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Head of Legal and Democratic Services

MEETING : LICENSING SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 27 MAY 2021
TIME : 10.00 AM

MEMBERS OF THE SUB-COMMITTEE

Councillors D Andrews, A Hall and C Wilson

COMMITTEE OFFICER: WILLIAM TROOP
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 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
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- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
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AGENDA

1. Appointment of Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Minutes - 29 March and 6 April 2021 (Pages 7 - 38)

To approve the Minutes of Previous Sub-Committee meetings:

29 March 2021

6 April 2021

6. Summary of Procedure (Pages 39 - 46)

A summary of the procedure to be followed during consideration of items 7 is attached.

7. Application for a New Premises Licence for Silver Leys Polo Club, Millfield Lane, Bury Green, Little Hadham, Hertfordshire, 21/0172/PL (Pages 47 - 88)

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
ONLINE MEETING - LIVESTREAMED ON
MONDAY 29 MARCH 2021, AT 10.00 AM

PRESENT: Councillor D Snowdon (Chairman)
Councillors M Goldspink and C Wilson

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

32 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Goldspink and seconded by Councillor Wilson, that Councillor Snowdon be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Snowdon be appointed Chairman for the meeting.

33 APOLOGIES

There were no apologies for absence.

34 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable Councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Licensing Sub-Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

35 DECLARATIONS OF INTEREST

There were no declarations of interest.

36 MINUTES - 8 JANUARY AND 5 FEBRUARY 2021

It was moved by Councillor Goldspink and seconded by Councillor Wilson that the Minutes of the meetings held on 8 January and 5 February 2021 each be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 8 January and 5 February 2021 each be confirmed as a correct record and signed by the Chairman.

37 APPLICATION FOR A VARIATION OF A PREMISES LICENCE
FOR RUSH GREEN SERVICE STATION, STANSTEAD ROAD
(A414), HERTFORD, SG13 7SH (21/0059/PLV)

The Senior Licensing and Enforcement Officer presented his report covering an application for a variation of a premises licence under Section 34 of the Licensing Act 2003. The Sub-Committee was advised that on 1 February 2021, an application for a variation of a premises licence was made by BP Oil Limited at Rush Green Service Station, Stanstead Road (A414), Hertford. The application sought approval to vary the current premises licence by extending the supply of alcohol between 07:00 to 23:00 daily, which equated to an increase of one hour between 07:00 to 08:00 each morning and to remove and replace all of the conditions on the premises licence.

The Sub-Committee was advised that the applicant had put forward a number of steps that would be taken to promote the licensing objectives and these could be found on pages 65 to 68 of the application and these included conditions in respect of the CCTV system. The Senior Licensing and Enforcement Officer detailed the nine conditions that the applicant had proposed in place of the current annexe two conditions on the licence.

The Sub-Committee was advised that during the 28 day statutory public consultation period, there had been eight representations from Interested Parties, which included one from the local county councillor and the other seven from residents. These representations were included at Appendix 'B'.

The Senior Licensing and Enforcement Officer said that the representations from the Interested Parties each engaged the public safety licensing objective with one representation engaging the prevention of public nuisance objective. The main concerns of the interested parties were the extra traffic they believed this application would bring to the roundabout.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts statement of licensing policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives and Members must consider if the applicant had evidenced whether the application would promote the licensing objectives and would not undermine them and this evidence should be balanced against the evidence given by interested parties.

He also said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

The Applicant's legal representative explained that the existing licence allowed the sale of alcohol from 8:00 to 23:00 hours. He said that the applicant (BP Oil Limited) had a preference that all its store licences matched the store trading hours and this was encouraged by the government in the Section 182 guidance, unless there were good reasons for the hours to be restricted.

The Sub-Committee was advised by the legal representative that the application had been served on the responsible authorities and there had been no objections from those authorities. He said that the applicant did not anticipate selling a lot of alcohol in the extra hour of trading but it was a matter of management of opening the whole store at 07:00 and not closing off the alcohol section.

The legal representative said that the representations that had necessitated this hearing being held all related to traffic in terms of the BP site being shared with McDonalds. He referred to a statement that had been made in the House of Commons last week that had implied that the matter of traffic exiting the site had been resolved between BP and McDonalds. He said that the Sub-Committee would only need to consider the matter of traffic egress if Members felt that the extra hour of alcohol sales would result in an increased risk to public safety.

The Sub-Committee was advised that the applicant did not anticipate any increase in traffic from the extra hour being applied for. The legal representative said the applicant did not anticipate any increase in traffic

from this application as this was not a destination shop for the purchase of alcohol between 07:00 and 08:00. He said that having the whole store opening at the same was in accordance with the Licencing Act 2003, the Section 182 guidance and the licensing policy of East Hertfordshire District Council.

The legal representative said that the conditions had been updated as whenever an application was submitted, the applicant always looked at the conditions in case any of these needed to be updated. He gave the example of challenge 21 on the existing licence when challenge 25 was in use at the premises. He welcomed questions from the Sub-Committee.

Councillor Wilson asked the applicant's representative if there was any data from other similar petrol stations in terms of any how many people might typically attend between 7 and 8 am to purchase alcohol.

The applicant's legal representative said that from experience of running 300 petrol stations, it was not anticipated that customers would arrive between 7 and 8 am just to purchase alcohol. He confirmed that the applicant was not expecting any increase in traffic or footfall as a result of this application.

Councillor Wilson said that it had seemed to take some time to resolve the issues around traffic. He asked the applicant's legal representative how the applicant intended to respond quickly to concerns from residents regarding licensing matters.

The applicant's legal representative said that the

residents were welcome to have his contact details if that helped. He also said that contact details could also be provided for an area manager if that would assist residents as well. He stated that he had not been involved in the multi-agency discussions in respect of traffic but he believed that this complicated matter appeared to have been resolved.

Councillor Goldspink asked for some more clarification from the applicant as to why there was a need to change the conditions on the premises licence. The applicant's legal representative explained that the conditions were very similar and the main difference was reflecting the new industry standard of applying Challenge 25 to alcohol sales.

The Sub-Committee was advised that the mandatory conditions stayed and the police were satisfied with the steps the applicant had taken in respect of CCTV. The applicant's legal representative said that the waste condition had been updated as had the condition for Challenge 25.

Councillor Goldspink referred to the existing conditions in respect of the positioning of CCTV cameras and the placement of waste receptacles. The legal representative said that waste receptacles were in place as standard at all BP premises and this could be included as a condition. He spoke at length about the configuration and positioning of the CCTV cameras and said that this could be altered if required to cover the alcohol display area.

Councillor Snowdon commented on the use of

language in terms of the condition regarding the location of bins. The legal representative explained that the new conditions were more explicit regarding the location of bins. He said that as regards the CCTV the applicant was perfectly content with having cameras focussed on the entrance and the alcohol display area. He confirmed that the applicant would be happy with a condition that required the CCTV to cover the entrance, the exit and the alcohol display area.

Mr Vitmar, a resident and Chairman of Kingsmead Resident's Association, asked the applicant's legal representative why the extra licensing hour was necessary when the applicant did not anticipate selling alcohol during the requested extended hour between 07:00 and 08:00.

Mr Bowen said that his objection related to safety and the traffic nuisance caused by the site. He stated that he had heard that the matter of traffic had been resolved according to a statement made by Julie Marson MP in the House of Commons last week. He said that this had come as a surprise to residents who did not believe that the matter had been resolved. He emphasised that BP had failed to engage in solutions to the problem and Hertfordshire County Council had yet to hear from BP in terms of any progress as regards traffic safety concerns.

Mr Bowen concluded that resident's objections were based on a view that any new traffic coming to this site would add to the existing problems regarding safety and nuisance. Councillor Andrew Stevenson said that he believed that there was an unresolved police order

on this site that had not yet been satisfied. He accepted that this whilst this related to traffic nuisance, it would be wrong to grant this application whilst this matter had not been legally resolved.

The applicant's legal representative said that the police had not objected to this application and this must be determined on its own merits and in accordance with the licensing act. He pointed out that he did not say that nobody would purchase alcohol between 7 and 8 am but the applicant did not anticipate any increase in traffic as a consequence of this application. He said that it was important to the applicant that the whole store was able to open at 7 am.

