

# East Herts Council Report Template

## Licensing Sub-Committee

**Date of Meeting:** 1<sup>st</sup> June 2020

**Report By:** Jonathan Geall, Head Of Housing and Health

**Report Title:** Application for a New Premises Licence for Hadham Brewery at Unit 6b, Hadham Industrial Estate, Church End, Little Hadham, Herts, SG11 2DY (20/0383/PI)

**Ward(S) Affected:** Little Hadham

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### Summary

- An application for a new premises licence has been received and representations against the application have been made by responsible authorities and interested parties. Where representations have been received against an application and not withdrawn there must be a Licensing Sub-Committee to decide that application.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 be 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 Hadham Brewing Company Limited on 6<sup>th</sup> April 2020. The application has been correctly advertised and consulted upon as required by legislation and regulations.

3.2 The application splits the premises into three areas, an online shop, a retail shop and a tap bar.

3.3 A redacted copy of the application form which was originally made is attached as **Appendix 'A'**.

3.4 The application was amended on 14<sup>th</sup> May 2020 so that the application only includes the sale of alcohol for consumption on and off the premises. Late night refreshment and all regulated entertainment were removed and the proposed

hours the premises would be open to the public shortened.  
The amended hours requested are:

<b>Licensable Activity</b>	<b>Day</b>	<b>Hours applied for</b>
Supply of Alcohol for consumption <b>OFF</b> the premises <b>(Online Shop)</b>	Monday - Sunday	08:00 – 22:00
Supply of Alcohol for consumption <b>OFF</b> the premises <b>(Retail Shop)</b>	Monday - Sunday	09:00 – 22:00
Supply of Alcohol for consumption <b>ON</b> the premises <b>(Tap Room)</b>	Monday - Saturday Sunday	12:00 – 23:00 12:00 – 22:30

3.5 The hours when the premises will be open to the public are:

Monday to Saturday 09:00 – 23:00

Sunday 09:00 – 22:30

3.6 In the amendment the applicant clarified the reasons for the application:

*“This will allow the brewery much needed revenue from the online shop which is now fully set up and ready to launch. It will also cover the onsite shop which will allow the sale of the same*

*promotional packs and merchandise items as on the website to local enthusiasts and customers. The intention is to build a taproom for brewery tours and customers use, as with any other micro-brewery.*

*It is not an application to create a nightclub or entertainment venue.”*

- 3.7 Section M of the application form asks the applicant to describe any additional steps they intend to take to promote the four licensing objectives as a result of the application. These steps are:
- a) Staff will be trained; training to include drugs awareness, underage sales and not serving alcohol to intoxicated persons
  - b) An incident report register will be maintained for the purpose of recording all instances of antisocial behaviour, injury, and ejection from the premises. A refusal register will be maintained
  - c) A Designated Premises Supervisor or their nominee will be on the premises at all times during trading hours
  - d) ‘Challenge 25’ shall be followed with best practice and guidelines and trained staff to ensure alcohol will not be provided to any person appearing under-age unless ID is provided
  - e) For our online sales, there shall be an Over-18 declaration on our website to verify customer’s age at the point of purchase, and customers will have to verify with a credit card to ensure they are 18 or above
  - f) A “zero tolerance attitude” to drugs will be enforced at all times
  - g) Promote sensible social drinking and refuse to serve those who appear to be reaching their own personal limit or who appear to be ‘binge drinking’
  - h) We will positively promote anti drink-driving and

drunkenness campaigns

- i) We will clearly label all alcoholic products, and if necessary, seek and act on advice from the Police and Licensing Authorities
- j) We will keep tidy premises with good control over glassware wherever used
- k) Where glasses are used, they will be toughened glassware
- l) We will promote adequate signage and both internal and external lighting where needed
- m) Locations of fire safety & other equipment to be clearly signed
- n) We will promote sensible drinking and to discourage illegal, aggressive and anti-social behaviour
- o) Whenever necessary to seek and act on advice from the relevant Police, Fire and Health & Safety Authorities
- p) We understand our obligations under existing legislation, and take our responsibilities seriously
- q) We will monitor the level of noise created both on and off site and will act accordingly
- r) We will control and remove litter both on and off premises
- s) We will actively prevent nuisance before it occurs by process of communication, information and co-operation
- t) We will seek advice from the relevant authorities on best practice for prevention of nuisance and to advise those on the premises of correct social behaviour when needed
- u) We will ensure that reasonable steps are taken to recognise the needs of local residents and or businesses, and to encourage customers to leave quietly. Notices will be displayed to this effect
- v) We will provide taxi numbers to customers upon request.

