

Licensing Sub-committee
13 May 2021

WELWYN HATFIELD COUNCIL

RECORD OF PROCEEDINGS of a hearing by the LICENSING SUB-COMMITTEE of an application for a premises licence by COACH AND HORSES PUBLIC HOUSE, 61 NEWGATE STREET, NEWGATE STREET VILLAGE, HERTFORD held on Thursday 13 May 2021 at 2.00 pm at Campus West, Welwyn Garden City AL8 6BX

PRESENT: Councillors B. Fitzsimon (Chairman)
L. Chesterman and G. Hayes L. Chesterman and G. Hayes

ALSO Applicant (D. Davis)
PRESENT: Applicant's Agent (G. Domleo)
Residents

OFFICIALS Senior Litigation Officer (R. Simpson)
PRESENT: Licensing Technical Officer (J. Moatt)
Licensing Technical Officer (N. Tupling)
Senior Democratic Services Officer (Clerk to the Hearing)
(G. Paddan)
Democratic Services Assistant (V. Mistry)

20. APPOINTMENT OF CHAIRMAN

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

21. APPLICATION FOR VARIATION OF PREMISES LICENCE FOR THE COACH AND HORSES PUBLIC HOUSE, 61 NEWGATE STREET, NEWGATE STREET VILLAGE, HERTFORD. HERTFORDSHIRE SG13 8RA

Introduction and Procedure

The purpose of the meeting was to consider an application for the review of the premises licence currently in place at the Coach and Horses Public House, 61 Newgate Street, Newgate Street Village, Hertford. The premises is located in a central location within this village and is bordered at the rear and front aspects by residential properties.

The Licence is held by Deborah Michelle Davis. The application was received by Welwyn Hatfield Borough Council Licensing Department on the 22 March 2021. The variation application has since been amended by the applicant.

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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 Licensing hearing was a result of the Council receiving 24 formal written relevant representations against the proposed variation within the 28 day consultation period. The representations against have been submitted under the Licensing Act 2003 on the statutory grounds of a) Prevention of public nuisance; b) Prevention of Crime and Disorder and c) Public Safety.

The amended and current application to vary the Licence being considered was as follows:

- 1.) To amend the licensing plan in accordance with the drawing which accompanies the application namely to add an external serving bar in the beer garden to be included within the premises licensed area. Sale of alcohol from the external bar area shall be permitted Sunday to Thursday until 2200hrs and Friday to Saturday until 2300hrs.
- 2.) To remove certain existing Annex 2 conditions namely: 1. The carpark shall be lit during opening hours. 2. Firefighting equipment shall be serviced and maintained regularly by a reputable company. 3. No children will be allowed in the bar area. 4. Gaming machines shall be located in the bar area. 5. A non-smoking area shall be provided for children.
- 3.) To reword an existing condition on the Operating schedule namely 1. That the manager or Designated Premises Supervisor shall be an active member of Pubwatch to be reworded to The Premises shall be an active member of Pubwatch where such a scheme exists.
- 4.) To remove conditions agreed with Environmental health namely. 1. The designated carpark shall be used for that purpose and no other use. 2. All exit doors shall be regularly checked to ensure they function correctly and that any fastenings on such exit doors shall be removed when members of the public and staff are present on the premises. 3. Any battery supplying the emergency lighting shall be checked daily before the public is admitted to the premises.

The Licensing Officer advised that 24 objections were from residents who live close to or border the premises and the other representations were from Hatfield Town parish Council and Environmental Health (Environmental Health withdrew their representation before the meeting). These representations were judged as appropriate and therefore brought to the Licensing Sub Committee to be determined. The written representations received had been circulated.

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It was noted that most representations alluded to previous historic issues of public nuisance and crime and disorder relating to the premises and photographs had been provided which showed parking problems that are apparent to be undermining the licensing objective of public safety.

Another issue raised was the use of a fish bar in the designated car park in relation to the condition on the premises licence that the car park will be used for no other use. It was noted that this condition was added to the licence as part of operating schedule following agreement between Environmental Health and the then applicant, this licence was first applied for in 2005.

The representations supporting the application describe how they felt that the premises is an asset for the local area and how the applicant has invested in the premises and provides amenities for families to enjoy.

It was clarified that any evidence and decisions must relate to the premises licence and not to other matters such as planning and parking problems as these are not relevant under the four licensing objectives. These were specified as separate regimes and regulations which have no bearing on the premises licence and cannot be taken into consideration at this hearing.

Applicant/Licence Holder's Representative

The Licence Holder (Deborah Michelle Davis) was represented by George Domleo. He stated that the Coach and Horses serves the community as a village pub and has the all the charm of a village pub. The public house had been refurbished at a cost of £20k and an outside bar had been added and a planning application had been submitted. The internal bar still remains but due to current Covid-19 restrictions and the recent guidelines the applicant has sought to provide an outside bar to ensure that legislation is met and that young children and pets are not left alone outside whilst family members visit the internal to order food and drinks. He mentioned that his client was most upset with the recent comments received and that she was providing an amenity for the area and employment for staff. Recently businesses had suffered due to lockdown and with some easing of the restrictions, people have ventured out and welcome the social aspect of meeting outside.

The applicant and her agent also mentioned the issues around car parking and that she was taking measures to ensure that noise emanating from the gathering is controlled. Services of an auditory expert has been engaged to help mitigate noise issues.