The applicant's legal representative briefly summed the position of the applicant. He reiterated that he would be happy provide his contact details to the residents association and the local Councillor in case there were any issues with the premises licence.

At the conclusion of the closing submission, the Sub-Committee, the Legal Services Manager and the Democratic Services Officer withdrew from the main Zoom session to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant, the local Member and had listened very carefully to the concerns of the residents and taken into account the written representations.

The Sub-Committee decided to grant the application, subject to the retention of existing condition 2 at the expense of the proposed condition 4. In coming to its decision, the Sub-Committee believed that the applicant has provided evidence that the granting of the licence would promote and not undermine the licensing objectives.

Members had noted that the applicant had applied for one extra hour on its licence, and that the police have not objected to the variation to the licence. There was not sufficient evidence to show that the extra hour of the licence would create substantially increased traffic and undermine the licensing objectives.

As a result, the evidence was balanced against the representations made by the interested parties. The Sub-Committee had also noted the applicant's willingness to provide their solicitor's details as a point of contact for the residents.

RESOLVED – that the application for a variation of a Premises Licence for Rush Green Service Station, Stanstead Road (A414), Hertford, SG13 7SH be granted, subject to the retention of existing condition 2 at the expense of the proposed condition 4.

38 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR ASDA, WATTON ROAD, WARE, SG12 0AD (21/0056/PLV)

The Senior Licensing and Enforcement Officer presented his report covering an application for a

variation of a premises licence under Section 34 of the Licensing Act 2003. The Sub-Committee was advised that on 3 February 2021, an application for a variation of a premises licence was made by Asda Stores Limited for ASDA, Watton Road, Ware, SG12 0AD. The application sought approval to vary the current premises licence by extending the supply of alcohol between 07:00 to 23:00 Monday to Sunday, to enable home deliveries for click and collect orders.

The Sub-Committee was advised that the current premises licence permitted the supply of alcohol between 08:00 and 22:00 hours Monday to Saturday and between 10:00 and 16:00 hours on Sundays. Members were advised that the store opening hours were to remain unchanged.

The Senior Licensing and Enforcement Officers said that the application could be found in Appendix A on pages 101 to 112 and regarding the steps to promote the licensing objectives, the applicant had stated that all existing conditions would be maintained and operated.

The Sub-Committee was advised however that during the 28 day statutory consultation period, the applicant had agreed further conditions with Hertfordshire Constabulary and these conditions could be found at paragraph 3.6 of the report. The additional conditions were summarised by the Senior Licensing and Enforcement Officer, and included details of CCTV, age verification policy, notices advertising the age verification policy, staff training on the Challenge 25 scheme, and the maintenance of an incident book or

electronic log.

The Senior Licensing and Enforcement Officers said there had been three representations from Interested Parties during the 28 statutory consultation period; and details of these representations could be found at Appendix 'B' on pages 113 to 116 of the Agenda.

The Senior Licensing and Enforcement Officer said that the representations from the Interested Parties each engaged the prevention of public nuisance and prevention of crime and disorder licensing objectives. Members were advised that another representation had mentioned public safety and the main concerns of the interested parties were extra traffic and noise during the extended period of sales.

The Sub-Committee was advised that in respect of crime and disorder, it should be noted that the police had been consulted and due to the agreed conditions, they were satisfied that this licensing objective would not be undermined.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts statement of licensing policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives and Members must consider if the applicant had evidenced whether the application would promote the licensing objectives and would not undermine them and this evidence should be balanced against the evidence given by interested parties.

He also said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns.

The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

Mr Taylor, legal representative for the applicant, introduced the ASDA licensing manager and also the store manager for the premises at Watton Road in Ware. He explained that this was an unusual application and he would deal with it in three parts.

Mr Taylor reiterated that this was an application for the variation of the premises licence to permit alcohol sales between 07:00 and 23:00 hours 7 days a week, in order to service home deliveries and click and collect orders. He explained that this would not affect the hours that the store would be open to customers for shopping.

Mr Taylor said that the variation in hours was to allow ASDA to service home delivery and click and collect orders due to the COVID-19 pandemic, as this had more than doubled the demand for home delivery and

had quadrupled the demand for click and collect. He said that enhanced conditions had been agreed with Hertfordshire Constabulary and reference had been made in the conditions that the purpose of the application was to fulfil remote orders.

Mr Taylor explained that ASDA could currently do home deliveries that did not contain alcohol at any time of the day. He said that the applicant wished to make the full range of products available to customers and he did not believe that this would prejudice the licensing objectives.

Mr Taylor explained that click and collect was available between 08:00 and 22:00 hours Monday to Saturday and between 10:00 and 16:00 hours, and a planning application had been made to extend those hours. He said that if the variation was approved by Members, nothing would change for click and collect until the planning permission was also in place.

Mr Taylor said that all home delivery drivers would have the same training as the checkout staff in store in terms of adhering to enforcing Challenge 25 on the doorstep. He explained that any alcohol was removed from the shopping if the customer was unable to provide proof of age if they were challenged on the doorstep for appearing under the age of 25. Members were advised that the same challenge process was in place in the car park for click and collect.

Mr Taylor explained that he had made submissions to the Senior Licensing and Enforcement Officer on the basis that the submissions that had been made by

interested parties were not relevant. He said that a main point of relevance was the effect on the licensing objectives of a bottle of wine being included in a home delivery.

Mr Taylor said that there would be no impact on light or noise pollution or effect on residents in terms of anti-social behaviour. He said that the police had not objected to the application and there would be no anti-social behaviour. He said that ASDA wanted to be good neighbours, would always work with residents and would meet with them to achieve that aim.

Mr Taylor said that the operating hours of the service yard were governed by planning and nothing would change as ASDA would continue to comply with planning rules. He said that the store manager would be happy to talk to residents to ensure that there were no issues. He pointed out that there would be no impact in terms of litter, lighting, landscaping or exhaust emissions.

Councillor Wilson asked the applicant's legal representative whether the applicant would respond adequately to any concerns that had been raised by the residents in respect of the licensing objectives.

Mr Taylor said that the applicant would always be happy to talk to the residents and there was evidence that this had been taking place. He said that ASDA always sought to be part of the community and be a benefit rather than a burden to the area.

At the conclusion of the closing submission, the Sub-

Committee, the Legal Services Manager and the Democratic Services Officer withdrew from the main Zoom session to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the applicant and the Sub-Committee had taken into account the concerns of the residents. The Sub-Committee had decided to approve the application.

In coming to its decision, the Sub-Committee believed that the applicant had provided evidence that the granting of the licence would promote and not undermine the four licensing objectives.

RESOLVED – that the application for a variation of a Premises Licence for ASDA, Watton Road, Ware, SG12 0AD, be granted.

39 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.47 am

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD AS AN
ONLINE MEETING ON TUESDAY 6 APRIL
2021, AT 10.00 AM

PRESENT: Councillor R Bolton (Chairman)
Councillors S Reed and N Symonds

ALSO PRESENT:

Councillors T Page and D Andrews

OFFICERS IN ATTENDANCE:

Dimple Roopchand	- Litigation and Advisory Lawyer
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Robert Cinnamon	- Hertford Town Councillor (Interested Party)
Nick Kirby	- Hertford Town Council (Interested Party)
Jonathan Mattai	- Applicant
Hardish Purewal	- Applicant
Jack Wylde	- Applicant

40 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Symonds and seconded by Councillor Reed, that Councillor Bolton be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Bolton be appointed Chairman for the meeting.

41 APOLOGIES

There were no apologies for absence.

42 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Licensing Sub-Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

43 DECLARATIONS OF INTEREST

The Chairman declared a non-pecuniary interest in that she was a Hertford Town Councillor and also

chaired the Hertford at Night action group. She said that she did not sit on the Hertford Town Council Planning Committee which had made representations relating to Item 7, nor had she contributed to the representations.

Councillor Symonds declared a non-pecuniary interest in that she was Vice-Chairman of the Bishop's Stortford Food Bank.

44 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR TESCO, BISHOPS PARK CENTRE, LANCASTER WAY, BISHOP'S STORTFORD (21/0069/PLV)

The Chairman summarised the procedure for the Sub-Committee hearing. All those present were introduced or introduced themselves.

