients had taken over the running of the business there had been no complaints. There had been music and family parties at the premises. He also referred to the Appendix E, the agreed conditions especially against noise and disturbance to nearby residents. He requested removal of the condition restricting the number of events held each year, as noise was not being heard outside. With regards to noise from taxis and people leaving the premises in the early hours, it was confirmed that notices and designated persons would be at doors to help minimise the noise/disturbance to the neighbourhood.

Mr Taylor stated that his clients had sent out a letter inviting the neighbours to a meeting at the pub to discuss their plans and the application for amended licensing conditions. Unfortunately, no one was available to attend the meeting. He further added that there needs to be evidence to support claims and not assumptions.

Representation by Police

The Police representatives presented the case as per their report and evidence previously circulated. It was noted that there was no operating schedule to manage risk, crime and disorder. The application, as submitted undermined the Licensing objectives. The pub mainly focused on drink and music and operated more like a night club and have had a Soul night. The Police added that there is real evidence that when opening hours are extended beyond closing hours the risk is high. He reported on two recent incidents:

1. Friday 29 November 2019 at 11.51pm – police received a call to say that there were male and females shouting outside the pub.
2. Sat 7 December 2019 at 11.54pm – a female was being beaten by a male.

It was further noted that this country pub was not operating in such a way that is fitting for the locality. There were no SIA provision on site – constituting a very weak control measure. No CCTV recording. No idea of how many people entering the premises after mid-night. No first aider on site.

The Police advised that if this application is granted for the pub, it would be the latest closing pub in a residential village environment. The Sub-Committee noted that there are two other pubs that close late but these are in town centres.

It is the role of the Police to support people but the extended hours would do nothing to provide any meaningful service to the community.

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Representation by Environmental Health

The Environmental Health Officer stated that some pubs can open till late, as they have measures in place but the Hope and Anchor does not have trained staff or SIA available. The following conditions were considered:

1. Doors and windows to be kept closed to protect nearby residential properties from noise disturbance. Some concern was expressed regarding events in the summer months when it would not be tolerable to have window closed.
2. Admittance to premises by customers – admittance up until mid-night to protect nearby residential properties from noise disturbance.
3. Drinks not be removed from the premises and smokers not be able take their drinks with them when smoking outside after 23.00 hrs.
4. Monitoring of noise and checking noise levels from music emitting from the premises.
5. Door supervisors – at least two SIA accredited door supervisors to be on duty to ensure compliance with conditions 1, 2 and 4 above.
6. Music to be in-audible after 23.00 hrs at the nearest residential properties.

There were objections from residents, Ward and Parish Councillors in respect of noise disturbance, anti-social behaviour, public safety, the application was viewed as being inappropriate and likely to result in an unacceptable adverse impact on neighbouring resident's amenity. The following points were raised:

1. Drinking glasses smashed in neighbouring properties.
2. Extended hours would mean more pumping music in the garden and inconsiderate people in the garden and car park.
3. Unlimited events would mean lots of late noise and disturbance on a regular basis.
4. The availability of public transport on days in which the extension is requested meaning customers would have no public transport options; only taxis and own transport.
5. Intoxicated patrons leaving the pub noisily and continuing their loud conversations outside neighbouring properties. Disturbing sleep.
6. Damage to vehicles parked outside.
7. Reports of drug use in the area and general disorder which requires police intervention.

Committee Questions

Following questions from the Sub-Committee, it was confirmed that the letter sent out by the applicant was not signed. There was concern about the additional opening hours and the possible risks. It was felt that the pub was not family orientated.

My Taylor asked the Police whether they could confirm that the people causing the issues in the car park had actually come out of the pub. He added that there was no hard evidence.

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Premises License Holder and Representative

Mr Taylor alluded to a case - Thwaites had won a landmark High Court case granting one of its pub-with-rooms an extended licence despite the objections of local residents. The Council's Legal Advisor clarified that this was not a court of law but a license hearing

Determination

The Sub-Committee then withdrew from the Council Chamber at 3.30pm to consider its decision.

On returning, the Chairman gave notice of the Sub-Committee's decision that the application for Variation of premises licence for the Hope and Anchor, 2 Station Road, Welham Green, Hatfield.

1. The Sub-Committee considered an application for the variation of the existing premises licence to extend the times for the live music, recorded music, sale of alcohol and opening times and to remove a condition restricting the number of events held each year.
2. The Sub-Committee heard from the applicant EI Group PLC, Police, Licensing Officer, Environmental Health, Local Councillors and local residents.
3. The Sub-Committee considered the content of the application, the representations by email, from the Police, Local Councillors and local residents.
4. The Sub-Committee considered the Environmental Health Officers representations that had been resolved by adding conditions to the premises licence should the variation application be granted.
5. The Sub-Committee considered the licensing objectives of the prevention of crime and disorder, public safety and prevention of public nuisance. These have all been raised in representation from the Police, Environmental Health, Local Councillors and the local residents. It also considered the national guidance and the Councils licensing policy.
6. The sub-committee considered the area of the premises, that it was located in an area surrounded by residential properties with houses on all four sides and that the pub was in a village.
7. The Sub-Committee noted the history of the premises, that it was surrounded by houses where some were quite close to the premises and as a result there had been some noise issues and that at a previous

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licensing hearing restrictions were put on the licence hours and the number of events that could be held each year.

8. The Sub-Committee considered the application of EI Group PLC and its proposals and noted if granted the premises would have the latest closing hours for a pub in Welwyn Hatfield and felt that the location of the premises would not be appropriate.
9. The Sub-Committee having heard and considered representations of all parties felt that there would be a loss of amenity to the residents, there were insufficient control measures proposed and that there would be a risk of anti-social behaviour which would undermine the licensing objectives.
10. For all of the above reasons, the application is refused.
11. The applicant is hereby notified that they may appeal against the decision to the magistrates' court within 21 days beginning with the date of notification of the decision.

The meeting closed at 4.20pm

GP