3.8 With regards to the above Members of the Sub-Committee are

directed to paragraph 3.47 for the licensing officer's observations.

- 3.9 During the 28 day statutory public consultation period the applicant varied his application in consultation with the Police and Environmental Health to include the following additional steps to promote the licensing objectives:
- A digital closed circuit television (CCTV) system to be installed internally ensuring the following:
    - a. It is maintained in good working order and faults are repaired without delay.
    - b. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
    - c. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
    - d. The CCTV shall cover clearly any area where bottles of beer are on display
    - e. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 28 day period.
    - f. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested a Police or authorised office recent data or footage with the absolute minimum of delay when requested
  - Customers must be informed of the below points when booking a tour:
    - a. The tour includes alcoholic samples

- b.** Not to drink and drive
- c.** To arrange transport or allocate a designated driver
- Non-alcoholic drinks to be available as an alternative to alcoholic samples
- Notices advertising “Don’t drink and Drive” shall be displayed in clear and prominent positions in the premises. A list of local taxi drivers must be made available for customers upon request
- A4 size white notices in size 50 black Arial stating “Please respect our neighbours and leave the area quietly” need to be displayed at all entry/exits points and in the premises car park
- Deliveries will not be made to public places such as parks, road sides or land marks. Deliveries can only be made to a home or business address given at the time of the order
- The only forms of ID that may be accepted as a proof of age will be
  - a.** A proof of age card bearing the PASS hologram
  - b.** Passport;
  - c.** UK photo driving licence; or
  - d.** EU or EEA National Identity Card
  - e.** Military Card ID
- All events held at the premises must be risk assessed in order to identify areas of concern and establish actions to reduce risk e.g. SIA Security
- No children aged under 18 years to be on the premises unless accompanied by an adult

- Customers using the designated smoking area to be limited to 10 persons after 21:00 hours.
- 3.10 The applicant has provided a Noise Management Plan, this sets out how the applicant will deal with noise from the premises. This is with the application at the end of **Appendix 'A'**.
- 3.11 During the 28 day statutory public consultation period a number of valid representations were received. These included representations from the Ward Councillor, the Parish Council and nine valid objections from local residents (Interested Parties) against the application and one valid representation in support of the application. These representations are attached as **Appendix 'B'**.
- 3.12 The representation raised by the Ward Councillor is concerned about the hours of operation causing a public nuisance to nearby residents and that traffic generated, particularly late at night, could have a negative impact on public safety. The Councillor believes that if the application is granted it would undermine the prevention of public nuisance and public safety licensing objectives.
- 3.13 The representation raised by the Parish Council is a concern about the proximity of the venue, and the hours of operation causing a public nuisance, to nearby residents. In addition to concerns regarding noise pollution concerns are raised about potential anti-social behaviour linked to the type of venue it is believed will be created. It is requested that the application be refused on the grounds that granting it would undermine the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives.
- 3.14 Nine representations were received from people living in the vicinity of the premises.



- 3.15 Eight of these representations were against the application with the main concerns of the residents being noise, traffic, possible anti-social behaviour and potential crime and disorder. The representations invoke the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives. Following amendments to the application two interested parties responded before this report was finalised, please see 3.30-3.32 below.
- 3.16 One of the representations from the Interested Parties was a representation of support from a local resident. This representation reiterates that the licenced premises is for on sales of alcohol and the music area is approximately 7m x 10m and that they believe that live music or recorded music would not disturb residents.
- 3.17 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.
- 3.18 On 15<sup>th</sup> May 2020 the applicant submitted a supporting letter for their application from Herts & Essex Borders Branch CAMRA. This letter is not a representation but is additional information provided by the applicant and can be seen at **Appendix 'D'**.

### **Policy and Guidance**

- 3.19 Section 4 of the East Herts Statement of Licensing Policy ('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 of Hadham Brewery does not fit into any single one of the premise definitions as this application is requesting a number of different licensable activities and is a mix of regulated entertainment, on sales and off sales of alcohol. As

such, the best fit has been split into two areas, off sales of alcohol at the premises and online then music/on sales of alcohol.

