



**MEETING** : LICENSING SUB-COMMITTEE  
**VENUE** : ONLINE MEETING - LIVESTREAMED  
**DATE** : MONDAY 29 MARCH 2021  
**TIME** : 10.00 AM

## **MEMBERS OF THE SUB-COMMITTEE**

Councillors M Goldspink, D Snowdon and C Wilson

### **COMMITTEE OFFICER:**

**PETER MANNINGS**

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[peter.mannings@eastherts.gov.uk](mailto:peter.mannings@eastherts.gov.uk)

## **DISCLOSABLE PECUNIARY INTERESTS**

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - 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.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- 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;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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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 - 8 January and 5 February 2021 (Pages 7 - 36)

To approve the Minutes of Previous Sub-Committee meetings:

8 January 2021

5 February 2021

6. Summary of Procedure (Pages 37 - 44)

A summary of the procedure to be followed during consideration of items 7 and 8 is attached.

7. Application for a Variation of a Premises Licence for Rush Green Service Station, Stanstead Road (A414), Hertford, SG13 7SH (21/0059/PLV) (Pages 45 - 86)

8. Application for a variation of a Premises Licence for ASDA, Watton Road, Ware, SG12 0AD (21/0056/PLV) (Pages 87 - 128)

## 9. 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 AS AN  
ONLINE MEETING ON FRIDAY 8 JANUARY  
2021, AT 10.00 AM

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PRESENT: Councillor R Bolton (Chairman)  
Councillors J Jones and D Snowdon

ALSO PRESENT:

Councillors D Andrews and S Reed

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Sergeant Fitzgerald	- Hertfordshire Constabulary (Observing)
Stuart Matthews	- Applicant's Head of Security Team
Guy McCallan	- Hertfordshire Constabulary (Traffic

Brittany Melly	Management) - Applicant's Management Team
Police Licensing Sergeant Saab Minichello	- Hertfordshire Constabulary
Community Safety Sergeant Clare Ramirez	- Hertfordshire Constabulary
Eric Stuart	- Applicant's Safety Advisor
Tom Wilkes	- Applicant

## 20 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Jones and seconded by Councillor Snowdon, 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.

## 21 APOLOGIES

There were no apologies.

## 22 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.

23 DECLARATIONS OF INTEREST

There were no declarations of interest.

24 MINUTES - 20 NOVEMBER AND 9 DECEMBER 2020

It was moved by Councillor Jones and seconded by Councillor Snowdon that the Minutes of the meetings held on 20 November and 9 December 2020 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 20 November and 9 December 2020 each be confirmed as a correct record and signed by the Chairman.

25 APPLICATION FOR A NEW PREMISES LICENCE,  
WATERBRIDGE 2021 AT WATERBRIDGE, FROGMORE HILL,  
WATTON AT STONE, HERTFORD

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 a new premises licence application under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on the 29 October 2020, an application was received for a location known as at Waterbridge, Frogmore Hill, Watton at Stone.

The Senior Licensing and Enforcement Officer said that the application sought a number of licensable activities including the performance of plays, the exhibition of films and live and recorded music. The hours applied for were Friday to Sunday between 10 am and 11 pm and the applicant had also applied to supply alcohol on the premises between 11 am and 11 pm. The application was for numerous events between May and September 2021.

The Senior Licensing and Enforcement Officer said that steps to promote the licensing objectives had been included with the application and these included the use of SIA door staff and stewarding, CCTV and an incident book. The Sub-Committee was advised that all events would be seated and entry to the site would be staggered. A challenge 25 policy would be in use and there would be a prohibition of certain items being brought onto the site.

The Senior Licensing and Enforcement Officer said that event and fire risk assessments would be in place and volume levels would be limited and monitored on the site and no glass bottles or cups would be permitted. Members were advised that all of these steps would be

supported by conditions as agreed with Environmental Health Officers.

The Sub-Committee was advised that family entertainment in the form of outdoor cinema, theatrical performances, live and DJ music and comedy and events would be held on 2 days every other weekend between 1 May 2020 and 27 September 2021, except for the August Bank Holiday weekend and the following weekend of the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> September.

The Senior Specialist Licensing Officers said that during the consultation period there had been a representation from the police acting as a responsible authority. The concerns of Hertfordshire Constabulary related to the number of proposed events and the intended numbers due to be present. The police were also concerned about the impact of traffic, noise and litter on the neighbouring area. The Sub-Committee was advised that the licensing objectives relating to the prevention of public nuisance, prevention of crime and disorder and public safety were all triggered by the police objection.

The Sub-Committee should determine the application with a view to promoting the four licensing objectives and if Members believed that the application would not undermine the licensing objectives, it should be granted as requested. If the Sub-Committee believed that the application would undermine the licensing objectives, it was within the remit of Members to take appropriate and proportionate steps to address their concerns.

The Senior Licensing and Enforcement Officer said that the application could be refused entirely if the Sub-Committee did not believe that there were any steps that could be taken to address concerns, but this should be the last resort.

The Sub-Committee was advised that the determination of Members should be evidence based and justified based on the promotion of the four licensing objectives. The decision of the Sub-Committee should also be proportionate in terms of what Members were seeking to achieve.

Councillor Bolton said that there was current licence in place in for 3 weekends for 3 day events. The Senior Licensing and Enforcement Officer confirmed that this was the case and said that this application was in addition to that existing licence.

Mr Wilkes, owner and organiser for this premises, said that he had lived in the area for 35 years. He introduced Brittany Melly, health and safety and event management, and Stuart Matthews, head of security and also Eric Stuart, who was an event security consultant.

Mr Wilkes said that his intention was to hold events on a maximum of 12 weekends between the beginning of May and the end of September. He said that the events would range from theatrical performances, open air cinema, orchestra and DJ and band events and these would all end at the latest by 11 pm. The events would be for a maximum of 1500 people and would be held

over two days on Friday, Saturday and Sunday.

Mr Wilkes referred to concerns raised in respect of traffic and noise and said that he had held larger events on this site for 12 years with a good safety record and these events had met with the full approval of Hertfordshire Constabulary, Hertfordshire Fire and Rescue and Environmental Health, with no review of the licence. He said that he believed that for these much smaller events, the traffic could be managed without any significant disruption.

Mr Wilkes said that he was happy to take advice from and work with the police on traffic management for these smaller events. He said the record of this site as regards noise was always within regulations and his intention was to provide safe COVID-19 compliant events for the local community. He stated that he suggested conditions to mitigate the concerns that had been raised by the Police and his management team were happy to find mutually acceptable solutions to satisfy the four licensing objectives. He said that there had been no objections from the public or from Datchworth and Aston Parish Council.

Councillor Snowden asked for the applicant to articulate how he planned to address difficulties people might encounter in accessing public transport from this site, given the challenges in accessing the station at Watton at Stone and also the fact that public transport from that location would have ceased by 11 pm anyway.

Mr Wilkes said that he had held a number of events

since 2012 whereby over 2,000 people had exited the site safely without a TTRO or any other form of traffic management within 20 minutes. He said that attendance rate of taxis had been much better in 2019 and he acknowledged that there had been an issue back in 2018.

Councillor Snowden asked Mr Wilkes about assistance offered to vulnerable people. Mr Wilkes said that security staff would escort intoxicated or vulnerable people to Aston and security personnel would be posted in Aston to prevent vehicles coming back to the site from Aston village at night.

Councillor Jones asked Mr Wilkes how he would be deciding which 2 days an event would take place on over a 3 day weekend period. He also asked whether Wilkesfest would still go ahead in 2022 should this licence be granted. Councillor Jones asked whether the 12 weekend events would be run under the provisions of a TTRO.

Mr Wilkes said that he could not confirm exactly which acts would be present on any given day at this stage. He confirmed to Councillor Jones that it could be a film on the first day and a theatrical performance or DJ set on the second day. He said that Wilkestock would be held under the provisions of this licence, if granted, as a day event for 1500 people only. He confirmed that the original licence for Wilkestock would not be used in 2021 should this licence be approved today.

Mr Wilkes confirmed that he had been under the impression that a TTRO was not required for a smaller

event for 1500 people but he was happy to work with the police to implement a TTRO if this worked better between 9:30 pm and 1 am.

Councillor Bolton asked for clarification regarding the TTRO for 2019 events. Mr Wilkes confirmed that in 2019 there had been a traffic management plan in place as well as a road closure and one way system. He commented on the complaints that had been received regarding the back and beyond event in 2018 and also in July 2019. He also made the point that there was no public representation at the hearing or any complaints from the Parish Council.

Councillor Bolton asked for Mr Wilkes to clarify the number of days that would be run from this site should this licence be granted. Mr Wilkes confirmed that 12 two day events equated to 24 days on this site.

Councillor Bolton asked about the Event Management Plan and the possibility of tickets being sold at the entry point for these events. Mr Wilkes said that an event Management Plan would be submitted as a blue print for how each event would be run. He also said that some tickets could be sold at the gate depending on the number that had been sold in advance.

Mr Wilkes confirmed to Councillor Bolton that the events would not involve any camping and would only be daytime events. Councillor Bolton asked about the challenge 25 policy and how this would work with table service. Mr Wilkes and his health and safety event manager confirmed that the table arrangement was run via an app and the people serving the drinks would

verify age on arrival at the table.

Police Sergeant Clare Ramirez said that Mr Wilkes had been holding events at this location for a number of years. She commented at length of the numbers of people that were estimated to have been present at various events on this site. She expressed concerns over dispersal from the site and said that Mr Wilkes had not demonstrated that access and egress to and from the site could be achieved in a controlled manner.

Councillor Bolton proposed and Councillor D Snowden seconded, a motion that the press and public be excluded from the meeting to allow for CCTV to be shown to the Sub-Committee, as it might be possible for individuals to be identified in the CCTV footage. This motion was supported by the Sub-Committee and was declared CARRIED.

The hearing continued live on zoom after the CCTV footage had been viewed. Police Sergeant Ramirez said that the matters that had been highlighted were the main issues that police had had to assist with in managing events at this location. She said that it was worth noting that the role of the police was to manage the impact on police resources rather than monitoring all the ins and outs of every aspect of an event.