The Senior Licensing and Enforcement Officer presented his report covering an application for a variation of a premises licence under Section 182 of the Licensing Act 2003. The Sub-Committee was advised that on 8 February 2021, Tesco Stores Ltd submitted an application for a variation of a premises licence at Tesco, Bishops Park Centre, Lancaster Way, Bishop's Stortford. The application sought approval to vary the current premises licence by extending the supply of alcohol to 24 hours a day and to amend a condition relating to barriers to the car park.

Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives, including, but not limited to the provision of comprehensive staff

training and the presence of store managers at all times when the store was open. The applicant had agreed further conditions with the Police, including the retention of CCTV footage for an increased timescale of 31 days, a Challenge 25 policy and the discouragement of customers having open vessels or loitering on site.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts statement of licensing policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives and Members must consider if the applicant had evidenced whether the application would not undermine the licensing objectives and this should be balanced against the evidence given by interested parties.

The Senior Licensing and Enforcement Officer said that four representations from interested parties had been received which engaged the prevention of public nuisance, public safety and prevention of crime and disorder licensing objectives.

He also said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable

activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

The Chairman asked the Senior Licensing and Enforcement Officer whether the condition relating to the car park barriers would fall under the remit of the Sub-Committee, or whether this would be a matter for Planning.

The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions relating to the barriers, but Planning would also have jurisdiction over the matter.

Councillor Page, attending as an interested party and ward Councillor, asked whether the licence applied solely to the supermarket, or also to the petrol filling station. The Senior Licensing and Enforcement Officer said that the licence would only apply to the supermarket.

Tesco's Licensing Manager (the applicant) gave a summary of the application and explained Tesco's operations generally, as well as well as at the Bishop's Stortford store. The Store Manager was experienced and Tesco strove to be a good neighbour, donating large amounts to local charities, leading on national standards relating to the sale of alcohol and maintaining an open dialogue with the police and local community. All staff received training on the sale of alcohol, as well as refresher training twice a year, which included specific training on recognising already

inebriated customers and for group scenarios. This was supported further by automated till prompts when alcohol was scanned at checkouts. Members were advised that there were security measures in place, including the monitoring of CCTV from a national hub. The police had not objected to the application and had not been made aware of anti-social behaviour referred to in the representations. The store's housekeeping team had not reported high levels of litter on site and it was within the store's interest to keep the site tidy. It was anticipated only a small amount of additional sales of alcohol would be made during the additional licensed hours that had been requested, but it would offer convenience to the store's customers.

Councillor Symonds asked about possible disturbance in a residential area alluded to by the interested parties, problems caused by customers parking on nearby streets, and whether a gate for pedestrians onto the site would be locked when the store was closed. She also asked why the store had applied for a 24 hour licence given it was not open 24 hours.

The applicant said that car park barriers would remain closed when the store was closed. Whilst no problems had been raised with the store directly, Tesco was happy to work with residents and would ban any customers who were engaging in anti-social behaviour after visiting the store. Measures to discourage parking away from the car park and locking the gate could be considered. Trading patterns were subject to change, which made the 24 hour licence useful, but legislation such as regarding trading on Sundays would not be

superseded by the licence.

Councillor Reed asked if alcohol would ever be sold outside of the store, such as in a temporary structure in the car park. The applicant said that it would not be.

The Chairman asked about instances in which there was no manager present in the store, when security was present and what would happen if a guard was on a break or already dealing with an incident.

The Store Manager said that one guard was currently present 7am – 11pm. Another staff member would cover the guard during their break. The store's car park was a large area to cover, but at least one staff member would go with the guard to deal with any instances of anti-social behaviour, and the police called if it could not be resolved by them. There would be three managers working in the store each evening, with managers receiving a more thorough degree of security training than other staff.

Councillor Page said that the applicant had been somewhat dismissive of the representations regarding litter and anti-social behaviour. He said that he would encourage the Store Manager to look around the store, rather than just on-site, as this is where the problem with littering was. The Sub-Committee should also consider whether Tesco's desire for operational flexibility was a satisfactory reason to grant a 24 hour licence, and whether this was necessary.

Councillor Symonds said that there was a higher level of crime around the store. The Legal Services Manager

said that the police had made no formal objections relating to crime and disorder or otherwise.

The applicant said that she had not intended to be dismissive of interested parties' concerns, but had pointed out that the store had not been contacted directly to discuss these concerns and the police had not objected to the application. A large store was likely to have higher levels of crime due to high footfall concentrated in a small area. She also reiterated that the store was willing to engage with residents. This was a well-run store and the Sub-Committee would need a good reason, supported by evidence, to reject the application.

At the conclusion of the closing submission, the Sub-Committee, the Legal Services Manager, Solicitor and Democratic Services Officer withdrew from the main Zoom session to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the applicant and the Sub-Committee had taken into account the concerns of the residents and the interested party. The Sub-Committee had decided to grant the application, subject to additional conditions.

Additional Conditions:

- Condition 1 of Annex 3 reading 'Barriers on the car parks to be closed from store close and checks be

made on this' to remain in place.

- Licensed hours on Sundays are 10am – 6pm. The Sub-Committee felt this was a balanced and proportionate time period to allow flexibility within the legal trading hours permitted under the Sunday Trading Act 1994.

In coming to its decision, the Sub-Committee believed that the applicant had provided evidence that granting the licence would promote and not undermine the four licensing objectives. The Sub-Committee also noted the applicant's willingness to meet with local residents in an attempt to resolve concerns regarding parking and anti-social behaviour, and would encourage this.

RESOLVED – that the application for a variation of a Premises Licence for Tesco, Bishops Park Centre, Lancaster Way, Bishop's Stortford, be granted, subject to additional conditions.

Additional Conditions:

- Condition 1 of Annex 3 reading 'Barriers on the car parks to be closed from store close and checks be made on this' to remain in place.
- Licensed hours on Sundays are 10am – 6pm. The Sub-Committee felt this was a balanced and proportionate time period to allow flexibility within the legal trading hours permitted under the Sunday Trading Act

1994.

Those present were advised that the decision would be issued in writing and there was the right of appeal within 21 days to the magistrate's court.

45 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR TESCO, WARE ROAD, HERTFORD (21/0066/PLV)

The Senior Licensing and Enforcement Officer presented his report covering an application for a variation of a premises licence under Section 182 of the Licensing Act 2003. The Sub-Committee was advised that on 8 February 2021, Tesco Stores Ltd submitted an application for a variation of a premises licence at Tesco, Ware Road, Hertford. The application sought approval to vary the current premises licence by extending the supply of alcohol on a Monday, Friday, Saturday and Sunday and for a seasonal variation of 24 hour alcohol sales between 13 December and 2 January each year.

Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives, including, but not limited to, the provision of comprehensive staff training and the presence of store managers at all times when the store was open. The applicant had agreed further conditions with the Police, including the retention of CCTV footage for an increased timescale of 31 days, a Challenge 25 policy and the discouragement of customers having open vessels or loitering on site.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts statement of licensing policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives and Members must consider if the applicant had evidenced whether the application would not undermine the licensing objectives and this should be balanced against the evidence given by interested parties.

The Senior Licensing and Enforcement Officer said that one representation from an interested party – Hertford Town Council - had been received, which engaged the prevention of public nuisance licensing objective.

He also said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be evidence based, justified, appropriate and proportionate.

Tesco's Licensing Manager (the applicant) gave a summary of the application, explaining Tesco's operations generally, as well as at the Hertford store. She again reiterated Tesco's ambition to be a good

neighbour and highlighted charitable donations to groups within the community, and its willingness to work with residents. Working patterns were changing, which was highlighted further by the COVID-19 pandemic. This meant that customers wanted to shop at different times and the application reflected this. The application pre-empted any future possible change to Sunday trading laws, in order to avoid submitting another application for a variation should this happen.

Councillor Symonds asked what the store would do to limit disturbance to nearby residents and whether a gate leading onto the site would be locked when the store was closed.

The Store Manager said that there had been no major issues raised by residents, aside from regarding some vegetation which was periodically cut back when requested. Barriers were used to prevent vehicles entering the site after the store closed, but the gate remained open as residents often cut through the site to get to the nearby train station. Members were also advised of existing opening hours and the working pattern of security guards.

The Chairman asked about the potential for anti-social behaviour to take place out of sight of security given the shape of the car park.

