

## LICENSING SUB COMMITTEE

13 July 2021

Present: Councillor G Saffery (Chair)  
Councillors M Hofman and J Stiff

Also present: Mr Chris Mitchener, Applicant's Agent

Officers: Democratic Services Officer (JK)  
Democratic Services Officer  
Senior Licensing Officer (AY)  
Senior Solicitor

### 1 **Committee membership/ election of a Chair**

The Democratic Services Officer confirmed that the Sub-Committee would comprise Councillors Hofman, Saffery and Stiff.

The Sub-Committee was asked to elect a Chair for the hearing.

RESOLVED –

that Councillor Saffery be elected Chair for this hearing.

### 2 **Disclosure of interests (if any)**

There were no disclosures of interest.

### 3 **Application for new Premises Licence - Polski Supermarket Mieszko, 259-261 St Albans Road**

The Chair welcomed all parties to the hearing and explained the procedure to be followed.

The Senior Licensing Officer advised that the applicant's agent, Mr Chris Mitchener, was present. He had not heard if the interested party would be attending. It was not a requirement for objectors or applicants to attend hearings. The resident had been contacted on a number of occasions and offered the opportunity to submit written a statement or send queries. No responses had been received. The Sub-Committee agreed to continue with the hearing.

There were no preliminary matters to be considered.

### **Introduction to the application**

The Sub-Committee received a report of the Head of Community Protection outlining an application for a new premises licence for 259-261 St Albans Road, Watford.

The Senior Licensing Officer introduced the report. Members were asked to consider the new application following an objection from an interested party on the grounds of the prevention of public nuisance. The resident, who lived in close proximity to the premises, was not in attendance but the applicant's agent was present. Following the agreement of conditions with the police, no representations had been received from responsible authorities. The objector had been made aware of the agreement but no comments had been received regarding the agreed conditions. The sub-committee was asked to consider the representation and attach such weight as they saw fit. Mediation had not been pursued as responses had not been received from all parties. It was for the sub-committee to decide which of the actions available to them would be most appropriate to promote the licensing objectives.

Following a question from a member, the Senior Licensing Officer explained that a sensitive licensing area was a specific part of the policy where licensing officers were more likely to make representations on behalf of the council. These would normally be in relation to litter, noise and street drinking. Litter was more associated with takeaways and the applicant had agreed conditions with the police concerning the high-strength alcohol favoured by street drinkers. No objections to this application had been made by the licensing authority.

Responding to a question about conditions agreed with the police, the Senior Licensing Officer noted that there were no standardised conditions but the police were successful at agreeing conditions with local premises and as a consequence, rarely made representations. Specific conditions had been suggested for this premises around high-strength alcohol, given the history of the area, with exceptions made for some Polish brands tailored to the applicant's operation.

There were no questions from the Senior Solicitor or the applicant's agent.

### **Address by the applicant's agent**

The applicant's agent was invited to address the sub-committee.

Mr Chris Mitchener introduced the application on behalf of the applicant setting out the hours of the application. There were other off-licences in the immediate

vicinity selling alcohol with similar terminal hours. The applicant had another premises 300 metres away and had good experience in the area and with nine other stores in Greater London. There had been no objections from responsible authorities and they had worked with the policer to agree suitable conditions.

It was considered to be a minor application, other than the one resident's representation which had been made. The store had been trading with non-licensable activities since 21 June until the hours on the licence application and were seeking to add alcohol to their offer. The representation received was clear that there were no issues about operating 0800 until 2000 and the council's policy LP2 stipulated that stores would generally be allowed alcohol sales in accordance with their normal opening hours.

The premises was a well-run food store specialising in Polish and Romanian products. It was difficult to respond to the concerns of the interested party without them being present. However, it was noted that the resident was concerned about extra noise on the street, but the premises was already trading beyond 2000 and it did not follow that adding alcohol to the offer would result in additional disturbances. There was already a level of street noise during the early evening. Should any issues arise, they could be dealt with swiftly, including by way of review.

This was a community food store with delicatessen and the operators were used to the trading format and would not tolerate issues that would give concern to residents as they were dependent on them as the catchment for their business.

The guidelines were clear that representations must show a causal link and be supported by evidence, which was not the case here with no support from responsible authorities. He felt that this representation did not stand up to the scrutiny of a hearing.

It was further clear that applicants were not responsible for the actions of customers after they left the premises. The applicant was, however, aware of social responsibilities as a licence holder. Notices would be displayed asking customers to leave quietly, all staff would be regularly trained and assessed in the sale of alcohol and their responsibilities. Training records, a refusals log and an incident log of major issues would all be kept.

He concluded that the application was for specific hours in line with the policy, with no evidence in the representation and no other concerns had been raised.

Responding to a question about contact with the interested party, Mr Mitchener confirmed that their address was not known to them and they were corresponding through the Licensing officers. This approach was confirmed by

the officer who noted that it was to ensure it was not confrontational and it promoted data protection.

The Sub-Committee and the officers had no further questions for Mr Mitchener.

### **Summary**

The applicant summarised saying that the representation was not made against the grant of the licence but only hours after 2000. The representation was not supported by the evidence and good conditions were in place. Should issues arise, officers could take appropriate action but it was not anticipated this would be necessary.

Following a question about the impact of the grant of the licence on the business, Mr Mitchener underlined that this was not part of the Licensing Act. However, stores should be allowed to sell alcohol in line with their opening hours to avoid confrontations, particularly in smaller businesses.

The sub-committee retired to consider its decision.

### **Decision**

On the sub-committee's return, the Chair announced the decision.

RESOLVED –

Having heard the evidence from the applicant and taking into account the written representation of the interested party, the sub-committee grants the application for the premises licence as requested.

The sub-committee also attaches the conditions as agreed with the police to the licence. In reaching this decision, the committee is of the view that granting the application as requested and attaching the conditions agreed with the police that none of the four licensing objectives will be undermined. In reaching the decision, the committee had regard to the provisions of the Licensing Act, the Secretary of State's guidance and the council's Statement of Licensing Policy.

Chair

The Meeting started at 10.30 am  
and finished at 11.30 am