- 3.20 For off sales at the premises this would be classed as an off licence and would include online sales. For the music and on sales this would best fit into public houses, wine bars and other drinking establishments
- 3.21 The proposed premise is not in a Town Centre location as detailed in the policy so is classed as being in 'Other areas'.
- 3.22 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 "Off licence" in this type of location when valid and relevant representations have been received:  
*Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop*
- 3.23 For the premise type of Public houses, wine bars and other drinking establishments in this type of location when valid and relevant representations have been received:  
*Will generally be allowed alcohol sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions).*
- 3.21 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.”*

3.22 Section 8.0 of the Policy contains information on how the Licensing Authority considers applications under the Public Safety licensing objective. Paragraph 8.2 states *“Conditions to promote public safety will be those that are appropriate, in particular circumstances of any individual premises or club premises, and will not duplicate other requirements of the law. Equally, the attachment of conditions to the premises licence or certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work Act 1974, Associated Regulations and especially the requirements under the management of Health and Safety at Work Regulations 1999 and Regulatory Reform (Fire Safety) Order 2004, to undertake risk assessments. Employers should assess the risks, including risks from fire and take measures necessary to avoid and control these risks. Licence conditions enforcing those requirements will therefore not be attached.”*

3.23 Section 9.0 of the 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.”*

3.24 Paragraphs 9.37 and 9.38 of the revised Guidance issued under section 182 of the Licensing Act 2003 (‘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.*

3.25 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, 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.

3.26 Paragraphs 9.42-9.44 deal with how to determine actions that are appropriate for the promotion of the licensing objectives.

3.27 If Members 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 of the Guidance would be particularly relevant.

- 3.28 Chapter 11 of the guidance deals with reviews and paragraphs 11.16 – 11.23 are particularly relevant as they deal with the powers the licensing authority has to determine the application.

### **Officer observations**

- 3.29 On the 14<sup>th</sup> May 2020 all those that had made representations against the application were sent the details of the amendments to the application to see if they addressed their concerns.
- 3.30 At the time of drafting the report two interested parties had responded to the emailed amendments. The first response contained the objector's original representation without amendment. This is the third objection in **Appendix 'B'** originally received on 27<sup>th</sup> April 2020 at 17:52.
- 3.31 The second response contained an amended representation in light of the changes made to the application. This revised representation which can be found at **Appendix 'E'** replaces the sixth representation of **Appendix 'B'** originally received on 8<sup>th</sup> April 2020 at 22:44.

This amended representation raises concerns regarding the impact of "*ALCOHOL CONSUMPTION BOTH INSIDE AND OUTSIDE the premises*". As Members will be aware consumption of alcohol is not a licensable activity and it is the sale of alcohol that Members are considering. Members may wish to clarify with the applicant if outside areas of the premises will be used for consumption as the application only references smokers going outside and the numbers being limited to 10 persons after 21:00.

- 3.32 When viewing the evidence presented by the interested

parties there are a number of factors or questions that need to be considered when deciding how much weight should be attached to each individual submission.

- 3.33 Some of the evidence references planning conditions placed on the premises. It should be noted that planning and licensing are different regulatory regimes, although similar in many ways. An applicant can apply for a licence with different hours / restrictions to their planning consent and this can be granted if the Licensing Sub-Committee feels that this would not undermine the licensing objectives. The applicant would then need to apply for the appropriate planning consent or would face possible enforcement action from Planning.
- 3.34 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.

If Members believe that the application would not undermine any of the licensing objectives then the application should be granted as requested.

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.

Members 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 objective would be undermined.

If Members 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 of the event, limiting the hours for licensable activities or even refusing the application in its entirety.

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.

If additional conditions are considered Members should decide whether these steps would in fact address their concerns if the decision was made to grant the hours requested.

Members may wish to seek the opinion of the applicant on each of the suggested conditions to clarify which are agreeable so that the hearing can focus on those which are disputed.

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.