The Legal Services Manager said there had been no evidence presented which showed anti-social behaviour at the store. In response to a question from Councillor Symonds, she also said that the application

had been advertised in line with the Licensing Act 2003.

Councillor Cinnamon, Hertford Town Councillor, asked whether the British Transport Police (BTP) had been consulted, as it was common for people to buy alcohol and then board a train. He also said the late night sale of alcohol was already provided by small local off licenses.

The applicant said whilst the police had been consulted, BTP specifically had not, however Tesco were open to this going forward.

Hertford Town Council's Civic Administration Manager said the location the store's proximity to the station and Hartham Common meant that an extension of the licence could contribute to an increase in anti-social behaviour and littering in these locations.

The applicant reiterated Tesco's desire to work with residents, local groups and the police. The impact of a variation on other local businesses was not a licensing consideration. The store was well run and Tesco had worked closely with the police in order to reach a compromise on licensed hours and the police had not objected.

At the conclusion of the closing submission, the Sub-Committee, the Legal Services Manager, Solicitor and Democratic Services Officer withdrew from the main Zoom session to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the applicant and the Sub-Committee have taken into account the concerns of the interested party. The Sub-Committee decided to grant the application, subject to the following additional conditions:

Additional Conditions:

- Licensed hours on Sundays are 9am – 5pm. The Sub-Committee felt this was a balanced and proportionate time period to allow flexibility within the legal trading hours permitted under the Sunday Trading Act 1994, also taking into account the current licensed hours.
- The seasonal variation of 24 hour alcohol sales between 13 December and 2 January each year was granted, apart from on Sundays, when existing licensed hours will apply.

In coming to its decision, the Sub-Committee believed that the applicant had provided evidence that the granting of the licence would promote and not undermine the four licensing objectives. The Sub-Committee also noted the applicant's co-operation with the responsible authority regarding the licensed hours and Members accepted the applicant's offered condition to network and work with the local communities and stakeholders to alleviate any concerns regarding public nuisance and crime and disorder.

RESOLVED – that the application for a variation of a Premises Licence for Tesco, Ware Road, Hertford, be granted, subject to the following additional conditions:

- Licensed hours on Sundays are 9am – 5pm. The Sub-Committee felt this was a balanced and proportionate time period to allow flexibility within the legal trading hours permitted under the Sunday Trading Act 1994, also taking into account the current licensed hours.
- The seasonal variation of 24 hour alcohol sales between 13 December and 2 January each year was granted, apart from on Sundays when existing licensed hours will apply.

Those present were advised that the decision would be issued in writing and there was the right of appeal within 21 days to the magistrate’s court.

46 URGENT BUSINESS

There was no urgent business.

The meeting closed at 12.58 pm

Chairman
Date

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LICENSING SUB-COMMITTEE

EXTRACT FROM RULES OF PROCEDURE

Note – the full Rules of Procedure can be viewed at:

<http://democracy.eastherts.gov.uk/ieListMeetings.aspx?CId=144&Year=0>

8.0 Procedure at hearing

As a matter of practice, the Sub-Committee shall seek to focus the hearing on the steps needed to promote the particular licensing objective(s) which has given rise to the specific representation(s) and will avoid straying into undisputed areas. The hearing is a discussion lead by the Authority (i.e. the Chairman) with advice from the Legal Adviser.

- 8.1 The order of business shall be at the discretion of the Sub-Committee, but shall normally proceed in accordance with the following paragraphs.
- 8.2 The Chairman shall at the beginning of the hearing, introduce themselves and the Sub-Committee members, ask the Officers present to introduce themselves before inviting the parties to the hearing to identify themselves. The Chairman will then explain to the parties the procedure that the Sub-Committee intends to follow.
- 8.3 The Chairman will ask a representative of the Licensing Authority to introduce the report, and outline the matter before the Sub-Committee.
- 8.5 The Parties to a hearing for an application shall usually be invited to address the Sub-Committee in the following order:
 - (a) Applicant
 - (b) Responsible Authority
 - (c) Other parties

However, this may be varied at the discretion of the Chairman, if in his/her opinion, this would assist the efficient business of the Sub-Committee.

- 8.6 Parties to the hearing shall be entitled to:
- (a) give further information in support of their application, relevant representations or notice (as applicable) in response to a point upon which the Licensing Authority has given notice that it requires clarification;
 - (b) question any other party if given permission by the Chairman of the Sub-Committee; and
 - (c) address the Sub-Committee.
- 8.7 Members of the Sub-Committee may ask any question of any party to the hearing or other person appearing at the hearing.
- 8.8 Where there is more than one relevant representation raising the same or similar grounds, the Sub-Committee shall request that only one party address them on behalf of the parties who have made the representations in question.
- 8.9 Subject to paragraph 8.10 below, in considering any relevant representations or notice made by a party to the hearing, the Sub-Committee may take into account additional documentary or other information produced by such a party in support of their application, relevant representations or notice (as applicable) either submitted at least 24 hours before the hearing commences or, with the consent of *all* the other parties and the Chairman, at the hearing. Where all the other parties consent the Licensing Sub-Committee has discretion as to whether to admit additional documentary evidence or other information at the hearing. If large documents are submitted on the day then the hearing may be adjourned at the Chairman's discretion so that such documents can be fully considered.

Note - As a matter of good practice, any additional documentation or other information produced in advance of the hearing date, should be submitted to the licensing officer no later than two working days before the hearing.

8.10 The Sub-Committee shall disregard any information given or evidence produced by a party or any person to whom permission is given to appear at the hearing, which is not relevant to:

- (a) their application, relevant representations or notice (as applicable); or
- (b) the promotion of the licensing objectives.

8.11 Hearsay evidence may be admitted before the Sub-Committee, but consideration shall always be given to the weight, if any, to be attached to such evidence, depending upon the circumstances in which it arises.

8.12 The parties to the hearing shall be entitled to make closing submissions, usually in the following order:

- (a) Responsible Authority
- (b) Other party
- (c) Applicant.

8.13 The Sub-Committee will, after hearing the relevant representations of the parties to the hearing, withdraw from the room to make their deliberations.

8.14 The Legal Adviser and the Democratic Services Officer shall accompany the Sub-Committee when they retire to make their deliberations.

9.0 Determination of applications

9.1 The Sub-Committee shall give appropriate weight to:

- (a) the relevant representations (including supporting information) presented by all the parties;
- (b) national guidance;
- (c) the Licensing Authority's Licensing/Gambling Policy (as applicable); and
- (d) the steps that are necessary to promote the licensing objectives.

9.2 The Sub-Committee shall make its determination:

- (a) at the conclusion of the hearing in accordance with the relevant Regulations; or
- (b) within 5 working days thereafter (all other cases).

9.3 The written notice of determination shall be issued by Head of Housing and Health under delegated authority and will information regarding the appeals process.

10.0 Role of Legal Adviser

10.1 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal Adviser at any time during the course of the hearing.

10.2 The Legal Adviser shall provide the Sub-Committee with any advice it requires to properly perform its functions, on:

- (a) questions of law;
- (b) questions of mixed fact and law;
- (c) matters of practice and procedure;
- (d) the range of options available to the Sub-Committee;
- (e) any relevant decisions of courts;
- (f) relevant national guidance or policy;
- (g) other issues relevant to the matter before the Sub-Committee.

10.4 The Legal Adviser shall play no part in making findings of fact, but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the Democratic Services Officer's notes.

10.5 The Legal Adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The Legal Adviser is under a duty to ensure that every case is conducted fairly.

11.0 Role of Democratic Services Officer

11.1 The Democratic Services Officer's role is to make a record of the proceedings, summarise and record decisions and to provide help and assistance to parties attending hearings.

12.0 Role of Licensing

- 12.1 The Licensing Officer will present the pertinent facts of the application and the representations made by parties to the hearing.
- 12.2 The Licensing Officer shall provide the Sub-Committee with any advice it requires to properly perform its functions.
- 12.3 The Licensing Officer may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case.

13.0 Failure of parties to attend the hearing

- 13.1 If a party to the hearing has informed the Licensing Authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence and any properly made written submissions will be considered as part of the decision making process.
- 13.2 If a party to the hearing fails to provide notification in accordance with paragraph 13.1 above, and fails to attend or be represented at a hearing, the Sub-Committee may:
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - (b) hold the hearing in the party's absence and shall consider at the hearing, the application, relevant representations or notice made or submitted by that party.

