

WELWYN HATFIELD COUNCIL
LICENSING SUB COMMITTEE
REPORT OF THE LICENSING OFFICER

Brookmans Park and Little Heath

REPORT TO LICENSING SUB COMMITTEE

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

1 Summary of the Application

Premises Licence Holder(s)
DURSUN GUNGOR
Address of Premises
25 BRADMORE GREEN, BROOKMANS PARK, HATFIELD, AL9 7QR

This committee report contains an application for the grant of a premises licence for 25 Bradmore Green, Brookmans Park, Hatfield, AL9 7QR.

The application form and proposed designated premises supervisor details are contained in Appendix A to this report. A copy of the premises plan is shown in Appendix B.

Summary of Application Received

An application has been received from the Applicant under the Licensing Act 2003 for a premises 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 applicant is in line with legislation by displaying Blue Notices at the Premises on the 18th June 2022 and advertised the application in the Welwyn Hatfield Times on the 29th 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 3 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:

- The prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of children from harm.

Part 2 Appendix A - Premises licence application form and proposed designated premises supervisor

Part 2 Appendix B - Premises plan

Part 2 Appendix C - Written representations against the application

2 Details of Representations Received

Three formal written relevant representations have been submitted against the premises licence application on grounds of Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and the Protection of children from harm. 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 Appendix C.

A representation from North Mymms Parish Council expresses concerns that the proposed premises licence hours are excessive and that extended opening hours could lead to disorderly behaviour and noise in Brookmans Park Village. The representation from the Parish Council features other matters such as parking, additional vehicle movement and the view that another licenced outlet is not required in Brookmans Park, members of the committee are advised that the Licensing Authority can only consider matters pertaining to the licensing objectives.

Two representations have been made by members of the public, the representations expressed the following concerns:

- Potential for severe nuisance to the residential premises above the premises.
- Customers lingering outside of the premises causing nuisance.
- Concerns regarding alcohol theft, incidents from other licenced premises mentioned. Questions on the applicant's proposed security measures for the premises.
- The proposed 7am operating and alcohol sales hours causes residents concern that alcohol sales before 12noon will lead to an increase in crime and disorderly conduct.
- Residents expressed concern over the protection of children from harm, the proposed opening hours coincide with school hours and the close proximity of the premises to the two local schools would have school children passing the premises whilst on their way to school.

The Licensing Authority received a petition against the premises licence application, upon reviewing the petition the Licensing Authority determined the petition was invalid and as such the petition would not be accepted for consideration as part of the premises licence application.

3 Background

The application submitted is for the grant of a premise licence by Dursun Gungor for Drink King, 25 Bradmore Green, Brookmans Park, Hatfield, AL9 7QR. The premises is a commercial unit located within the Brookmans Park Village.

The application is submitted 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.

4 Explanation

The committee is obliged to determine this application for a premises licence for 25 Bradmore Green. 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 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 application form and supporting documents
- B. Premises plan
- C. Written representations from North Mymms Parish Council and members of the public against the application

Nicol Tupling Licensing Technical Officer
Date – 03/08/2022