Having regard to the point above, when looking at the conditions proposed by the applicant these cannot and in some cases should not be added to a licence in their current form. As such, please note the following amendments are suggested:

Proposed step by the applicant:

- a) Staff will be trained; training to include drugs awareness, underage sales and not serving alcohol to intoxicated persons,

Suggested condition if granted:



Staff shall be trained and training must include drugs awareness, underage sales (including Challenge 25) and not serving alcohol to intoxicated persons. Training should be refreshed annually and documented. Training records should be available on request to the Police or an authorised officer of the Council.

Proposed step by the applicant:

- b) An incident report register will be maintained for the purpose of recording all instances of antisocial behaviour, injury, and ejection from the premises. A refusal register will be maintained.

Suggested condition if granted:

An incident report register will be maintained for the purpose of recording all instances of antisocial behaviour, injury, and ejection from the premises. A refusal register will be maintained. The incident report and refusal register should be available on request to the Police or an authorised officer of the Council.

Proposed step by the applicant:

- c) 'Challenge 25' shall be followed with best practice and guidelines and trained staff to ensure alcohol will not be provided to any person appearing under-age unless ID is provided.

Suggested condition if granted:

The premises shall operate a 'Challenge 25' scheme and staff shall be trained in the use of the scheme and identifying the appropriate acceptable ID.

Proposed step by the applicant:

- d) For our online sales, there shall be an Over-18 declaration on our website to verify customer's age at the point of purchase, and customers will have to verify with a credit card to ensure they are 18 or above.

Suggested condition if granted:

The premises licence holder shall advertise their age verification policy on their website and inform customers before the sale is completed that age and identity verification may be required at delivery in accordance with the premises licence holder's age verification policy. Deliveries should be undertaken using an age verification service.

Proposed step by the applicant:

- e) A "zero tolerance attitude" to drugs will be enforced at all times.

Suggested condition if granted:

The premises licence holder shall ensure that any person appearing to be under the influence of illegal drugs shall be refused entry.

Any person found with illegal drugs must be reported to the Police immediately.

The premises licence holder and Designated Premises Supervisor are to co-operate with pre-arranged Police operations involving the searching of customers at entry for weapons and drugs.

There shall be a policy agreed with the East Herts Police Licensing Unit and approved by an authorised officer of the licensing authority for the premises relating to illegal drugs found on persons or on the premises.

Proposed step by the applicant:

- f) Promote sensible social drinking and refuse to serve those who appear to be reaching their own personal limit or who appear to be 'binge drinking'.

Comment:

This should not be a condition on a licence. Conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the premises by other legislation as per section 1.47 of the East Herts Statement of licensing policy and 1.16 of the S.182 guidance. The measures detailed are already required by the Licensing Act 2003.

*Proposed step by the applicant:*

- g) We will positively promote anti drink-driving and drunkenness campaigns.

Comment:

Whilst actively encouraged, this is more of a statement and should be not be added as a condition. Conditions need to be precise and enforceable.

*Proposed step by the applicant:*

- h) We will clearly label all alcoholic products, and if necessary, seek and act on advice from the Police and Licensing authorities.

Suggested condition if granted:

The premises licence holder shall ensure that all alcoholic products are marked with their appropriate ABV and that the ABV is given during any tastings.

*Proposed step by the applicant:*

- i) We will keep tidy premises with good control over glassware wherever used.

Suggested condition if granted:

During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent glassware, litter or waste accumulating from customers in the customer areas. This is to include both inside and immediately outside the premises.

Proposed step by the applicant:

- j) Where glasses are used, they will be toughened glassware.

Suggested condition if granted:

The premises licence holder shall ensure that all glassware at the premises is made of toughened glass.

*Proposed step by the applicant:*

- k) We will promote adequate signage and both internal and external lighting where needed.

Comment:

This should not be a condition on a licence. Conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the premises by other legislation as per section 1.47 of the East Herts Statement of licensing policy and 1.16 of the S.182 guidance. The measures detailed are already required by the Health & Safety at Work Act 1974.

Proposed step by the applicant:

- l) Locations of fire safety & other equipment to be clearly signed

Suggested condition if granted:

This should not be a condition on a licence. Conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the premises by other legislation. This is already required by the Regulatory Reform (Fire Safety) Order 2005 as part of the fire risk assessment.

Proposed step by the applicant:

- m) We will promote sensible drinking and to discourage illegal, aggressive and anti-social behaviour

Comment:

This should not be a condition on a licence. Conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the premises by other legislation.

