

WELWYN HATFIELD COUNCIL
LICENSING SUB COMMITTEE
REPORT OF THE LICENSING OFFICER

Peartree

REPORT TO LICENSING SUB COMMITTEE

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

1 Summary of the Application

Premises Licence Holder(s)
MARSTON'S PLC
Address of Premises
BESSEMER ROAD, WELWYN GARDEN CITY, AL7 1HH

This committee report contains an application for the variation of an existing premises licence for The Bakehouse, Bessemer Road, Welwyn Garden City, AL7 1HH. The application is contained in Appendix A to this report. The existing premises licence can be found in Appendix B.

Summary of Application Received

An application has been received from John Gaunt & Partners on behalf of the premises licence holder Marston's PLC under the Licensing Act 2003 for a variation to the premises licence. The variation is 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 applicant is in line with legislation by displaying Blue Notices at the Premises on the 17th June 2022 and advertised the application in the Welwyn Hatfield Times on the 22nd June 2022, the Public register was updated and placed on the Councils website and all the Responsible Authorities, Parish Councils and Councillors were notified.

1.1 Unresolved representations

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

Part 2 Appendix A - Premises licence variation application form

Part 2 Appendix B – Existing premises licence and summary

Part 2 Appendix C – Written representation against the application from Hertfordshire Police

Part 2 Appendix D - Written representations from local residents

2 Details of Representations Received

Three formal written relevant representations have been submitted to the premises licence variation application, one representation from Hertfordshire Police and two from local residents. These representations have been judged as appropriate and have therefore been brought to the Licensing Sub Committee to be determined. The representations are detailed in Appendices C and D.

The representation from Hertfordshire Police is made on the grounds of Crime and Disorder. The representation expresses Police concern that the premises have been the location of six fights and one Public Order Offence in 2022 so far (just 7 months into the year), five of which incidents resulted in crime reports. All of these fights occurred after 11pm at night, with only the Public Order offence happening during the day.

Police state that later opening hours increase the risk of violent crime for most locations, and given the violence already recorded at the premises the Police conclude that later opening hours would likely increase this already high level of violent crime. The opening hours proposed would potentially draw patrons from other pubs after they have closed which is a well-recognised problem. The Bakehouse is located in the vicinity of the Town to make this a sizeable concern.

Finally, Police express concern about criminality around the venue, a clear example of this would be allegations of drink driving from the premises.

The representations from residents relate to the licensing objectives prevention of crime and disorder, prevention of public nuisance and public safety.

Residents' representations detail concerns relating to the premises current operation and how they feel the premises variation would exacerbate existing issues. These issues raised include fights that have happened at the premises; the current lateness of music being played including the use of bass, and the disturbance that has been experienced from the pub operations including playing music, the use of the outside area and fallout from premises closing times on Friday and Saturday nights.

Public safety is a concern residents have noted in relation to fights witnessed appearing to spill onto public footpaths and areas around the premises.

Residents feel that by extending the sale of alcohol and operational hours of the premises this would only exacerbate these problems further with a 3am closing time as the premises would effectively become a destination.

3 Background

The application submitted is for the variation of a premise licence by John Gaunt & Partners on behalf of the premises licence holder Marston's PLC for The Bakehouse, Bessemer Road, Welwyn Garden City, AL7 1HH. The premises is located on the fringe of Welwyn Garden City Town Centre and at the crossroads of Bessemer Road, Bridge Road, Bridge Road East and Broadwater Road.

The variation application submitted is seeking to extend the premises sale of alcohol hours on Fridays and Saturdays from 10:00 – 01:00 to 10:00 – 02:30, with an extension to premises opening hours on Fridays and Saturdays from 07:00 – 01:30 to 07:00 - 03:00.

4 Explanation

The committee is obliged to determine this application for the variation of the existing premises licence for The Bakehouse. In determining the application the sub-committee must take account of the council's duty to promote the statutory licensing objectives namely:

- A) The prevention of Crime and Disorder
- B) Public Safety
- C) The Prevention of Public Nuisance
- D) The Protection of children from harm.

In making its decision, the committee is also obliged to have regard to the National Guidance and the Councils own Licensing Policy (Previously circulated).

5 Licensing Policy

- 5.1 The sub committee will also wish to be aware of the Guidance issued under section 182 of the licensing Act 2003.

Guidance 9.37

As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

Guidance 9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

Guidance 9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Guidance 9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Guidance 10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Guidance 10.13

The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed

opening hours, without giving individual consideration to the merits of each application.

- 5.2 The sub-committee will also wish to be aware of Welwyn Hatfield Council Statement of Licensing Policy, which includes

Licensing Hours

- 27.1 Licensing hours should not inhibit the development of a thriving safe night-time local economy which is important for investment and employment locally and attractive to domestic and international tourists. We will expect applicants to consider whether conditions are necessary for applications in areas which have denser residential accommodation.
- 27.2 We will consider individual applications on their own merits. Fixed predetermined closing times for particular areas will not form part of the policy. Restriction on trading hours will be considered only where necessary to meet the licensing objectives. There will be a presumption to grant the hours requested unless there are objections to those hours raised by responsible authorities or the public on the basis of the licensing objectives.
- 27.3 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for us as the licensing authority. These are matters for the local planning authority and market demand.
- 27.6 The Council operates an out of hours noise service based on the assessment of need. The nature and number of complaints are recorded and may be used when compiling reports for our licensing committee and sub committees.
- 27.7 Where relevant representations are made, the Council will consider the proposed hours on their individual merits. Notwithstanding this, the Council may require stricter conditions in areas that have denser residential accommodation to prevent public nuisance. The Council will endeavour to work with all parties concerned in such instances to ensure that adequate conditions are in place.

6 Recommendation

- 6.1 The committee must have regard to the application made and the evidence it hears. The sub-committee is therefore asked to determine the application.
- 6.2 In determining the application, the sub-committee may on behalf of the licensing authority, and having regard to the promotion of the licensing objectives, statute, guidance and policy decide on the following courses of action:
- a) To grant the variation of the licence as proposed.
 - b) 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).

- c) To exclude any of the licensable activities to which the application relates.
- d) To refuse to specify a person in the licence as the designated premises supervisor.
- e) 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

- a) different parts of the premises concerned
- b) different licensable activities

7 Appendices

- A. Premises licence variation application form
- B. Existing premises licence and summary
- C. Written representation against the application from Hertfordshire Police
- D. Written representations from local residents

Nicol Tupling Licensing Technical Officer
Date – 02/08/2022