14.0 Adjournments

- 14.1 Subject to the provisions of the Regulations, the Sub-Committee may, where necessary for its consideration of any relevant representations or notice made by a party to the hearing, adjourn the hearing to a specified date.
- 14.2 Where the Sub-Committee adjourns the hearing to a specified date, it shall forthwith notify the parties to the hearing of the date, time and place.

15.0 Right of Appeal

- 15.1 The all parties to a hearing have a right of appeal against a decision to the Magistrates' Court within 21 days (beginning with the day on which the applicant was notified of the decision by the Licensing Authority).

Definitions

Term	Meaning
Applicant	<p>The holder of, or the person seeking the grant of, a licence, notice or other permission under the relevant Legislation.</p> <p>The premises user in relation to a temporary event notice (TEN) or temporary use notice (TUN).</p>
Interest	A Disclosable Pecuniary Interest as defined in the Council's Members' Code of Conduct.
Other parties	Any persons making relevant representations or any person who is representing such persons.
Licensing Authority	East Hertfordshire District Council
Parties to the Hearing	The applicant and any parties that have made relevant representations or submitted a valid objection notice.
Relevant Representations	Representations (either in support of or against an application) that relate to one or more of the licensing objectives. Can be made by a Responsible Authority or other party.
Responsible Authority	The bodies that must be consulted regarding certain applications and that are entitled to make representations to the Licensing Authority.

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East Herts Council Report Template

Licensing Sub-Committee

Date of Meeting: 18th MAY 2021 adjourned until 27th MAY 2021

Report by: Jonathan Geall, Head of Housing and Health

Report Title: Application for a New Premises Licence for Silver Leys Polo Club, Millfield Lane, Bury Green, Little Hadham, Hertfordshire, 21/0172/PL

Ward(s) affected: Little Hadham

Summary

- An application for a new premises licence has been made and representations against the application have been received from residents acting as an Interested Parties. When representations have been received against an application and have not withdrawn, it is for a meeting of the Licensing Sub-Committee to decide that application. The report is to inform that decision.

RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

(a) The application for a new premises licence is decided.

1.0 Proposal(s)

- 1.1 Members of the Licensing Sub-Committee should determine the application for a new premises licence through consideration of the information contained in this report and appendices combined with submissions made at the Licensing Sub-Committee hearing.

2.0 Background

2.1 Under the Licensing Act 2003 and the council's policy an application for a new or variation to a licence or certificate is granted by officers under delegated authority if no valid representations are received.

2.2 Where valid representations are received the Licensing Authority's discretion is engaged. A Licensing Sub-Committee has the delegated authority to determine applications for new and varied licences and certificates. This decision must be made whilst having regard to the licensing objectives, the Licensing Authority's own Statement of Licensing Policy and to statutory guidance issued by the Secretary of State under section 182 of the Licensing Act.

2.3 The licensing objectives are:

- prevention of crime and disorder
- public safety
- prevention of public nuisance; and
- protection of children from harm.

3.0 Reason(s)

3.1 The application for a new premises licence was submitted and completed by Mr Nicholas Gerard on 23rd March 2021. The application has been correctly advertised and consulted upon as required by legislation and regulations.

3.2 The application requests the following licensable activities:

Licensable Activity	Day	Hours applied for
Supply of Alcohol (for consumption	Sunday – Friday	11:00 – 22:00
	Saturday	11:00 – 23:00

both on the premises)		
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- 3.3 A redacted copy of the application form and supporting documents are attached as **Appendix 'A'**.
- 3.4 Section 18 of the application form asks the applicant to describe any steps they intend to take to promote the four licensing objectives as a result of the application. The steps stated are:
- a) A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
 - b) Adequate access is provided for emergency vehicles.
 - c) All exit doors are easily operable without the use of a key, card, code or similar means when the premises are for licensable activity.
 - d) Firefighting equipment is appropriate and prominently displayed.
 - e) Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
 - f) Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
 - g) The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

- h) A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operators, and all drivers, are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival.
- i) All external lights on the licensed premise's and parking area will be screened so as not to be overtly visible or cause light halos
- j) Any recorded music played will be reduced in volume after 20:00 to ensure it should not disturb our closest neighbours.
- k) Customers will not be permitted to leave the licensed premises with bottles or glasses and adequate waste receptacles for use by customers will be provided within club grounds.
- l) During the playing of polo all children will be kept more than 10 meters from the pitch. The umpires and 3rd man umpires will call a halt to play if children are seen close to the pitch in the out of bounds area.
- m) Silver leys polo is a family oriented club so the management of rowdy behaviour will be carefully monitored and managed including the use of crude language.
- n) The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving license or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
- o) All staff will be trained for underage sales prevention regularly.
- p) A register of refused sales shall be kept and maintained on the premises.

3.5 During the 28 day statutory public consultation period the applicant varied his application in consultation with the Environmental Health to include the following additional steps to promote the licensing objectives:

1. *A written record of all refused sales shall be kept on the premises. The record shall be made available to Police and/or local authority immediately upon request and shall be kept for a least one year from the date of last entry.*
2. *The Premises Licence Holder to ensure that all management and staff are fully trained and briefed on the four licensing objectives and "Challenge 25". This will need to be documented in such a way it can be given to an officer upon request.*
3. *An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature and be available for inspection at all reasonable times by an authorised officer of relevant responsible authority, it should record the following details:*
 - *Time and date and nature of the incident,*
 - *People involved*
 - *Action taken*
 - *Details of the person responsible for the management of the premises at the time of the incident.*
4. *Polycarbonates to be used in the outside areas.*
5. *The age verification policy operated at the premises shall be "Challenge 25". This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. Notices advertising that the premises operate a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises*

entrance(s)/and inside at the premises serving area. The only forms of ID that may be accepted shall be a proof of age card bearing the PASS hologram logo:

- *Passport*
- *UK photo driving licence; or*
- *Military Card ID*

6. *At least 3 months in advance of any events with licensable activities for more than 499 people, the event organiser will:*

- Notify Police Licensing and the Licensing Authority and an application be made to the Safety Advisory Group.*
- Complete an Event Management Plan and Security Plan and submit these to the Responsible Authorities.*

3.6 During the 28 day statutory public consultation period two valid objections were received from residents acting as an interested parties against the application. These representations are attached as **Appendix 'B'**.

3.7 The main concern of the Interested Parties is noise from the Polo Club after every match from the playing of loud music and drinking. With one Interested Party also being concerned that as there is no public transport or pavements for people to walk along, the granting of a premise licence would cause an increase in drink driving from the location. The representation engages the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives.

3.8 A plan of the area in which the premises is located is attached as **Appendix 'C'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

3.9 Section 4 of the East Herts Statement of Licensing Policy

(herein 'the Policy') details definitions of premises and location and operation of premises (differentiating between Town Centre locations and other areas). Under this section of the Policy the operation under which the application best fits would be defined as 'other entertainment venue'.

3.10 The proposed premises are not in a Town Centre location so is classed as being in 'other areas'.

3.11 The table at 4.3 of the Policy details this authority's approach to hours for licensed premises when it has received relevant representations to an application. Notwithstanding that each application is considered on its own merits the following hours would normally be granted to an 'other entertainment venue':

May be limited to midnight

3.12 Section 7.0 of the Policy contains information on how the Licensing Authority considers applications under the prevention of crime and disorder licensing objective. Paragraph 7.2 states "The Licensing Authority will expect the applicant to demonstrate how they will prevent disorderly conduct, prevent sale of alcohol to a person who is drunk, and prevent the obtaining of alcohol for a person who is drunk on the licensed premises, and how the licence holder will exercise these duties so as to prevent or reduce the risk of anti-social behaviour by customers occurring elsewhere after they have left the premises."