Proposed step by the applicant:

- n) Whenever necessary to seek and act on advice from the relevant Police, Fire and Health & Safety Authorities.

Suggested condition if granted:

This is a statement and is subjective so will not be included on any granted licence. Conditions need to be precise and enforceable.

Proposed step by the applicant:

- o) We understand our obligations under existing legislation, and take our responsibilities seriously

Comment:

This is a statement and will not be included on any granted licence.

*Proposed step by the applicant:*

- p) We will monitor the level of noise created both on and off site and will act accordingly.

Suggested condition if granted:

The premises licence holder / designated premises supervisor or duty manager shall monitor noise levels from both inside and outside the premises to ensure that nuisance does not

occur to neighbouring properties. Records of these checks shall be kept and be available to an authorised officer of the Council upon request.

Proposed step by the applicant:

- q) We will control and remove litter both on and off premises.

Suggested condition if granted: included in point j above

Proposed step by the applicant:

- r) We will actively prevent nuisance before it occurs by process of communication, information and co-operation.

Suggested condition if granted:

No noise or vibration shall emanate from the premises which give rise to a nuisance.

*Proposed step by the applicant:*

- s) We will seek advice from the relevant authorities on best practice for prevention of nuisance and to advise those on the premises of correct social behaviour when needed.

Suggested condition if granted:

This is a statement and will not be included on any granted licence.

*Proposed step by the applicant:*

- t) We will ensure that reasonable steps are taken to recognise the needs of local residents and or businesses, and to encourage customers to leave quietly. Notices will be displayed to this effect.

Comment:

This will not appear on any granted licence and a new condition relating to notices was agreed with the Police and Environmental Health.

*Proposed step by the applicant:*

- u) We will provide taxi numbers to customers upon request.

Suggested condition if granted:

Contact numbers for a minimum of three taxis or private hire operators will be permanently displayed at the premises where they can be read by customers.

Again having regard to the point 3.45 above when looking at the conditions agreed between the applicant and the Police / Environmental Health these cannot and in some cases should not be added to a licence in their current form, as such please see the Licensing Officer's recommendations:

Condition agreed by the applicant:

Non-alcoholic drinks to be available as an alternative to alcoholic samples.

Suggested condition if granted:

The premises licence holder shall ensure that during booked tours non-alcoholic drinks are available in lieu of samples of alcohol drinks and non-alcohol beverages must be on sale at the bar whilst the bar is open.

This will therefore allow non-alcoholic beverages to be available for patrons who may not wish to drink alcohol.

Condition agreed by the applicant:

Customers using the designated smoking area to be limited to 10 persons after 21:00 hours.

Suggested condition if granted:

The applicant has not provided details of this to the licensing authority as such members may wish further details, for example, location of smoking area to ensure this does not cause nuisance to neighbouring properties.

The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway. After 21:00 the smoking area shall be limited to 10 patrons and patrons shall not be allowed to take open alcohol outside.

Aside from adding conditions it is open to Members to determine different hours of operation under the licence to those applied for but clear reasons for this step would need to be given. However if simply limiting the hours beyond those requested does not mitigate Members' concerns regarding the promotion of the licensing objectives then the option to also impose appropriate and proportionate conditions is available.

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 this weight was attached, and what evidence Members have relied upon when reaching their decision.

## **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 Members 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 that they give clear reasons on how and why they have made their decision.

## **6.0 Implications/Consultations**

- 6.1 As with any application for a new premises licence / variation of a premises licence or review of a premises licence there is a 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 have shown personal data this has been redacted.

### **Equalities**

The Equality Act 2010 and the Public Sector Equality Duty has been considered when preparing this report and will be considered during the Licensing Sub-Committee hearing.

## **Environmental Sustainability**

No

## **Financial**

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

There may also be a cost if the decision of the Licensing Sub-Committee is appealed to the Magistrate's Court.

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

As with all applications and Council functions, the Human Rights Act 1998 has been considered when preparing 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](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](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](https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Night_Time_Economy_NTE_Position_Statement.pdf)
- 7.4 Appendix 'A' – Application for a new premises licence, including plans, noise management plan & satellite photo of area.
- 7.5 Appendix 'B' – Representations against the application.
- 7.6 Appendix 'C' – Map showing location of the premises.

### **Contact Member**

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