Sergeant Ramirez drew the attention of the Sub-Committee to her report and the issues detailed within it. She referred to the photos of narrow lanes in the vicinity of this site and the associated limitations in terms of access and egress. She said that numbers



should be limited to 1000 where those present were all due to leave that same night and the numbers leaving in the dark could have been managed better in the dark on country lanes at past events.

The Sub-Committee was advised that the police had worked closely with Mr Wilkes since 2016 on his event management plans (EMP) to ensure that they were of a certain standard. Sergeant Ramirez said that she could not understand why Mr Wilkes was still unable to submit an EMP without significant input from the police.

The Sub-Committee was advised that the police had a reasonable expectation that an event organiser should be able to produce, with the assistance of experts in certain fields, adequate event management plans for a safe event with minimal input from the police.

Sergeant Ramirez expressed a number of concerns about the approach of Mr Wilkes in not producing adequate EMPs to manage risks and he had 'cut corners', unless pushed to take action by the police. She said the police had constantly had to chase Mr Wilkes for unmet conditions and missing items from EMPs and it was his responsibility to ensure these matters were covered and it was not the job of the police.

Sergeant Ramirez refuted the assertion made by Mr Wilkes that the residents were informed and happy with the application. She said that she had spoken to a resident who had been unaware of the application, as were other residents he had been in contact with. She

suggested that given the location of the event, it was not realistic to expect residents to be aware of the application under the provisions of the licensing act for publicising applications.

The Sub-Committee was advised that Mr Wilkes had failed to adhere to current conditions on his licence for the submission of EMPs and had shown an unwillingness to work with police unless forced to do so.

Sergeant Ramirez concluded that she did not believe there were any conditions that could mitigate the risks of this application and she believed it should be refused as it would pose risks to public safety, and result in public nuisance and crime and disorder.

Guy McCallan, Hertfordshire Constabulary, said that the site presented challenges in terms of traffic management, some of which could be mitigated by a traffic management plan. An early version of the plan was too generic and lacked sufficient detail and did not include a TTRO. He commented on the need for specific details of changes required by the different audience profiles for each planned event. He highlighted a number of specific concerns regarding pedestrians such as the lack of a footway on narrow country lanes.

Mr McCallan commented on a number of suggestions that had been made to Mr Wilkes such as providing a segregated pedestrian route between this location and a footway on the public highway network. Another suggestion had been for the provision of a minibus to

convey people between the venue and an identified safe location. The Sub-Committee was advised the Hertfordshire County Council (HCC) had concerns in relation to the frequency and number of events planned on this site. Mr McCallan referred to other events and planned works in the area, including HCC closures, which would mean that there would be insufficient road space for the events Mr Wilkes had planned for this site.

Sergeant Ramirez expressed a concern that the applicant had not consulted with Mr McCallan or Mr David Morgan of Hertfordshire Highways prior to submitting this application, as suggested in the Council's Statement of Licensing Policy.

Councillor Jones asked Sergeant Ramirez about a number of possible conditions that might make the application more acceptable to the police. Sergeant Ramirez said that her concern was that for events happening every other weekend, her concerns would not be alleviated by reducing the numbers attending. Her principle concern was that in 2018 and 2019, important information was not forthcoming from Mr Wilkes and she did not believe he could ensure the safe running of events every other weekend.

Sergeant Ramirez stressed that the police do engage with applicants to ensure safe events but it was not the role of police to write event management plans and the onus was on the applicant to provide the police with an adequate document. She also said that Mr Wilkes was not adhering to the conditions on his existing licence.

Councillor Bolton asked the police about the matter of blue light access and their thoughts on this. Sergeant Ramirez expressed a concern that the blue light access referred to in the application was not one that would be kept sterile from other traffic or pedestrians, particularly as there was no TTRO in place for each event.

The Legal Services Manager put a question to the police via the Chairman about whether there was an acceptable marker for the police in terms of the number of events. Sergeant Ramirez said that her concern was the ability of Mr Wilkes to manage the number of events and she would not wish to see more than 3 events, as per the terms of the existing licence.

Mr Wilkes referred to the 2018 event and the CCTV footage that had been shown. He said that the problems shown were down to the security company and this firm had not been used since that event. He asked Sergeant Ramirez on what basis was it required that he submit a TTRO for an event under 1,500 people. She confirmed that since the issues at the 2018 event, the police had informed Mr Wilkes that a TTRO should in place for all events on this site.

Mr Wilkes asked Sergeant Ramirez if there had been any reports of crime and disorder in this area, within the last 12 years. Sergeant Ramirez said that there was certainly an issue in terms of disorder, as stated by residents who had said that they had been disturbed. She confirmed that running an event was about identifying risks and managing those risks.

Mr Wilkes asked the police in respect of any complaints received from residents in respect of public nuisance. Sergeant Ramirez confirmed that she had received eight emails from residents.

The Senior Licensing and Enforcement Officer confirmed to the applicant's safety adviser that had been no breach of procedure regarding this application under the terms of the licensing act 2003.

The safety adviser, Mr Eric Stuart, asked the police if there had been recorded calls to 999 or 111 regarding crime or public disorder for events at this site in the last 12 years. Sergeant Ramirez said that she could not comment for the last 12 years and there had been no reported crimes aside from the incident with the fire extinguisher.

Mr Stuart asked whether the licence had been called into review after the 2018 event. Sergeant Ramirez said that a review was certainly something that had been considered following the 2018 event. She said that police had been reassured by Mr Wilkes about future event management. She said that based on her review of the situation regarding the 2019 events and past correspondence, she was minded to believe that the current licence might need to be reviewed based on that information.

Mr Wilkes asked the police if there was evidence that he was incompetent in terms of being able to run safe events. Sergeant Ramirez said that she had supplied evidence of the incompetent way that events had been

managed, in terms of cutting corners and breaches of the licence.

Mr Wilkes asked for further evidence to back up the concerns raised by the police. Sergeant said that she did not believe that Mr Wilkes organised and planned safe events that managed all possible identified risks. A representative of the police, Saab Minichello, confirmed that there had been a call to the police about a sexual assault in September 2019.

The Police and the applicant both made a brief closing submission before the Sub-Committee retired to make its decision. 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 the Democratic Services Officer returned and the Chairman announced that the Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and the police as the responsible authority.

The Sub-Committee had significant concerns over the serious issues raised by the police as the responsible authority regarding historic events and the ability of the applicant to run a responsible event. The Sub-Committee were sympathetic to the applicant's wish to hold entertainment events to support the community.

The Sub-Committee had considered possible

conditions but could not identify any that were appropriate and proportionate to mitigate the concerns of the police and to ensure that the following licensing objectives would not be undermined:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance

The application is therefore refused. This decision will be issued in writing and there is the right of appeal within 21 days to the magistrate's court.

**RESOLVED** – that the application for a new Premises Licence at Waterbridge, Frogmore Hill, Watton at Stone, Hertford, be refused.

26 URGENT BUSINESS

There was no urgent business.

The meeting closed at 12:55

Chairman .....

Date .....

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MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD AS AN  
ONLINE MEETING ON FRIDAY 5 FEBRUARY  
2021, AT 10.00 AM

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PRESENT: Councillor B Crystall (Chairman)  
Councillors M Goldspink and C Wilson

OFFICERS IN ATTENDANCE:

Katie Mogan	- Democratic Services Manager
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Mr Alex Hutchinson	- Applicant
Mrs F Adams	- Local Resident (Interested Party)

27 APPOINTMENT OF CHAIRMAN

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

**RESOLVED** – that Councillor Crystall be appointed Chairman for the meeting.

28     APOLOGIES

There were no apologies.

29     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.

30     DECLARATIONS OF INTEREST

There were no declarations of interest.

31     APPLICATION FOR A NEW TIME LIMITED PREMISES LICENCE FOR STONE VALLEY SOUTH / INTEGRATED ENTERTAINMENT LTD AT HILLSIDE FARM, HILLSIDE LANE, GREAT AMWELL, HERTS, SG12 9SH (19/2389/PL)

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 a new premises licence application under Section 17 of the Licensing Act 2003.

The Sub-Committee was advised that on 13 December 2020, Integrated Event Management Ltd submitted an application for a new limited time premises licence for a venue in fields adjacent to Hillside Farm, Hillside Lane, Great Amwell, in order to accommodate a festival, Stone Valley Festival South (SVFS). The application was for a number of licensable activities including the supply of alcohol for consumption on and off the premises, late night refreshment and regulated entertainment. It was proposed that the event would take place on one weekend between 24 May and 17 September 2021, with the sale of alcohol and regulated entertainment between 11:00 – 23:00. It was proposed that late night refreshment would be provided between 23:00 – 01:00.

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 production of a comprehensive management plan, a risk assessment exercise and the employment of Security Industry Authority (SIA) licenced security team equipped with body-worn CCTV cameras.

Members were also advised that the applicant had agreed with Environmental Health to limit noise levels, facilitated by ongoing noise monitoring. He would also produce a comprehensive noise management plan, as well as a COVID-19 risk assessment six weeks before

the event. The applicant had also agreed to supply an Event Management Plan to Police three months prior to the event.

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 three representations from interested parties had been received, which raised concerns regarding noise, traffic, waste and the ongoing COVID-19 pandemic. These representations engaged the prevention of public nuisance and public safety 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.

Councillor Wilson asked the Senior Licensing and Enforcement Officer to respond to the suggestion made in the representations by interested parties that there had been procedural irregularities with the application, which might have necessitated an extension of the consultation period.

The Senior Licensing and Enforcement Officer said that the applicant was required to display 'blue notices' around the site notifying residents of the application, as well as publicise this in the local newspaper, which the applicant had done. There had been an error in the address displayed on the Council's website, which had been immediately corrected once realised, but the process could not be extended due to this error being on the part of the Council.

The applicant briefly explained why he believed that the application should be accepted. He said that it was effectively a continuation of a previously granted licence, given that the 2020 edition of the festival was cancelled due to the pandemic, although it was time limited on this occasion. He said that the expansion in capacity by around 2000 attendees to 4999 was in line with the original plan for the festival, which had been held successfully in 2019. He felt that all the concerns raised by interested parties had been addressed by the proposed conditions.

The Chairman and Councillor Wilson asked what the applicant's strategy was to monitor noise levels and

respond to any complaints from residents.