The Committee was advised that the applicant is new to the village and a responsible law abiding citizen but has received a number of unwarranted comments, mostly associated with change to the premises. Also the pub was not being run as a night club. He further added that there were no objections from the Police nor Environmental Health.

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Representation from residents and Hatfield Town Council

The representatives present spoke on issues related to preventing nuisance to the public primarily by noise. Also relating to crime and disorder. Other matters relating to parking problems resulting in public safety and some photographs have been provided showing cars parked on verges, pavements and junctions. Further comments had been received relating to the outside bar which has increased the capacity of customers and traffic in the village, which has an impact on residents, additional noise, anti-social behaviour, litter and hazard for walkers (Duke of Edinburgh Award). With parking being limited, customers visiting the beer garden have had to park around the village utilising spaces normally reserved for church and village hall users; such congestion and discourteous parking was clearly undesirable and a potential public safety hazard.

It was suggested that an investigation should be carried out by the Council to establish the facts before making an assessment. Also sufficient time should be allowed for public consultation given that the initial period has been prejudiced in order to allow the fullest number of respondents.

The public house is a Grade II listed building near a church, graveyard and a school. The streets outside are narrow and there is not public transport so people intoxicated with drink wait outside the pub at night for a taxi, relative or an uber transport. Whilst waiting there is without doubt the added noise of car door slamming and shouting at night. Also it was cited that Covid-19 restricts were not being followed with such gatherings/crowds.

It was noted that some WhatsApp posts (Appendix G) made by the applicant prior to the application being submitted in November 2020 will have undermined the application process in that some residents might have been reluctant to submit representations against the application due to fears of repercussions especially residents who live near to the premises.

Residents felt that the outside bar was not required, as the internal bar was sufficient. Some representatives added that there were other activities and dealings taking place in the car park and felt unsafe. The noise during the summer months was unbearable for neighbouring residents. Neighbours felt that with large parties travelling into the village and events being held outside the issues raised will only increase.

The Committee noted that the Coach and Horses has 15 parking spaces without including the two taken up by the sea food trailer. The Crown pub nearby has a small car park with about 12 parking spaces and the two village hall car parks are normally congested. The village restaurant, The Gables does not have its own car park so therefore is very much reliant on the village car parks and residential roads to accommodate their customers. Reference was also made to Pondsbourne Hotel which had been re-licensed and now has excessive traffic on the country lane.

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A representative spoke in support of the application and added that the public house was not just for drinking; it also served food. If the application is not granted; the community will lose a facility. He further added that people should not be penalised for running a viable business.

Questions from the Sub-Committee Members

1. How many car parking spaces were taken up by the trailer? It was noted as two spaces.
2. Is music played outside? The applicant advised that there is music outside in the beer garden.
3. Do you have knowledge of how the space outside is used after the pub closes? Members were advised that people wait outside for transport/taxis and that they are more excited than before due to coming out of lockdown and that they come out to enjoy some social time with friends/family.
4. Does the outside bar have planning permission? The applicant clarified that a planning application had been submitted.

Determination

The Licensing Sub-Committee has decided to GRANT the application for a variation of premises licence for the Coach and Horses Public House, 61 Newgate Street, Newgate Street village, Hertford, Hertfordshire, SG13 8RA subject to a condition that the outside bar licence be limited to 9pm.

An application to vary the license was received by Welwyn Hatfield Borough Council Licencing Department on 22nd March 2021. The licence for the Coach and Horses is held by Deborah Michelle Davis. The Applicant was represented by her agent,
G. Domleo.

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

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 concern raised by objectors to the application was that a licensed outdoor bar would increase noise levels for local residents, may lead to an increase in anti-social behaviour and that the safety of pedestrians may be compromised by the increased volume of traffic and parking in locations which cause pedestrians to walk on the highway.

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

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

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

- The fact that existing premises license already permitted the purchase of drinks inside the premises until 11pm and the drinking of those drinks outside in the beer garden until 11.30pm.
- The fact that the existing licence already permitted the playing of music outside in the beer garden and no variation was sought in relation to music.
- The fact parking concerns are not relevant to applications to vary licences and that there are alternate more appropriate ways of seeking to address the parking concerns of the village available to the objectors.
- The removal of conditions requested was due to their irrelevance to the Licensing Act 2003. The conditions are more appropriately covered by other legislation.

Twenty four written relevant 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 made were on the grounds of:

- Preventions of public nuisance
- Prevention of Crime and Disorder
- Public Safety

Seven written representations were made supporting the application.

Representations were also received from the Hatfield Town Parish Council and Environmental Health.

The Sub-Committee also took into account the lack of objections received from the Police or Environmental Health as well as the recommendations made by Environmental Health in relation to the removal of conditions.

The Sub-Committee welcomed Deborah Davis's commitment to noise reduction through the consultation of relevant experts.

The Sub-Committee recommend that the licence holder Deborah Davis appoints trained COVID Marshalls to assist with compliance with COVID-19 measures and restrictions.

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.

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In view of all the above noted considerations and the submissions of representatives made at the hearing, the Sub-Committee decided to grant the all the variations applied for subject to a condition that the outside bar stop serving drinks at 9pm each night, not at 11pm as sought. The Sub-Committee intends that the condition attached will assist families using the beer garden, whilst assisting in the reduction of noise later in the evening.

Meeting ended at 4.35 pm
GP