3.13 Section 9.0 of the East Herts Statement of Licensing Policy relates to the prevention of public nuisance. Specifically section 9.3 of the policy states:

The Licensing Authority will expect applicants to demonstrate they have considered:

- 1) *the proximity of residential accommodation;*
- 2) *the type of use proposed, and the likely numbers of*

- customers;*
- 3) proposed hours of operation and the frequency of activity;*
 - 4) the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. This may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;*
 - 5) the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance between 10 p.m. and 7 a.m. than at other times of the day;*
 - 6) the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;*
 - 7) the steps taken or proposed to be taken by the applicant to help ensure patrons and staff leave the premises quietly;*
 - 8) the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;*
 - 9) the provision for public transport in the locality (including taxis and private hire vehicles) for patrons;*
 - 10) the level of likely disturbance from associated vehicle movements;*
 - 11) the use of smoking shelters, gardens and other open-air areas;*
 - 12) the location of delivery and collection areas and delivery/collection times;*
 - 13) the appropriate placing of external lighting, including security lighting;*
 - 14) refuse storage and litter (including fly posters and illegal placards);*
 - 15) the history of nuisance complaints against the premises, particularly where statutory notices have been served on the present licensees;*
 - 16) the applicant's past success in controlling anti-social*

- behaviour and preventing nuisance;*
- 17) *odour nuisance, e.g. cooking smells;*
 - 18) *any other relevant activity likely to give rise to nuisance;*
 - 19) *any representations made by the Police, or other relevant agency or representative;*

This list is not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits."

- 3.14 Paragraph 9.37 and 9.38 of the government's revised Guidance issued under section 182 of the Licensing Act 2003 (herein 'the Guidance') states:

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.

In determining the application with a view to promoting the licensing objectives the licensing authority must give appropriate weight to:

- *the steps that are appropriate to promote the licensing objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy.*

- 3.15 Paragraphs 9.42 – 9.44 of the Guidance deal with how to determine actions that are appropriate for the promotion of

the licensing objectives.

- 3.16 If the Sub Committee are minded to impose conditions to mitigate concerns regarding the undermining of the licensing objectives then Chapter 10 of the Guidance deals with conditions attached to premises licences. Paragraphs 10.8-10.10, 10.13-10.15 would be particularly relevant.
- 3.17 Chapter 11 of the Guidance deals with reviews and paragraphs 11.16 – 11.23 are particularly relevant as it deals with the powers the licensing authority has to determine the application.

Officer observations

- 3.18 The Interested Parties have raised concerns regarding the noise from the club after every match often going on to the small hours of the morning. It should be clear that the granting of the licence would mean that at 22:00 Sunday –Friday and 23:00 on Saturday the licensable activities would need to finish unless another authorisation such as a Temporary Events Notice had been used.
- 3.19 With regards to the concerns over drink driving it should be noted that as stated previously the Police have been consulted on the application and have not made any objections on the prevention of crime and disorder.
- 3.20 If the Sub-Committee are minded to grant this application then it is recommended that the period for supply of alcohol for consumption on the premises is reduced by 20 minutes to allow for drinking up time in order to support the prevention of crime and disorder licensing objective.
- 3.21 The applicant has proposed a condition that “Any recorded music played will be reduced in volume after 20:00 to ensure it should not disturb our closest neighbours.” It should be noted

that this is therefore an undertaking as this could not be a condition on the licence due to the exemptions from the Live Music Act 2012 where any condition regarding music would not be enforceable during the hours of 08:00 and 23:00 or during the hours licenced for the supply of alcohol on the premises if this is before these times.

- 3.22 As stated in the Guidance the authority's decision should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 3.23 If the Sub-Committee believe that the application would not undermine any of the licensing objectives then the application should be granted as requested.
- 3.24 The Sub-Committee should consider if they believe the applicant has provided evidence that the licence if granted would promote and not undermine the licensing objectives. This evidence should be balanced against the evidence given by those making representations that the licensing objectives would be undermined.
- 3.25 If the Sub-Committee believe that there is evidence that the granting of the licence would not promote the licensing objectives then it is within their remit to take the action they believe is appropriate and proportionate to address their concerns. Members can attach conditions or take any steps they believe appropriate to promote the licensing objectives including: limiting the days, limiting the hours or even refusing the application in its entirety.
- 3.26 Put in its simplest terms, what are the minimum measures that can be put in place to address the concerns? Refusal of the application should be the last option considered.
- 3.27 If additional conditions are considered, the Sub-Committee

should decide whether these steps would in fact address their concerns if the decision was made to grant the hours requested.

3.28 The Sub-Committee may wish to seek the opinion of the applicant on any proposed conditions to clarify which are agreeable so that the hearing can focus on those which are disputed.

3.29 For conditions to be enforceable they need to be clear, unambiguous and free from subjective terms. If a condition cannot be enforced then it should not be placed on any granted licence.

4.0 Options

4.1 The actions open to the Licensing Sub-Committee are:

- grant the application if they feel the application would promote and not undermine the licensing objectives; or
- grant the application as sought but at the same time impose additional conditions or amend the times for the supply of alcohol; or
- if members believe that there is evidence that shows that there are no steps that can be taken to ensure that the application sought would promote the licensing objectives then the application should be refused.

4.2 When the Licensing Sub-Committee gives its decision to those in attendance it should be made clear to all parties how much weight has been attached to each submission and why and what evidence the Sub-Committee have relied upon when reaching their decision.

5.0 Risks

5.1 A decision on the application must be made and any decision made can be appealed at the Magistrate's Court. Therefore the

Licensing Sub-Committee should ensure that when giving their decision on the application they give clear reasons on how and why they have made their decision. In doing so, the council's ability to defend its decision is strengthened and the risk of its decision being over-turned on appeal is lessened, although, of course, this risk can never be entirely removed.

6.0 Implications/Consultations

6.1 There has been a statutory 28 day public consultation.

Community Safety

The report details the four licensing objectives, these objectives are detailed in paragraph 2.3, therefore Community Safety will be considered when determining the application.

Data Protection

Where the appendices originally contained personal data this has been redacted.

Equalities

Consideration has made to the Equality Act 2010 and the Public Sector Equality Duty in this report and will be considered during the Licensing Sub-Committee hearing.

Environmental Sustainability

No

Financial

There will be a cost to the authority in holding the Licensing Sub-Committee hearing, this will be covered by the existing budget.

There would be a cost if the decision of the Licensing Sub-Committee is appealed to the Magistrates Court and the authority chooses to defend that appeal.

Health and Safety

No

Human Resources

No

Human Rights

As with all applications and Council functions, the Human Rights Act 1998 has been considered in this report and will be considered during the Licensing Sub-Committee hearing.

Legal

All statutory requirements have been considered in preparing this report.

Specific Wards

Yes – Little Hadham

7.0 Background papers, appendices and other relevant material

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) -
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705327/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
- 7.2 East Herts Statement of Licensing Policy 2016 –
https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Statement_of_Licensing_Policy.pdf
- 7.3 Night Time Economy (NTE) Position Statement –
https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Night_Time_Economy_NTE_Position_Statement.pdf
- 7.4 Appendix 'A' – Application for a New Premise Licence, including plans of the premises.

7.5 Appendix 'B' – Representations against the application.

7.6 Appendix 'C' – Map showing location of the premises.

Contact Member Councillor Peter Boylan – Executive Member for Neighbourhoods
peter.boylan@eastherts.gov.uk

Contact Officer Jonathan Geall – Head of Housing and Health
Contact Tel No. 01992 531594
jonathan.geall@eastherts.gov.uk

Report Author Brad Wheeler – Senior Licensing and Enforcement Officer
Contact Tel No. 01992 531520
brad.wheeler@eastherts.gov.uk

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* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:
 Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?
 Yes No

Is your business registered outside the UK?
 Yes No

Note: completing the Applicant Business section is optional in this form.

Business name

VAT number

Legal status

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Silverleys polo club is set in 120 acres near the village of Bury Green with good access from the A120

A small clubhouse is located on the site with a marquee attached capable of seating 80-100 guests used a maximum of 10 weekends a year, Other events may use a larger marquee 100-300 unlikely to be more often than 6 time a year.

A second very small club house suitable for 20 guests maximum, services the arena which is used for winter polo and summer equine activities.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The Summer polo season runs May -September the clubs busier months
Most days trading will be between 12:00 and 20:00 we have included a wider opening range only to allow for the one offs

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The Licensee Nick Gerard, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Silverleys polo club is a members club where the majority of clients will be known to the designated premises supervisors (DPS), and as such we expect crime and disorder to be minimal. It will however be one of the key responsibility of the DPS to be vigilant and act quickly to defuse any likely incident and record the circumstances of the event. Any crime will be reported to the police.

c) Public safety

The most significant risk at a polo club is the management of the public in relation to the polo games being played, the governing body the HPA have clear and strict rules about this aspect of public safety which is adhered to closely and covered in depth by the clubs own risk assessments.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

Adequate access is provided for emergency vehicles.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition and according to statutory regulations .