The applicant said that SVFS would employ an acoustician whose role it would be to monitor and adapt noise levels accordingly. There would be a 24/7 hotline available for residents to call if the noise levels were considered to be unsatisfactory. If a call was received, staff would be dispatched to the address to take measurements of the noise level. If they were above legal limits, they would be immediately reduced. If they were legal but unsatisfactory to residents, an effort to reach a compromise would be made. Four weeks prior to the event, a letter would be sent to the addresses of residents that the acoustician believed would be in range of the noise to supply the hotline telephone number, and this would also be displayed on SVFS' website.

Councillor Goldspink said that the proposed increase in the number of attendees was large and asked the applicant if the number of car parking spaces would be sufficient.

The applicant said he was confident that they would be. The proposed number of attendees was the amount SVFS had projected would be possible prior to the 2019 edition, but it was decided that the lower number would be tested initially, and only around 60% of the site was utilised.

Councillor Wilson asked why the licence had been applied for on a time limited basis and if the proposal to serve late night refreshments until 01:00 would also apply on Sunday evening.

The applicant said that the time limited application was submitted to allow SVFS some flexibility to postpone the festival if necessitated by the ongoing COVID-19 pandemic. It was proposed to allow late night refreshments on the final night of the festival, but in practise, this comprised of one catering van and no more than 30 people queuing in the middle of the field, so would not cause a disturbance.

Councillor Wilson asked whether the alcohol policy allowed each attendee to bring up to 16 cans of alcohol on-site, as this seemed rather a lot. The Legal Services Manager asked whether it would be permitted for attendees to consume this alcohol in the festival arena, or only within the camping area.

The applicant said the alcohol allowance was the total amount allowed over three days, which he did not believe to be excessive. He also explained that the alcohol could only be consumed in the camping area, but on arrival attendees would need to walk through the festival arena to access this.

Councillor Crystall asked the applicant what COVID-19 secure measures he envisaged introducing and whether the proposed noise levels were the same as in 2019.

The applicant said that the only guidance from government was that events between May-June 2021 could likely be held with social distancing measures in place and from 1 July 2021 onward, in a similar manner as they were pre-pandemic. However, he had been

working on the assumption that increased levels of hygiene, personal protective equipment and immunised staff might be necessary. Noise levels would be set at the same level as the previous edition.

The interested party asked the applicant how many attendees there were at the previous edition of the festival, and whether residents of the '100 Acre Estate' would receive letters, as they had been affected by noise nuisance previously, but did not receive letters.

The applicant said there had previously been 2620 attendees. He also said he would ensure that those residents received letters if the application was granted. The interested party said that the 'blue notices' could have been displayed more prominently in areas more likely to be seen by residents.

The applicant said in his closing statement that he wished to stress that if the event could not be held safely due to the ongoing COVID-19 pandemic, it would not take place. SVFS would not be an event which sought to circumnavigate COVID-19 guidelines or give the false impression that it could take place safely and subsequently put the local community at risk.

At the conclusion of the closing submission, the Sub-Committee, the Legal Services Manager, Democratic 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 Licensing Sub-Committee



had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and interested party and the Sub-Committee had taken into account concerns raised by the interested parties. The Sub-Committee decided to grant the application, subject to additional and amended conditions, along with the steps agreed with the relevant responsible authorities to promote the licensing objectives.

Additional and amended conditions:

- In relation to condition 8f, the wording, “in line with conditions set by Herts Fire and Rescue” to be removed as Fire and Rescue had not set such conditions;
- In relation to condition 8i, the wording “in line with the conditions set by Environmental Health” to be removed;
- In relation to condition 8l, to incorporate the following additional amended wording, “Where any person is suspected of dealing in drugs, following a search or otherwise, that person will be ejected or refused entry and the person concerned will be detained by the security company/door men and police will be contacted immediately”;
- In relation condition 19, to include “No alcohol sold under the licence will be permitted to leave the perimeter of Hillside Farm”.

The Chairman said that 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 licensing objectives. The evidence was balanced against the representations made by the interested parties. The Sub-Committee believed that the applicant had shown a willingness to have regard to local residents in relation to noise nuisance. The Sub-Committee had also noted the applicant's willingness to extend the area noise notification letters were sent to, to include residents of the '100 Acre Estate'.

**RESOLVED** – that the application for a new limited time Premises Licence for Stone Valley Festival South, be granted subject to additional/amended conditions, along with the steps agreed with the relevant responsible authorities to promote the licensing objectives:

- In relation to condition 8f, the wording, "in line with conditions set by Herts Fire and Rescue" to be removed as Fire and Rescue had not set such conditions;
- In relation to condition 8i, the wording "in line with the conditions set by Environmental Health" to be removed;
- In relation to condition 8l, to incorporate the following additional amended wording, "Where any person is suspected of dealing in drugs, following a search or otherwise, that person will be ejected or refused entry and the person concerned will be detained by the

security company/door men and police will be contacted immediately”;

- In relation condition 19, to include “No alcohol sold under the licence will be permitted to leave the perimeter of Hillside Farm”.

The applicant and interest party were advised that this decision would be issued in writing and there was the right of appeal within 21 days to the magistrate’s court.

The meeting closed at 11.50 am

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

<b>Term</b>	<b>Meaning</b>
<b>Applicant</b>	<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>
<b>Interest</b>	A Disclosable Pecuniary Interest as defined in the Council's Members' Code of Conduct.
<b>Other parties</b>	Any persons making relevant representations or any person who is representing such persons.
<b>Licensing Authority</b>	East Hertfordshire District Council
<b>Parties to the Hearing</b>	The applicant and any parties that have made relevant representations or submitted a valid objection notice.
<b>Relevant Representations</b>	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.
<b>Responsible Authority</b>	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

### Licensing Sub-Committee

**Date of Meeting:** 29 March 2021

**Report by:** Jonathan Geall, Head of Housing and Health

**Report title:** Application for a Variation of a Premises Licence for Rush Green Service Station, Stanstead Road (A414), Hertford, SG13 7SH (21/0059/PLV)

**Ward(s) affected:** Hertford Kingsmead

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### Summary

- An application for a variation of a premises licence has been received and representations against the application have been made by interested parties. Where representations are 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 variation of a 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 Statement of Licensing Policy (herein 'the 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 2003 (herein 'the Guidance').
- 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 variation to a premises licence was submitted by BP Oil UK on 1 February 2021. The application has been correctly advertised in the newspaper and consulted upon as required by legislation and regulations.
- 3.2 The application seeks approval to vary the current premises licence by extending the supply of alcohol to between 07:00 and 23:00 daily and to remove and replace all conditions of the licence.
- 3.3 The application seeks the following Annex 2 conditions to be removed:

- 1) CCTV system to be installed or existing system to be maintained and be fit for purpose and fully operational. The system will be capable of producing immediate copies of recordings. Recordings will be retained and stored in a secure manner for a minimum of 28 days and shall be made available, subject to compliance with data protection legislation, to the Police for inspection on request.
- 2) The CCTV System will cover the entrance door and alcohol display, the precise positions may be agreed, subject to compliance with data protection legislation, with the police from time to time and will be of identification standard and display the correct time and date with a complete audit trail.
- 3) Waste receptacles to be placed immediately outside the premises.
- 4) A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 5) Prominent notices will be displayed in the store advising customers that they may be asked to provide evidence of age.

3.4 The premises currently hold a premises licence for the supply of alcohol between 08:00 and 23:00 daily as such this is an extension of one hour per day. The opening hours of 24 hrs remain unchanged although it is understood that they are currently open between 07:00 and 22:00 Monday to Saturday and 09:00 and 20:00 Sunday although they could open longer if they wished.

- 3.5 A redacted copy of the application form for a new premises licence is attached as **Appendix 'A'**.
- 3.6 Section 16 of 18 on 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. The applicant has proposed the following conditions to replace the current Annex 2 conditions:
- 1) A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
  - 2) The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
  - 3) Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
  - 4) The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
  - 5) The system will display, on any recording, the correct time and date of the recording.
  - 6) The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
  - 7) The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the Licensing Authority and police.



- 8) Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
  - 9) The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.
- 3.7 During the 28 day statutory public consultation period eight representations were received from Interested Parties, including the local county councillor and seven residents. These representations are attached as **Appendix 'B'**.
- 3.8 The representations from the Interested Parties each engage of the public safety licensing objective with one representation engaging the prevention of public nuisance objective. The main concerns over extra traffic this application will bring to the roundabout.
- 3.9 There have been no representations from any responsible authority.
- 3.10 A copy of the current premises licence and licence plan are attached as **Appendix 'C'**.
- 3.11 A plan of the area in which the premises is located is attached as **Appendix 'D'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

## Policy and Guidance

3.12 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 2005, 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.”

3.13 Paragraph 9.37 and 9.38 of the revised Guidance issued under section 182 of the Licensing Act 2003 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.*

3.14 With paragraph 9.38 of revised the Guidance stating:

*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.*

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

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 would be particularly relevant.

### **Officer observations**

3.16 Paragraph 10.15 of the Guidance is clear in that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

3.17 The Interested Parties have suggested that the application would undermine the prevention of public nuisance and public safety licensing objectives. Members should consider whether the variation application would likely add to the traffic between 07:00 and 08:00 each morning so that it would cause a public nuisance or a risk to public safety. Members can therefore ask questions of both the applicant and the interested parties on this before making their determination.

- 3.18 One of the representations mentions that the Police have issued a notice in regards to traffic at the site. The Police issued a Community Protection Warning to both the applicant and McDonalds in February 2018. The Police have been consulted on this application and have not made any representation and chose to agree conditions therefore they are satisfied that the application would not undermine the licensing objectives.
- 3.19 So as to ascertain whether the proposed steps are adequate to promote the licensing objectives with the requested variation, the Sub-committee should consider:
- the conditions that are already present on the licence, (although in this case the applicant is requesting that they are removed so Members should consider whether they should remain on the licence) and
  - the conditions that are present on the application.
- 3.20 As stated in the Guidance, the authority's decision should be evidence based, justified as being appropriate for the promotion of the licensing objective's and proportionate to what it is intended to achieve.
- 3.21 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.
- 3.22 If Members believe that the application would not undermine any of the licensing objectives then the application should be granted as requested.
- 3.23 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.

- 3.24 In considering additional conditions Members should decide whether these steps would in fact address their concerns if the decision was made to grant the hours requested.
- 3.25 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.
- 3.26 Aside from adding conditions it is open to the Sub-Committee to limit the hours of operation under the licence 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.
- 3.27 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.

## **4.0 Options**

- 4.1 The options 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 modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them. This could include amending 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 reject the whole or part of the application that would lead to the application undermining the licensing objectives.

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 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 As with any application for a new premise licence, a variation of an existing premise licence or review of a premise 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**

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 – Hertford Kingsmead

## **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 variation of a Premise Licence.
- 7.5 **Appendix 'B'** – Representations against the application.
- 7.6 **Appendix 'C'** – Current Premises Licence and plan.
- 7.7 **Appendix 'D'** – Map showing location of the premises.

**Contact Member** Councillor Peter Boylan – Executive Member for Neighbourhoods  
[peter.boylan@eastherts.gov.uk](mailto:peter.boylan@eastherts.gov.uk)

**Contact Officer** Jonathan Geall – Head of Housing and Health  
Contact Tel No. 01992 531594  
[jonathan.geall@eastherts.gov.uk](mailto:jonathan.geall@eastherts.gov.uk)

**Report Author** Brad Wheeler – Senior Licensing and Enforcement Officer  
Contact Tel No. 01992 531520  
[brad.wheeler@eastherts.gov.uk](mailto:brad.wheeler@eastherts.gov.uk)





\* required information

## Section 1 of 18

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  Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

Business name

VAT number

Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

*Continued from previous page...*

Applicant's position in the business

Legal Team

Home country

United Kingdom

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

Chertsey Road

District

City or town

Sunbury on Thames

County or administrative area

Postcode

TW16 7BP

Country

United Kingdom

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

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

Registration number

OC334359

Business name

Winckworth Sherwood LLP

If your business is registered, use its registered name.

VAT number

-

N/A

Put "none" if you are not registered for VAT.

Legal status

Limited Liability Partnership

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

**Premises Contact Details**

Telephone number

*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

182,000

### Section 3 of 18

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe 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.

The premises is a petrol forecourt store located on Stanstead Road (A414), Hertford, SG13 7SH.

The variation is to do the following:

1. Extension of the hours for the sale of alcohol to 0700 to 2300 daily.
2. To remove the conditions listed in Annex 2.
3. To include in Annex 2 the conditions in boxes b to e of Section 16 of the application.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

☐

Yes

☒

No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to  
vary is successful?

☐

Yes

☒

No

*Continued from previous page...*

## Section 6 of 18

### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 7 of 18

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 8 of 18

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 9 of 18

### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 10 of 18

### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Continued from previous page...

## Section 12 of 18

### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 13 of 18

### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Provide 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

##### SUNDAY

Start

End

Start

End

*Continued from previous page...*

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.

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

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

## Section 14 of 18

### 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.

Provide 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.

The premises sells other age restricted goods.

## Section 15 of 18

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide 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...*

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

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 above, list below.

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The conditions listed under Annex 2.

☒ I have enclosed the premises licence



*Continued from previous page...*

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 18

### 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)

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

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.

3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

4. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

5. The system will display, on any recording, the correct time and date of the recording.

6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the

*Continued from previous page...*

licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.

## Section 17 of 18

### NOTES ON REGULATED ENTERTAINMENT

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.

## Section 18 of 18

### 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. Variation fees are based on the non-domestic rateable value of the premises.

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](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 you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise 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 (£)

635.00

### 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)



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

*Continued from previous page...*

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

\* Capacity

\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

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/change-1> to upload this file and continue with your application.

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

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

#### OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

Dear

Thank you for your email clarifying the grounds for objecting to BP request to extend the licensing hours from 8am to 7am each day.

I have two grounds on which to object – in fact to this license in its entirety now- but I appreciate that on this occasion the objection is to this specific extension.

There has been a long running problem at this location with illegal queuing on the highway by customers of BP . The police have issued notice to both BP and McDonalds to require them to co-operate with improving the access and an improved access scheme has been approved by Herts Highways. However BP have refused to acknowledge their responsibility and consistently failed to fill their duty to reasonably co-operate- refusing or declining even to attend meetings at HCC . They attended one meeting with me at HCC after several years of attempts by me and by highway officers.

This causes a serious public safety issue because at times of the day (which are somewhat unpredictable) vehicles trying to access BP illegally queue on the highway creating a hazard for users of the A414 and for residents trying to exit Pinehurst and Foxholes estates. There have been a number of incidents in my view and that of many residents it is only a matter of time before there is a fatality at this location.

For these reasons I OBJECT TO THIS LICENSE APPLICATION on the grounds that it will exacerbate an existing public safety problem and will also create illegal activity since the highway is a clearway and queuing on it is illegal BP do not have adequate parking on their site for a licensed premises and their highway access road is also inadequate.

I hope that East Herts District Council will support local residents on this matter and reject this application – and also look into rescinding the entire licence since it is wholly inappropriate and should never have been granted in the first place.

**County Councillor,**

Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 25/02/2021 5:03 PM from Mr XXXXX.

Application Summary

Address:	Stanstead Road (A414) Hertford Hertfordshire SG13 7SH
Proposal:	Variation - Premises Licence
Case Officer:	

[Click for further information](#)

Customer Details

Name:	Mr
Email:	
Address:	

Comments Details

Commenter Type:	Member of the Public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	
Comments:	<p>25/02/2021 5:03 PM Traffic volume to this site (inc McDonalds) is already excessive , causing large tailbacks across the rush green roundabout, blocking busy junctions and making access on and off the roundabout risky without being able to see oncoming traffic.</p> <p>This situation is already an accident waiting to happen.</p> <p>Steps must be taken to resolve this dangerous situation even before any further traffic is encouraged to this site.</p>

Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 22/02/2021 8:51 PM from Mrs.

Application Summary

Address:	Stanstead Road (A414) Hertford Hertfordshire SG13 7SH
Proposal:	Variation - Premises Licence
Case Officer:	

[Click for further information](#)

Customer Details

Name:	Mrs
Email:	
Address:	

Comments Details

Commenter Type:	Member of the Public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	
Comments:	<p>22/02/2021 8:51 PM I object to this application on safety grounds.</p> <p>I have been close to being involved in several accidents leaving the BP side of the garage as my vision of oncoming traffic has been impaired by the queue for McDonalds. It is an extremely dangerous exit and improvements need to be made before encouraging more visitors to the garage.</p> <p>BP current market capitalisation is circa \$77 billion. The company has an annual turnover of hundreds of millions of dollars. Please see below excerpt from the BP website on their values and code of conduct:</p> <p>Safety</p> <p>Safety is good business. Everything we do relies upon the safety of our workforce and the communities around us. We care about the safe management of the environment. We are committed to safely delivering energy to the world.</p> <p>Respect</p> <p>We respect the world in which we operate. It begins with compliance with laws and regulations. We hold ourselves to the highest ethical standards and behave in ways that earn the trust of others. We depend on the relationships we have and respect each other and those we work with. We value diversity of people and thought. We care about the consequences of our decisions, large and small, on those around us.</p> <p>Regards</p>

Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 21/02/2021 6:19 PM from.

**Application Summary**

Address:	Stanstead Road (A414) Hertford Hertfordshire SG13 7SH
Proposal:	Variation - Premises Licence
Case Officer:	

[Click for further information](#)

**Customer Details**

Name:	
Email:	
Address:	

**Comments Details**

Commenter Type:	Member of the Public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	
Comments:	21/02/2021 6:19 PM Totally against BP request for extended alcohol licensing hours until the ongoing, extremely dangerous, cars stationary on the roundabout problem is sorted. BP and McDonalds need to remedy the situation. Myself and many others have been involved in accidents on this roundabout.



## Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 21/02/2021 5:03 PM from Mrs.

**Application Summary**

Address: Stanstead Road (A414) Hertford Hertfordshire SG13 7SH

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

**Customer Details**

Name: Mrs

Email:

Address:

**Comments Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 21/02/2021 5:03 PM Extending licensing provision on this site is wholly inappropriate. It is very likely to increase traffic and footfall to a site which has already clearly demonstrated it cannot cope safely with access to it. This is a concern to local residents, road users and the Police all of whom have expressed their concerns about the illegal stacking of vehicles waiting to access this site. I endorse the concerns expressed by local councillors. Frankly, it would be an absurdity and a dereliction of responsibility to the welfare and safety of the community were this extension of license to be allowed. For these reasons kindly register my objection.

## Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 21/02/2021 3:29 PM from Mr.

**Application Summary**

Address: Stanstead Road (A414) Hertford Hertfordshire SG13 7SH

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

**Customer Details**

Name: Mr

Email:

Address:

**Comments Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 21/02/2021 3:29 PM I object to this trading extension application to sell alcohol at this petrol filling station location for the following reasons -

The site is well known for the traffic issues caused on the roundabout due to a lack of adequate parking for the BP retail store, combined with the chaos created at peak times when traffic entering or egressing this location are at a standstill on the Rush Green A414 clearway. This causes very dangerous situations resulting in minor collisions, and driver rage.

This site has inadequate facilities to deal with the volume of trade at random times of the day during the week, which local councillors, police and Highways agencies are very aware of.

Extending the licence will exacerbate these serious issues, therefore I firmly object to this application and trust the East Herts. District Council will do the right thing and refuse this application.

## Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 20/02/2021 10:26 AM from Ms.

**Application Summary**

Address: Stanstead Road (A414) Hertford Hertfordshire SG13 7SH

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

**Customer Details**

Name: Ms

Email:

Address:

**Comments Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 20/02/2021 10:26 AM This is already a dangerous set-up, which I'm surprised hasn't yet caused a serious accident. Extending the licence is just extending the danger.

## Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 19/02/2021 7:23 PM from Miss.

**Application Summary**

Address:	Stanstead Road (A414) Hertford Hertfordshire SG13 7SH
Proposal:	Variation - Premises Licence
Case Officer:	Brad Wheeler

[Click for further information](#)

**Customer Details**

Name:	Miss
Email:	
Address:	

**Comments Details**

Commenter Type:	Neighbour
Stance:	Customer objects to the Licensing Application
Reasons for comment:	
Comments:	19/02/2021 7:23 PM More need to be done to manage congestion at Rush Green roundabout, rather than just add to the traffic!

## Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 19/02/2021 11:51 AM from Mr.