Fire Safety

We have conducted a suitable Fire Risk Assessment at the premises and implemented the necessary control measures

All exit doors are easily operable without the use of a key, card, code or similar means when the premises are for licensable activity.

Fire fighting equipment is appropriate and prominently displayed.

d) The prevention of public nuisance

Silver leys polo club is set within 120 acres of private land. The nearest neighbor to the proposed licensed club houses are across fields and over hedges and woods.

Needless to say we are very aware of our responsibilities to our neighbors both in terms of traffic, noise nuisance and light pollution.

Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operator, and all drivers, are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival.

All external lights on the licensed premises and parking area will be screened so as not to be overtly visible or cause light halos

Any recorded music played will be reduced in volume after 20:00 to ensure it should not disturb our closest neighbors.

Customers will not be permitted to leave the licensed premises with bottles or glasses and adequate waste receptacles for use by customers will be provided within club grounds.

e) The protection of children from harm

Continued from previous page...

During the playing of polo all children will be kept more than 10 meters from the pitch. The umpires and 3rd man umpires will call a halt to play if children are seen close to the pitch in the out of bounds area. Silver leys polo is a family oriented club so the management of rowdy behavior will be carefully monitored and managed including the use of crude language.

The entire club is non smoking in any internal area including covered or tented areas.

Safe guarding the sale of alcohol to those under age :-

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving license or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

All staff will be trained for UNDERAGE SALES PREVENTION regularly.

A register of refused sales shall be kept and maintained on the premises.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Fees for all Licensing Act 2003 permissions have been set by central government. The fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands: band a NDRV £0 - £4300, fee = £100 band b NDRV £4,301 - £33,000, fee = £190 band c NDRV £33,001 - £87,000, fee = £315 band d NDRV £87,000 - £125,000, fee = £450 band e NDRV £125,001 and over, fee = £635

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment only at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

Continued from previous page...

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15)

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Once you're finished you need to do the following:

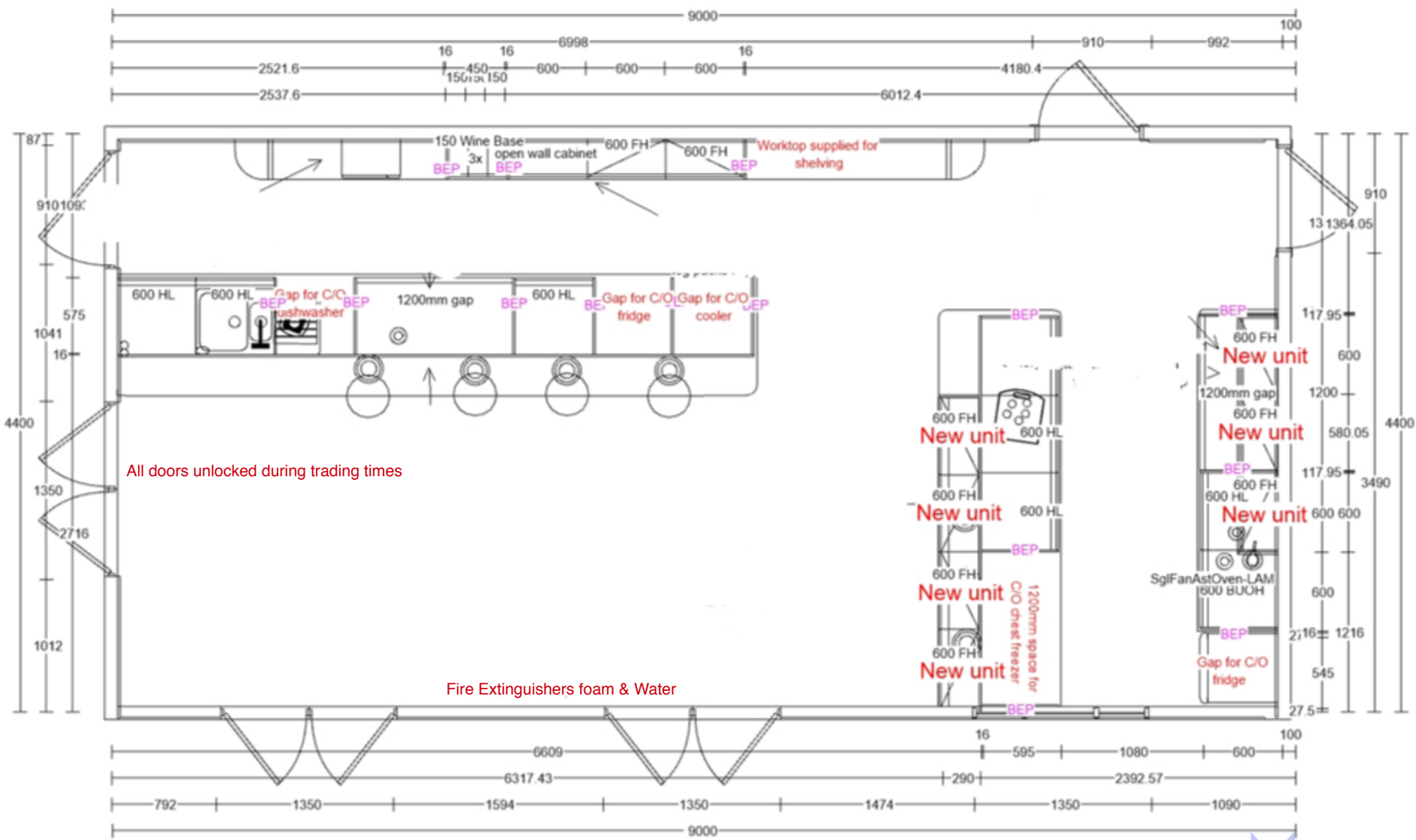
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-hertfordshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

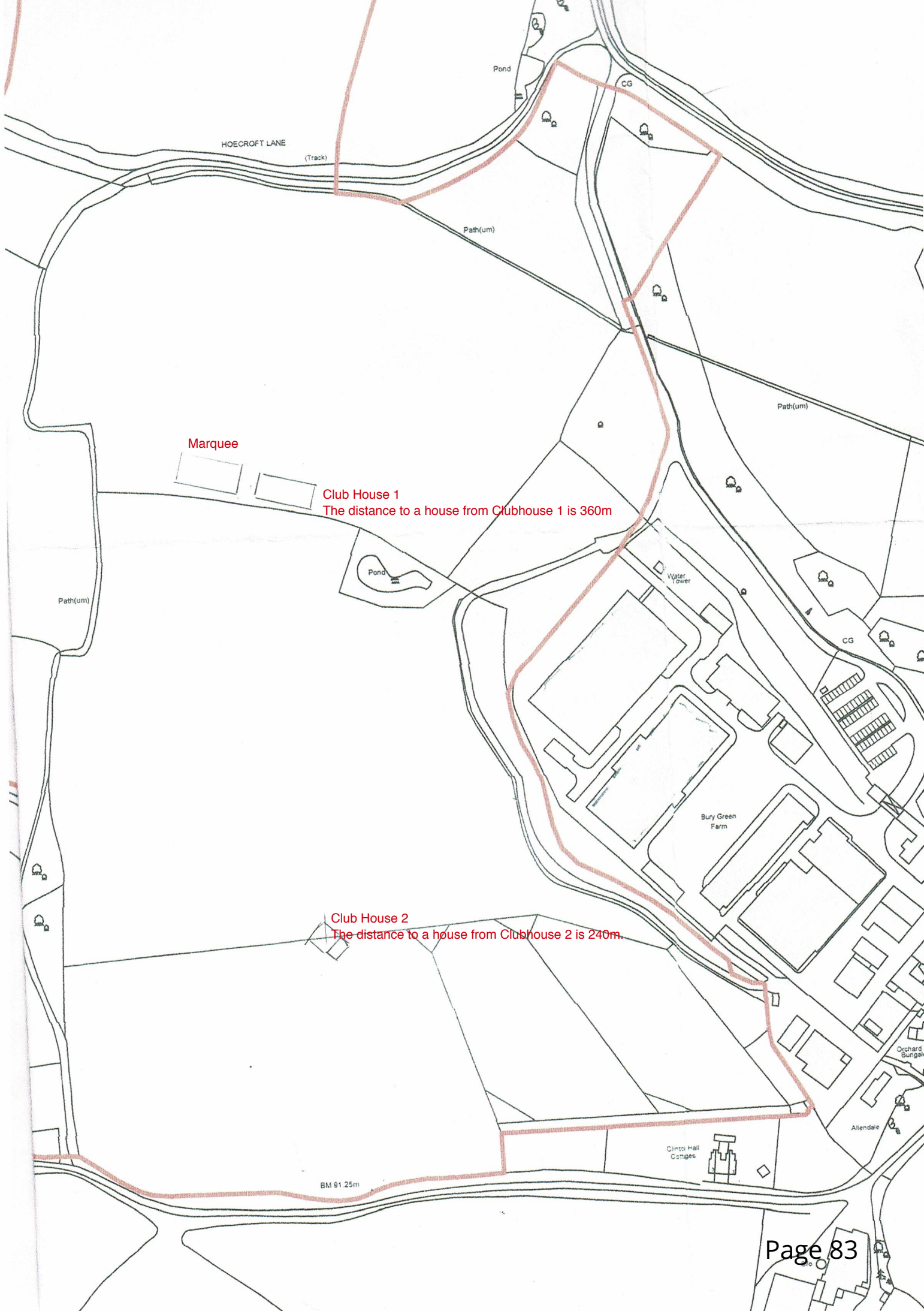
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