**Application Summary**

Address: Stanstead Road (A414) Hertford Hertfordshire SG13 7SH

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

**Customer Details**

Name: Mr

Email:

Address:

**Comments Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 19/02/2021 11:51 AM I object to this application on the basis of safety and public nuisance. The site owners have refused to engage in sorting out the traffic issues caused by the site (blocking of the roundabout and ingress and egress and egress from the B1502). This causes both public nuisance and safety issues. The proposed increase in licensing opening hours could worsen the situation. The extension should not be granted until the traffic issue is resolved.

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# District of East Hertfordshire

## Premises Licence

### Licence No: 19/1532/PLDPS

Licensing Act 2003

#### Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION		
<b>Rush Green Service Station</b> Stanstead Road (A414), Hertford, Hertfordshire, SG13 7SH	Telephone: 01992 537 843	
WHERE THE LICENCE IS TIME LIMITED THE DATES		
Not applicable		
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES		
<b>SALE OF ALCOHOL</b> Monday to Sunday <span style="float: right;">08:00      23:00</span>		
<b>LATE NIGHT REFRESHMENT (BOTH)</b> Monday to Sunday <span style="float: right;">23:00      05:00</span>		
THE OPENING HOURS OF THE PREMISES		
Monday to Sunday <span style="float: right;">00:00      00:00</span>		
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES		
Alcohol is supplied for consumption off the Premises		

#### Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE
BP Oil UK Ltd Chertsey Road, Sunbury On Thames, Middlesex, TW16 7BP
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
Company Number - 00446915

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Rose Rita French

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Personal licence number:

Licensing Authority:

**ANNEX 1 – MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the premises licence –
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;



(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

5. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. CCTV system to be installed or existing system to be maintained and be fit for purpose and fully operational. The system will be capable of producing immediate copies of recordings. Recordings will be retained and stored in a secure manner for a minimum of 28 days and shall be made available, subject to compliance with data protection legislation, to the Police for inspection on request.
2. The CCTV System will cover the entrance door and alcohol display, the precise positions may be agreed, subject to compliance with data protection legislation, with the police from time to time and will be of identification standard and display the correct time and date with a complete audit trail.
3. Waste receptacles to be placed immediately outside the premises.
4. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. Prominent notices will be displayed in the store advising customers that they may be asked to provide evidence of age.

## **ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

Intentionally left blank

## **ANNEX 4 - PLANS**

Titled: Rush Green SF  
Stanstead Road - A414  
Drawing No: 13459-79

**District of East Hertfordshire**  
**Premises Licence**  
**Licence No: 19/1532/PLDPS**

Licensing Act 2003

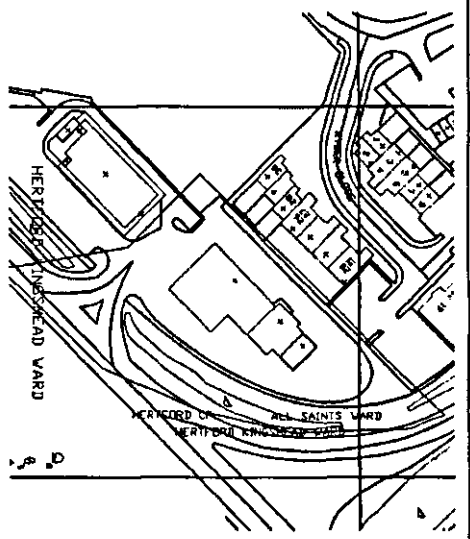
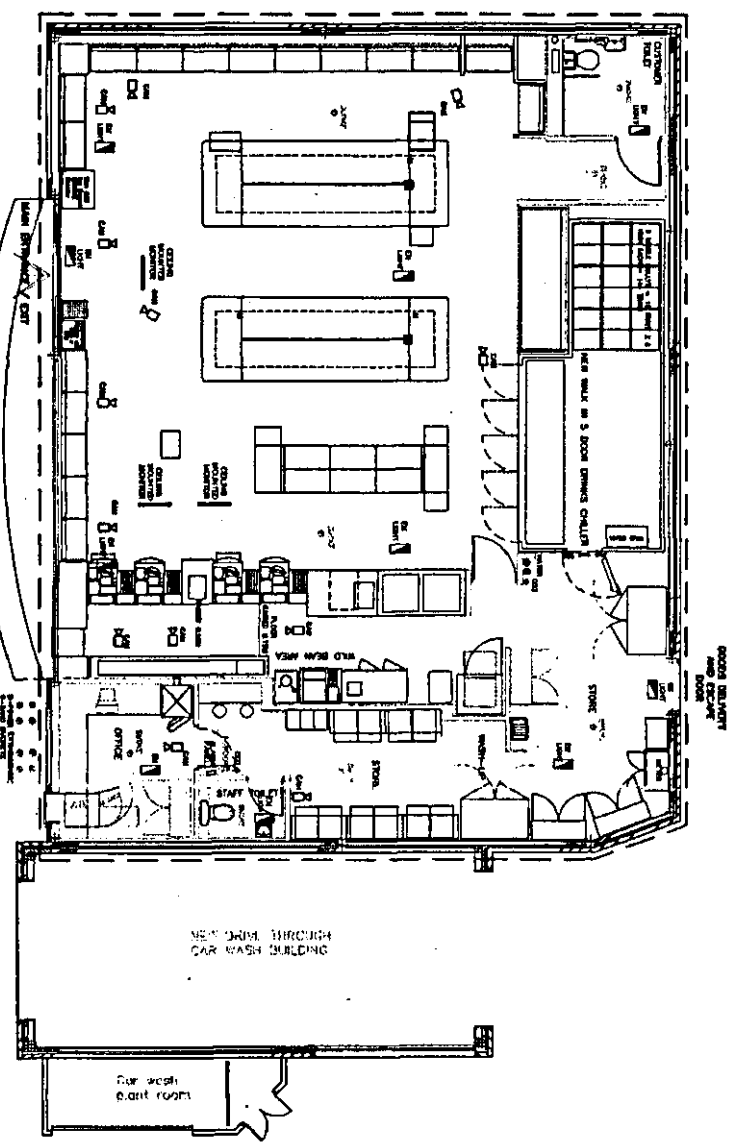
**Summary**  
Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION		
<b>Rush Green Service Station</b> Stanstead Road (A414), Hertford, Hertfordshire, SG13 7SH	Telephone: 01992 537 843	
<b>WHERE THE LICENCE IS TIME LIMITED THE DATES</b>		
Not applicable		
<b>THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES</b>		
<b>SALE OF ALCOHOL</b> Monday to Sunday	08:00	23:00
<b>LATE NIGHT REFRESHMENT (BOTH)</b> Monday to Sunday	23:00	05:00
<b>THE OPENING HOURS OF THE PREMISES</b>		
Monday to Sunday	00:00	00:00
<b>WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES</b>		
Alcohol is supplied for consumption off the Premises		
<b>NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE</b>		
BP Oil UK Ltd Chertsey Road, Sunbury On Thames, Middlesex, TW16 7BP		
<b>REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)</b>		
Company Number - 00446915		
<b>NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL</b>		
Rose Rita French		
<b>STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED</b>		
Not Restricted or Prohibited		

- KEY**
- EMERGENCY LIGHTING
  - PROTECTED CAMERA
  - NEW LCD CEILING MONITOR
  - EXISTING CEILING MONITOR
  - ⊔ POWDER EXTINGUISHER
  - ⊙ CO2 EXTINGUISHER
  - ⊙ SMOKE DETECTOR

**SHOP LAYOUT**  
1:100

ENTIRE STORE TO BE LICENSED  
FOR THE SALE OF ALCOHOL  
AND THE PROVISION OF LATE NIGHT  
REFRESHMENT

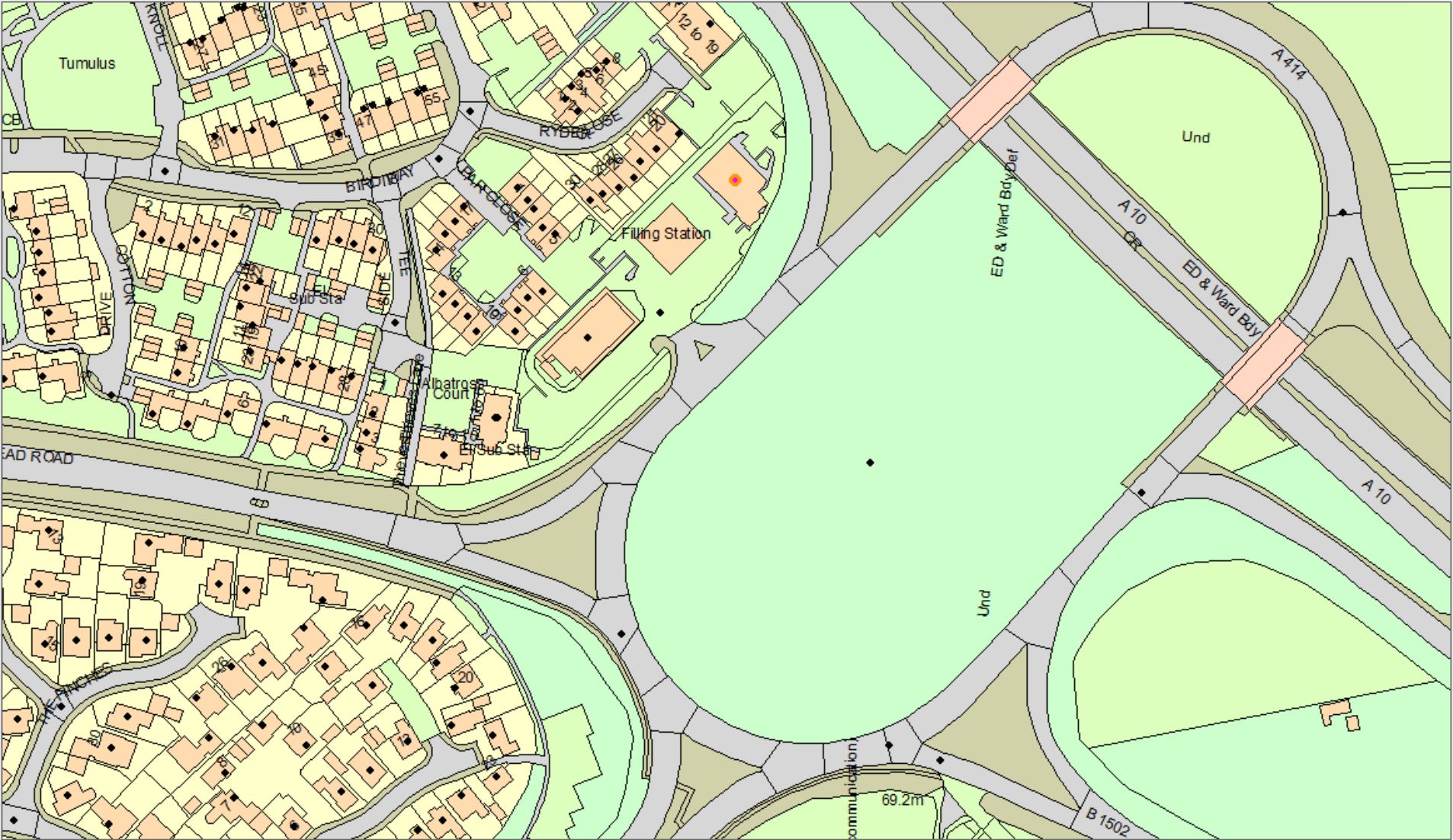


SITE 03 LOCATION MAP 1:1250

Rev	Date	Revision
<b>REVISION APPROVAL</b>		
<b>OWNER</b>	<b>NAME &amp; SIGNATURE</b>	<b>DATE</b>
BP OIL UK LTD		



<b>BP OIL UK LTD</b> Asset Development 200/203 Westgate 200/203 Westgate 200/203 Westgate 200/203 Westgate		<b>RUSH GREEN 9F</b> 200/203 Westgate 200/203 Westgate 200/203 Westgate 200/203 Westgate	
<b>NEW SHOP LAYOUT</b>	<b>PROPOSED TO</b>	<b>13459 - 79</b>	<b>-</b>



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## East Herts Council Report

### Licensing Sub-Committee

**Date of Meeting:** 29 March 2021

**Report by:** Jonathan Geall, Head of Housing and Health

**Report title:** Application for a variation of a Premises  
Licence for ASDA, Watton Road, Ware, SG12  
0AD (21/0056/PLV)

**Ward(s) affected:** Ware St Mary's

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### Summary

- An application for a variation of a premises licence has been received and representations against the application have been made by interested parties. Where representations are 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 variation of a 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 Statement of Licensing Policy (herein 'the 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 2003 (herein 'the Guidance').
- 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 variation to a premises licence was submitted by ASDA Stores Limited on 3<sup>rd</sup> February 2021. The application has been correctly advertised in the newspaper and consulted upon as required by legislation and regulations.
- 3.2 The application seeks approval to vary the current premises licence by extending the supply of alcohol to between 07:00 and 23:00 Monday to Sunday to enable home deliveries or Click & Collect orders.
- 3.3 The premises currently hold a premises licence for the supply of alcohol between 08:00 and 22:00 Monday to Saturday and between 10:00 and 16:00 on a Sunday. The opening hours of



the store remain unchanged.

- 3.4 A redacted copy of the application form for a new premises licence is attached as **Appendix 'A'**.
- 3.5 Section 16 of 18 on 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. The applicant had not proposed any additional steps above and beyond the existing conditions.
- 3.6 During the statutory public consultation period the applicant varied the application to include the following conditions after consultation with Herts Police:
- 1) A digital closed circuit television (CCTV) system to be installed internally ensuring the following:
    - a. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition
    - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
    - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
    - d. 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 officer recent date or footage with the absolute minimum of delay when requested.

- 2) 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. The only forms of ID that may be accepted shall be:
  - a. Proof of age card bearing the PASS hologram logo
  - b. Passport; or
  - c. UK photo driving licence
- 3) Notices advertising that the premises operate a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises including inside at the premises where alcohol is on show to the general public.
- 4) The Personal Licence Holder or Designated Premises Supervisor to ensure that all management and staff who are not personal licence holders are fully trained and briefed on licensing objectives, responsible retailing of alcohol and Challenge 25 scheme and they are adhered to. Staff are to be given refresher training at least twice per year and this is to be documented in such a way that it can be given to an authorised officer on request. Staff should also sign and document confirming the training has taken place and the date.
- 5) An incident book or electronic log shall be maintained to record any activity related to drugs or of a violent, criminal or serious anti-social nature and be available for inspection at all times (when the premises is open) by an authorised officer of relevant responsible authority, it should record the following details:
  - a) Time and date and nature of the incident,
  - b) People involved

- c) Action taken
  - d) Details of the person responsible for the management of the premises at the time of the incident.
- 6) Refusals for the sale of alcohol will be made by declining the prompt on the electronic till point when an alcoholic product is scanned. Records of any major incidents following refusals will be kept electronically and made available to authorised officers on request.
- 7) Alcohol sales before 08:00 hours and after 22:00 hours on Mondays to Saturdays and sales other than during the six hours trading permitted on Sundays will be to fulfil remote orders for the Click and Collect and delivery services only.
- 3.7 During the 28 day statutory public consultation period three representations were received from residents acting as Interested Parties. These representations are attached as **Appendix 'B'**.
- 3.8 The representations from the Interested Parties each engage the prevention of public nuisance and prevention of crime and disorder licensing objectives. One of the representations also mentions public safety. The main concerns are over extra traffic and noise during the extended period.
- 3.9 There have been no representations from any responsible authority.
- 3.10 A copy of the current premises licence is attached as **Appendix 'C'**.
- 3.11 A plan of the area in which the premises is located is attached as **Appendix 'D'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

## Policy and Guidance

- 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 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."*

- 3.14 Paragraph 9.37 and 9.38 of the revised Guidance issued under section 182 of the Licensing Act 2003 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.*

3.15 With paragraph 9.38 of revised the Guidance stating:

*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.*

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

3.17 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 would be particularly relevant.

### **Officer observations**

3.18 This application has been made to enable ASDA to deliver alcohol from their Ware store during the extended period and also allow customers who have pre-ordered their shopping to

collect it from their Ware store. Currently during the hours requested in the variation the store sells groceries for delivery but is unable to offer alcohol. They also currently allow for click and collect between 08:00 and 22:00.

- 3.19 Paragraph 10.15 of the Guidance is clear in that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
- 3.20 The application is requesting additional alcohol sales before 08:00 hours and after 22:00 hours on Mondays to Saturdays and sales other than during the six hours trading permitted on Sundays to be fulfilled by remote orders for the Click and Collect and delivery services only. If Members felt that one element of either click and collect or deliveries undermines the licensing objectives then they could separate them when making their determination
- 3.21 Two of the representations references conditions of the premises' planning consent. 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 feel 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. This is echoed in paragraph 14.64 of the Guidance. It should be noted that Planning have been consulted on the application and have not made any representation.
- 3.22 So as to ascertain whether the proposed steps are adequate to promote the licensing objectives with the requested variation, the Sub-committee should consider:

- the conditions that are already present on the licence, and
- the conditions that are present as part of the application (as amended).

3.23 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.

3.24 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.

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

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

3.28 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.

3.29 Aside from adding conditions it is open to the Sub-Committee to limit the hours of operation under the licence 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.

- 3.30 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.

## **4.0 Options**

- 4.1 The options 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 modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them. This would include amending the times for the supply of alcohol.
- 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 reject the whole or part of the application that would lead to the application undermining the licensing objectives.

- 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 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 As with any application for a new premise licence, variation of an existing premise licence or review of a premise 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**

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 – Ware - St Mary's

## **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\\_Statem](https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Night_Time_Economy_NTE_Position_Statem)

[ent.pdf](#)

7.4 **Appendix 'A'** – Application for a variation of a Premise Licence.

7.5 **Appendix 'B'** – Representations against the application.

7.6 **Appendix 'C'** – Current Premises Licence and plan.

7.7 **Appendix 'D'** – Map showing location of the premises.

**Contact Member** Councillor Peter Boylan – Executive Member for Neighbourhoods  
[peter.boylan@eastherts.gov.uk](mailto:peter.boylan@eastherts.gov.uk)

**Contact Officer** Jonathan Geall – Head of Housing and Health  
Contact Tel No. 01992 531594  
[jonathan.geall@eastherts.gov.uk](mailto:jonathan.geall@eastherts.gov.uk)

**Report Author** Brad Wheeler – Senior Licensing and Enforcement Officer  
Contact Tel No. 01992 531520  
[brad.wheeler@eastherts.gov.uk](mailto:brad.wheeler@eastherts.gov.uk)



\* required information

## Section 1 of 18

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  Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

**Premises Contact Details**

Telephone number

*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

1,020,000

### Section 3 of 18

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe 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.

TO AMEND THE HOURS FOR ALCOHOL SALES TO 0700 TO 2300 EVERY DAY TO ENABLE HOME DELIVERIES / CLICK AND COLLECT SERVICES TO BE OPERATED FROM THIS STORE.

PLEASE NOTE; THIS APPLICATION WILL NOT AFFECT THE OPENING HOURS OF THIS STORE WHICH WILL REMAIN AS EXISTING. THE APPLICATION IS SUBMITTED PURELY TO FULFIL ON-LINE SHOPPING ORDERS.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

☐

Yes

☒

No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to  
vary is successful?

☐

Yes

☒

No



<i>Continued from previous page...</i>	
<b>PROVISION OF INDOOR SPORTING EVENTS</b>	
<a href="#">See guidance on regulated entertainment</a>	
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p> <input type="radio"/> Yes           <input checked="" type="radio"/> No         </p>	
<b>Section 7 of 18</b>	
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>	
<a href="#">See guidance on regulated entertainment</a>	
<p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p> <input type="radio"/> Yes           <input checked="" type="radio"/> No         </p>	
<b>Section 8 of 18</b>	
<b>PROVISION OF LIVE MUSIC</b>	
<a href="#">See guidance on regulated entertainment</a>	
<p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p> <input type="radio"/> Yes           <input checked="" type="radio"/> No         </p>	
<b>Section 9 of 18</b>	
<b>PROVISION OF RECORDED MUSIC</b>	
<a href="#">See guidance on regulated entertainment</a>	
<p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p> <input type="radio"/> Yes           <input checked="" type="radio"/> No         </p>	
<b>Section 10 of 18</b>	
<b>PROVISION OF PERFORMANCES OF DANCE</b>	
<a href="#">See guidance on regulated entertainment</a>	
<p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p> <input type="radio"/> Yes           <input checked="" type="radio"/> No         </p>	
<b>Section 11 of 18</b>	
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>	
<a href="#">See guidance on regulated entertainment</a>	
<p>Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?</p> <p> <input type="radio"/> Yes           <input checked="" type="radio"/> No         </p>	
<b>Section 12 of 18</b>	

Continued from previous page...

## PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 13 of 18

## SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Provide 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

#### SUNDAY

Start

End

Start

End

*Continued from previous page...*

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.

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

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

#### Section 14 of 18

##### 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.

Provide 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.

NONE

#### Section 15 of 18

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

*Continued from previous page...*

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

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 above, list below.

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☐ I do not intend to use the premises licence

*Continued from previous page...*

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

THE LICENCE HAS NOT YET BEEN ISSUED FOLLOWING THE MINOR VARIATION SUBMITTED ON THE 16TH DECEMBER

## Section 16 of 18

### 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)

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

ALL EXISTING CONDITIONS WILL BE MAINTAINED AND OPERATED

b) The prevention of crime and disorder

ALL EXISTING CONDITIONS WILL BE MAINTAINED AND OPERATED

c) Public safety

ALL EXISTING CONDITIONS WILL BE MAINTAINED AND OPERATED

d) The prevention of public nuisance

ALL EXISTING CONDITIONS WILL BE MAINTAINED AND OPERATED

e) The protection of children from harm

ALL EXISTING CONDITIONS WILL BE MAINTAINED AND OPERATED

## Section 17 of 18

### 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.

## Section 18 of 18

### 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. Variation fees are based on the non-domestic rateable value of the premises.

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](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 you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise 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 (£)

635.00

### 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)



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

*Continued from previous page...*

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" value="GOSSCHALKS LLP"/>										
* Capacity	<input type="text" value="SOLICITORS FOR AND ON BEHALF OF THE APPLICANTS"/>										
* Date	<table><tr><td><input type="text" value="03"/></td><td>/</td><td><input type="text" value="02"/></td><td>/</td><td><input type="text" value="2021"/></td></tr><tr><td>dd</td><td></td><td>mm</td><td></td><td>yyyy</td></tr></table>	<input type="text" value="03"/>	/	<input type="text" value="02"/>	/	<input type="text" value="2021"/>	dd		mm		yyyy
<input type="text" value="03"/>	/	<input type="text" value="02"/>	/	<input type="text" value="2021"/>							
dd		mm		yyyy							

[Add another signatory](#)

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/change-1> to upload this file and continue with your application.

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

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

#### OFFICE USE ONLY

Applicant reference number	<input type="text" value="RJT.JB 84773.14628"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



## Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 26/02/2021 10:36 AM from Mr.

### Application Summary

Address: Watton Road Ware Hertfordshire SG12 0AD

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

### Customer Details

Name: Mr

Email:

Address:

### Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 26/02/2021 10:36 AM I would like to object to this application on a number of grounds, including noise and light pollution, the potential for anti-social behaviour, and ASDA's total disregard for past mitigation promises. 1. Noise and light pollution - the superstore is being operated at night, even now, which is in breach of planning conditions such that noise and light emanates from the service yard nearly every night keeping us and our neighbours awake. Indeed, only last week I took photos at 1.17am, and 3.25am, of active operations in the middle of the night. 2. Anti-social behaviour - I feel that distributing alcohol at night can only lead to anti-social behaviour at night in other parts of town with unknown consequences. 3. Broken promises and conditions - ASDA has made numerous promises to lessen the impact of its operations on its neighbours, especially when it originally opened. These included strict hours of operation and other mitigation measures. These have been regularly ignored for years and led to residents asking for, and attending, a meeting with representatives of ASDA in February last year. Issues were discussed and promises made but no action has been forthcoming from ASDA at at. Their promises and commitments are still being flouted and will continue to be flouted in the future. Therefore I must object to this application.

**From:**  
**Sent:** 26 February 2021 10:42  
**To:**  
**Cc:**  
**Subject:** [External] Response to NOTICE OF APPLICATION 21/0056/PLV ASDA

Dear Sir, Madam,

I strongly oppose ASDA's application to amend the hours for alcohol sales to 0700 to 2300 every day to enable home deliveries / Click & Collect services to be operated from this store.

Following last year's rule to oppose ASDA's two applications to extend trading to 24-hours we as part of the ASDA Residents Committee had a meeting with representatives from ASDA Head Office and ASDA Ware on **24th February 2020**. Also present, was Ian Kemp, our Town & District Councillor, who has been very supportive. We brought up a number of other issues that residents had raised with us. All matters were taken seriously and ASDA promised to address and resolve. **None of this has been done to date.**

On the contrary, just in the past week ASDA have had people working in the loading bay **at 1:15am and 3am, respectively**, on at least two separate occasions. To reiterate, please see the promises made below which have not been fulfilled. We live next door to ASDA and our garden borders on the loading bay, which is lit all night as it stands.

**The extension of alcohol sales hours in order to complete online orders and Click & Collect will still result in increased traffic and noise at unsociable hours, so we ask for this application to be refused.**

ASDA have told us they want to be a good neighbour. They are not showing themselves to be one.

Delivery Lorries/Vans & Service Yard	<ul style="list-style-type: none"><li>• The Service Yard Operating hours are 7am-10pm Monday to Saturday &amp; 9am-9pm Sundays. (Planning Consent Condition 26) Residents complained that it was regularly being used outside of these hours causing noise and light disturbance.</li><li>• Vehicles should not be parked on residential roads. Vehicles will arrive and leave via Wadesmill Road (Community Charter Nov 2010 and PC Cond 31).</li><li>• Engines should not be left running, no use of horn and reversing alarms should be turned off in the delivery yard. (Service Yard Management Plan 2013). These conditions are regularly broken causing noise disturbance.</li></ul>
Antisocial behaviour (in car park)	We raised a number of incidences which caused concern to customers and residents. ASDA will be addressing how this can be mitigated by speaking to their Security Division.
Litter	ASDA said they regularly litter pick their site but accept there could be improvements having seen photographic evidence. Suggestion of litter bins on the perimeter of their site.
Landscaping	ASDA have a responsibility to maintain the landscaping for the lifetime of the store (PC Cond 14/15) They will be speaking to their Landscape Division regarding the reported dead/dying planting and trees.
The exhaust on the Kiln building	Intermittent noise early AM causing noise disturbance and the soot associated with it. ASDA will investigate this.

Lighting	<b>All</b> external lighting should be turned off 30 minutes after the close of the store. (PC Cond 30 & Community Charter 2010) This includes the Service Yard where lights left on overnight are causing a disturbance. ASDA will address this.
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Yours faithfully,

## Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 02/03/2021 3:58 PM from Mr Alan Kemp.

### Application Summary

Address: Watton Road Ware Hertfordshire SG12 0AD

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

### Customer Details

Name:

Email:

Address:

### Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 02/03/2021 3:58 PM I wish to object most strongly to this application from ASDA at Ware to extend their trading hours to enable alcohol sales between 07:00 and 23:00 hours, EVERY DAY, via click & collect and home deliveries.

I am concerned that this application will undermine 3 of your Licensing Objectives (Crime & Disorder, Public safety, and Public Nuisance) by increasing alcohol related anti-social behaviour in the area, and by introducing additional customer and delivery vehicle movements. I would refer back to ASDA's previous application to extend their hours which prompted 230 residents adjoining the store to sign a petition of objection (this petition was sent to yourselves). That strength of feeling has not diminished and should not be ignored.

My objection is based upon the following prime concerns:-

1. Noise and light nuisance/ pollution. This was specifically conditioned in the original Consent to protect local residents (see Policy ENV24, superseded by EQ2).
2. Anti-social behaviour. Distribution of alcohol during these extended hours has unacceptable potential to further increase anti-social behaviour locally (as currently experienced within the Buryfield and the store's underground car park) as well as throughout the town.
3. I am most disappointed in ASDA's blatant disregard for their residential neighbours, as evidenced by their total lack of communication with us on this application, despite promises they made at a meeting between the ASDA team and residents' representatives in Feb 2020. Indeed, issues raised at that meeting have not been actioned by ASDA and I, therefore, have no confidence in them managing the impacts of this application in a considerate or responsible manner.

In view of the above I would request that you refuse this application.



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## District of East Hertfordshire Premises Licence Licence No: 20/1044/PLMV

Licensing Act 2003

### Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION		
<b>Asda</b> Watton Road, Ware, Hertfordshire, SG12 0AD		Telephone: 01920 481398
WHERE THE LICENCE IS TIME LIMITED THE DATES		
Not applicable		
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES		
<b>SALE OF ALCOHOL</b>		
Monday to Saturday	08:00	22:00
Sunday	10:00	16:00
THE OPENING HOURS OF THE PREMISES		
Monday to Sunday	00:00	00:00
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES		
Alcohol is supplied for consumption off the Premises		

### Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE
Asda Stores Limited Asda House, Southbank, Great Wilson Street, Leeds, LS11 5AD licence@asda.co.uk
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
Company Number - 00464777

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL
Mr. Lee Mitchell

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL
Personal licence number:
Licensing Authority:

ANNEX 1 – MANDATORY CONDITIONS
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1. No supply of alcohol may be made under the premises licence –
    - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
    - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
  3.
    - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
    - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
    - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
      - (a) a holographic mark, or
      - (b) an ultraviolet feature.
  4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- For the purposes of this condition -
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula –



$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
5. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
6. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The premises to have internal and external CCTV cameras.
2. The CCTV system will be capable of continuously recording and copies of such recordings shall be kept for a period of no less than 31 days and handed to a police constable or authorised person upon request.
3. The CCTV system shall be maintained in working order & recording.
4. The premises shall adopt the 'Challenge 25' scheme.