Please consult the quotation for a list of items to be supplied. The drawing is a computer representation of layout and dimension, details should be checked by the installer/builder. Please also ensure a Gas Safe registered

Cad Plan No : 54438420001
Designed By : Matthew





HOECROFT LANE

(Track)

Pond

CG

Path(um)

Path(um)

Marquee

Club House 1

The distance to a house from Clubhouse 1 is 360m

Pond

Water Tower

CG

Bury Green Farm

Club House 2

The distance to a house from Clubhouse 2 is 240m.

Orchard Bungalow

Allendale

Clinto Hall Cottages

BM 91 25m

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From:
Sent: 17 April 2021 15:29
To:
Subject: [External] Silver Leys Polo Club: Alcohol Licence

To whom it may concern,

We are writing in response to the notice posted on Silver Leys Polo Club, Millfield Lane, Bury Green, Herts SG11 2ED applying for a licence to sell alcohol under the Licensing Act 2003.

We are strongly opposed to this being granted.

The other year we had to complain to the police and council about the noise from the Polo Club after every match, where they would sit around playing loud music and drinking. The noise often went on until the small hours of the morning (2/3 am) and kept us and our young son awake. This would be 2019 and we felt forced to complain to the council as the noise has got steadily worse over the last decade or more. These disturbances were fuelled by alcohol and its sale would only make life more intolerable for those who live in the hamlet.

We also had to call the police last year, during lockdown, as some members were having parties at the club. This happened several times showing an irresponsible attitude to the health and wellbeing of all.

We also note that club members do not live in the area and they all drive to the club. There is no public transport and there are no pavements for people to walk along. We therefore believe that allowing an alcohol licence will cause an increase in drink driving from the club, in a rural location where police do not patrol. It will only be a matter of time before someone is injured or killed with alcohol being the route cause.

We therefore respectfully request that you refuse the application by Silver Leys Polo Club for a licence to sell alcohol.

Yours sincerely

From:
Sent: 20 April 2021 13:59
To:
Subject: [External] General Enquiry Form

132010

17512

Submitted on Tue, 20/04/2021 - 13:58

Submitted by: Anonymous

Submitted values are:

What service do you wish to contact us about?

What service do you wish to contact us about?

Planning

Name

Address

Your Email

Telephone Number

Please provide details of your query

Re. Licence application from Silver Leys Polo Club ref. 21/0172/PL

I have no objection to the granting of a licence to sell alcohol but I am very concerned about an increase in the level of noise nuisance from the club's events.

Each summer we are subjected to loud music from late night parties held at the club, sometimes going into the small hours of the morning.

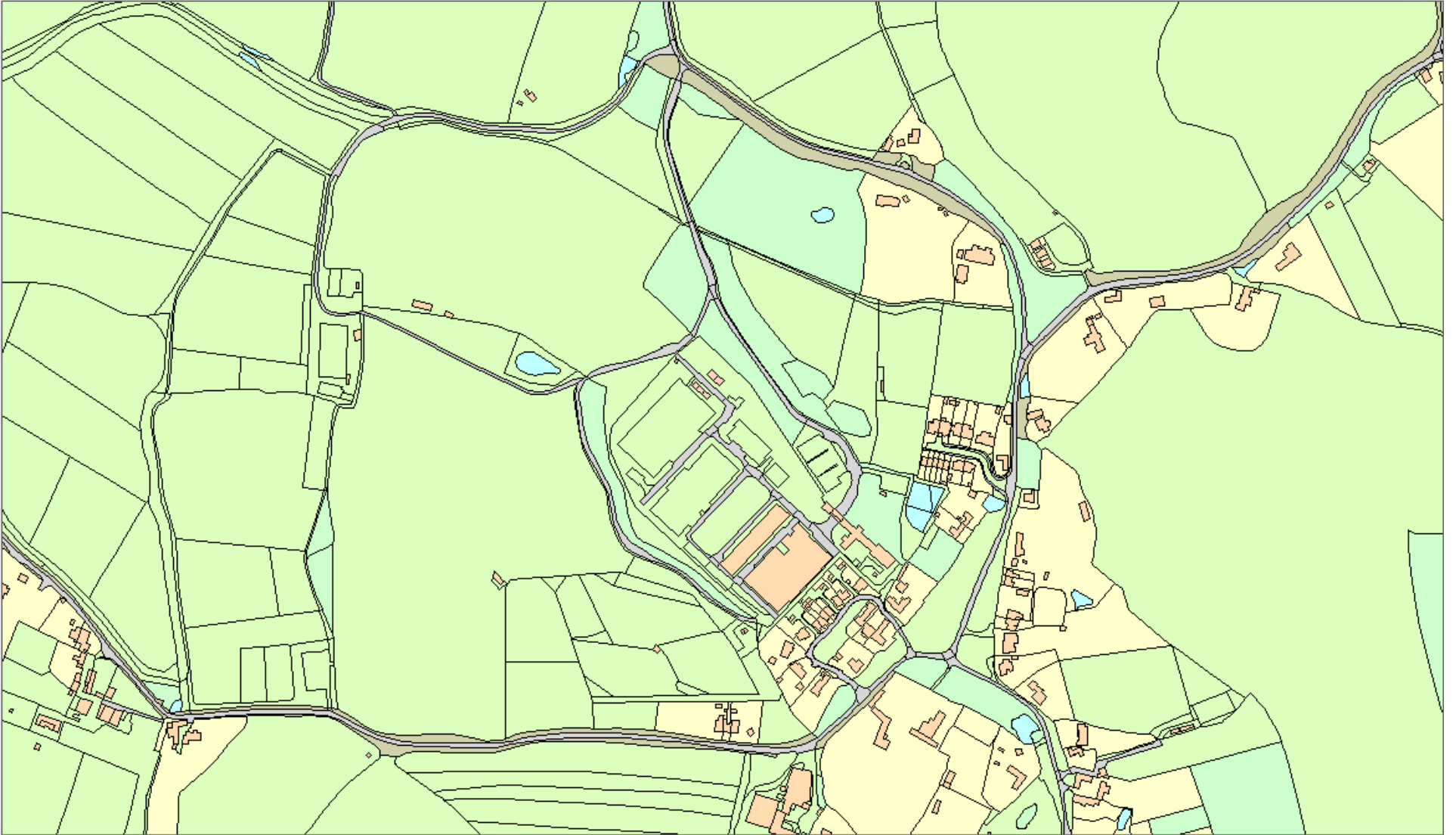
When there are matches on, we also often can hear the commentary over their PA system. Sometimes, it is so loud that we can hear every word being said.

Although we might appear to be a long way from the club ground, the prevailing wind carries sound to us and houses around us. I am concerned that with a licence these events will be more frequent and cause disturbance over longer periods.

Thank you for considering my comments.

Best regards

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