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

Intentionally left blank

**ANNEX 4 - PLANS**

Basement SP-GF&BA-BWS-4360 Rev 2 dated 16/11/2018

Ground Floor SP-GF-BWS-4360 Rev 3 dated 24/11/2020



## District of East Hertfordshire Premises Licence Licence No: 20/1044/PLMV

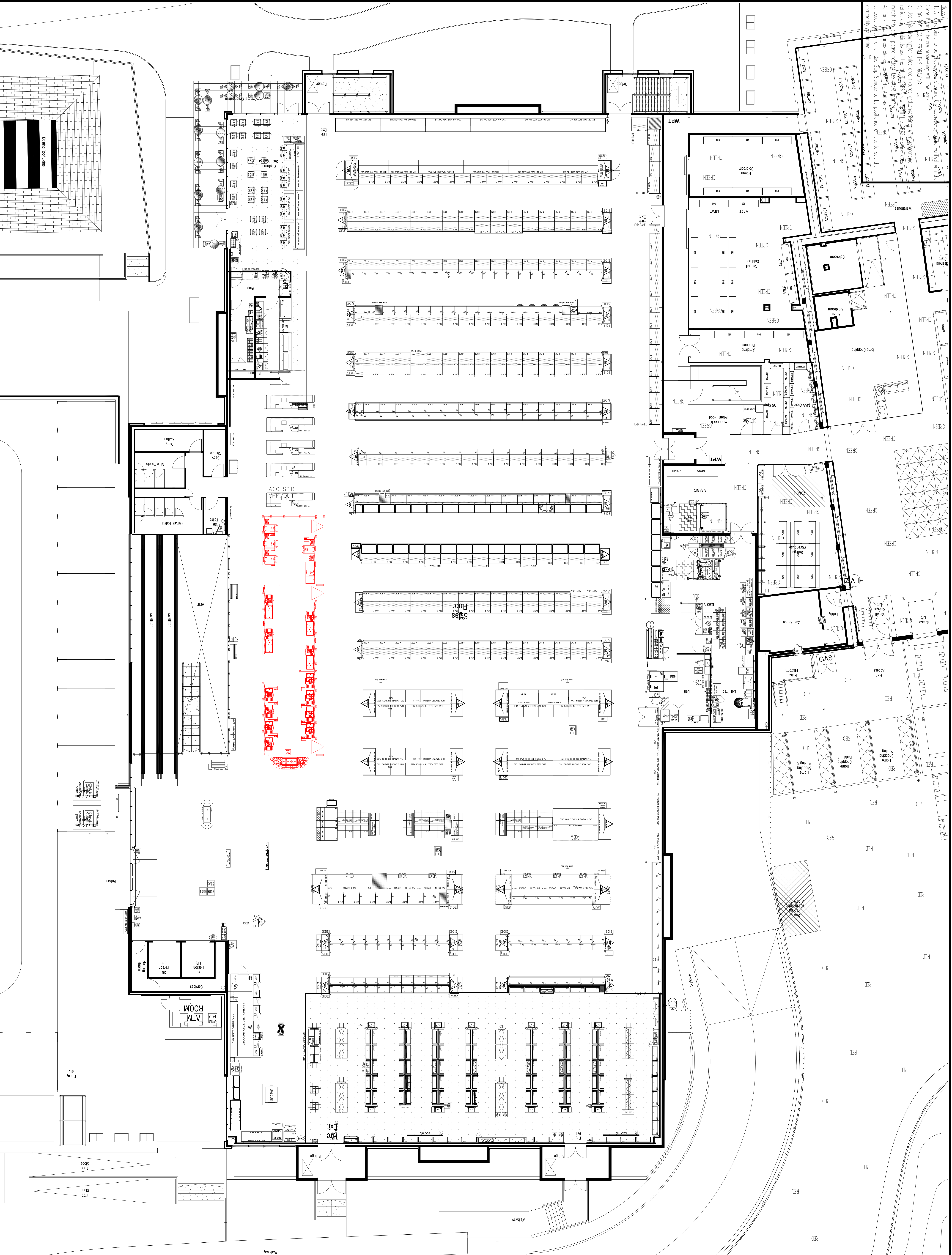
Licensing Act 2003

### Summary Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION		
<b>Asda</b> Watton Road, Ware, Hertfordshire, SG12 0AD		Telephone: 01920 481398
WHERE THE LICENCE IS TIME LIMITED THE DATES		
Not applicable		
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES		
<b>SALE OF ALCOHOL</b>		
Monday to Saturday	08:00	22:00
Sunday	10:00	16:00
THE OPENING HOURS OF THE PREMISES		
Monday to Sunday	00:00	00:00
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES		
Alcohol is supplied for consumption off the Premises		
NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE		
Asda Stores Limited Asda House, Southbank, Great Wilson Street, Leeds, LS11 5AD licence@asda.co.uk		
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)		
Company Number - 00464777		
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL		
Mr. Lee Mitchell		
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED		
Not Restricted or Prohibited.		



- [illegible]



Score	Rank	WAVE
82.00	10	WAVE
81.00	11	WAVE
80.00	12	WAVE
79.00	13	WAVE
78.00	14	WAVE
77.00	15	WAVE
76.00	16	WAVE
75.00	17	WAVE
74.00	18	WAVE
73.00	19	WAVE
72.00	20	WAVE
71.00	21	WAVE
70.00	22	WAVE
69.00	23	WAVE
68.00	24	WAVE
67.00	25	WAVE
66.00	26	WAVE
65.00	27	WAVE
64.00	28	WAVE
63.00	29	WAVE
62.00	30	WAVE
61.00	31	WAVE
60.00	32	WAVE
59.00	33	WAVE
58.00	34	WAVE
57.00	35	WAVE
56.00	36	WAVE
55.00	37	WAVE
54.00	38	WAVE
53.00	39	WAVE
52.00	40	WAVE
51.00	41	WAVE
50.00	42	WAVE
49.00	43	WAVE
48.00	44	WAVE
47.00	45	WAVE
46.00	46	WAVE
45.00	47	WAVE
44.00	48	WAVE
43.00	49	WAVE
42.00	50	WAVE
41.00	51	WAVE
40.00	52	WAVE
39.00	53	WAVE
38.00	54	WAVE
37.00	55	WAVE
36.00	56	WAVE
35.00	57	WAVE
34.00	58	WAVE
33.00	59	WAVE
32.00	60	WAVE
31.00	61	WAVE
30.00	62	WAVE
29.00	63	WAVE
28.00	64	WAVE
27.00	65	WAVE
26.00	66	WAVE
25.00	67	WAVE
24.00	68	WAVE
23.00	69	WAVE
22.00	70	WAVE
21.00	71	WAVE
20.00	72	WAVE
19.00	73	WAVE
18.00	74	WAVE
17.00	75	WAVE
16.00	76	WAVE
15.00	77	WAVE
14.00	78	WAVE
13.00	79	WAVE
12.00	80	WAVE
11.00	81	WAVE
10.00	82	WAVE
9.00	83	WAVE
8.00	84	WAVE
7.00	85	WAVE
6.00	86	WAVE
5.00	87	WAVE
4.00	88	WAVE
3.00	89	WAVE
2.00	90	WAVE
1.00	91	WAVE
0.00	92	WAVE

**ASDA**  
Save money. Live Better  
DIRECTV

# WARE

## INCE APPLICATION

SPOT	REC	AMC/DID	EXISTING	ACQU/DEB
Food Mart	2089	SFT	2089	SFT
Old Mart	302	SFT	308	SFT
George Mart	455	SFT	373	SFT
Optical Mart	SFT	SFT	SFT	SFT
Pharmacy Mart	SFT	SFT	SFT	SFT
Proper Shop Mart	SFT	SFT	SFT	SFT
Mart Total	2000	SFT	2386	SFT
Policy 102	SFT	SFT	3541	SFT

Planning Cap	NO	NO	
Gross Footage	SQFT	Ratio	%/%

Store Number	Customer was/will be @ Asia
Direct Number	0113 826 2110
RCM/Sponsor	RCM Sponsor @ Asia

SUM	SUM @ Asda
CM	CM @ Asda
RM	RM @ Asda

FM	FM @ Company	
FM	FM @ Company	
George Planner	George Planner @ George	REV Raw

Architect	Architect @ Company
Drawing Number	3

Floor	2
SP-GF-BWS-4300	
CPOLIND E1 00B	

Issue For  
GROUND FLOOR  
PROPOSED BWS LICENCE  
Page 124

Scale	Date
1:100 @ A0	24/11/2020



1. All dimensions to be checked on site and any discrepancy to be noted on the site plan.
2. DO NOT SCALE FROM THIS DRAWING.
3. Use this drawing for information only and do not use for construction. All dimensions are in feet and inches.
4. For all dimensions, please contact the State Engineer.
5. Level position of all Run Stop Springs to be indicated on site to suit the accuracy of the level.



Feet	6'	6'6"	7'	7'6"	8'	8'6"	9'	9'6"	10'	10'6"	11'	12'	13'	14'	15'	16'
mm	1830	2000	2100	2300	2400	2600	2700	2900	3000	3200	3300	3700	4000	4200	4600	4800

**ASDA**  
Save money. Live Better  
ASDA 1000  
1000 1000

**WARE**  
BWS LICENCE APPLICATION

NO.	DESCRIPTION	DATE
1	1000 1000	1000 1000
2	1000 1000	1000 1000
3	1000 1000	1000 1000
4	1000 1000	1000 1000
5	1000 1000	1000 1000
6	1000 1000	1000 1000
7	1000 1000	1000 1000
8	1000 1000	1000 1000
9	1000 1000	1000 1000
10	1000 1000	1000 1000
11	1000 1000	1000 1000
12	1000 1000	1000 1000
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14	1000 1000	1000 1000
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16	1000 1000	1000 1000
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18	1000 1000	1000 1000
19	1000 1000	1000 1000
20	1000 1000	1000 1000
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23	1000 1000	1000 1000
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41	1000 1000	1000 1000
42	1000 1000	1000 1000
43	1000 1000	1000 1000
44	1000 1000	1000 1000
45	1000 1000	1000 1000
46	1000 1000	1000 1000
47	1000 1000	1000 1000
48	1000 1000	1000 1000
49	1000 1000	1000 1000
50	1000 1000	1000 1000

**WARE**  
BWS LICENCE APPLICATION

SP-GRABA-BWS-4360

BASEMENT

PROPOSED BWS LICENCE

16/11/2018

**WARE**  
BWS LICENCE APPLICATION

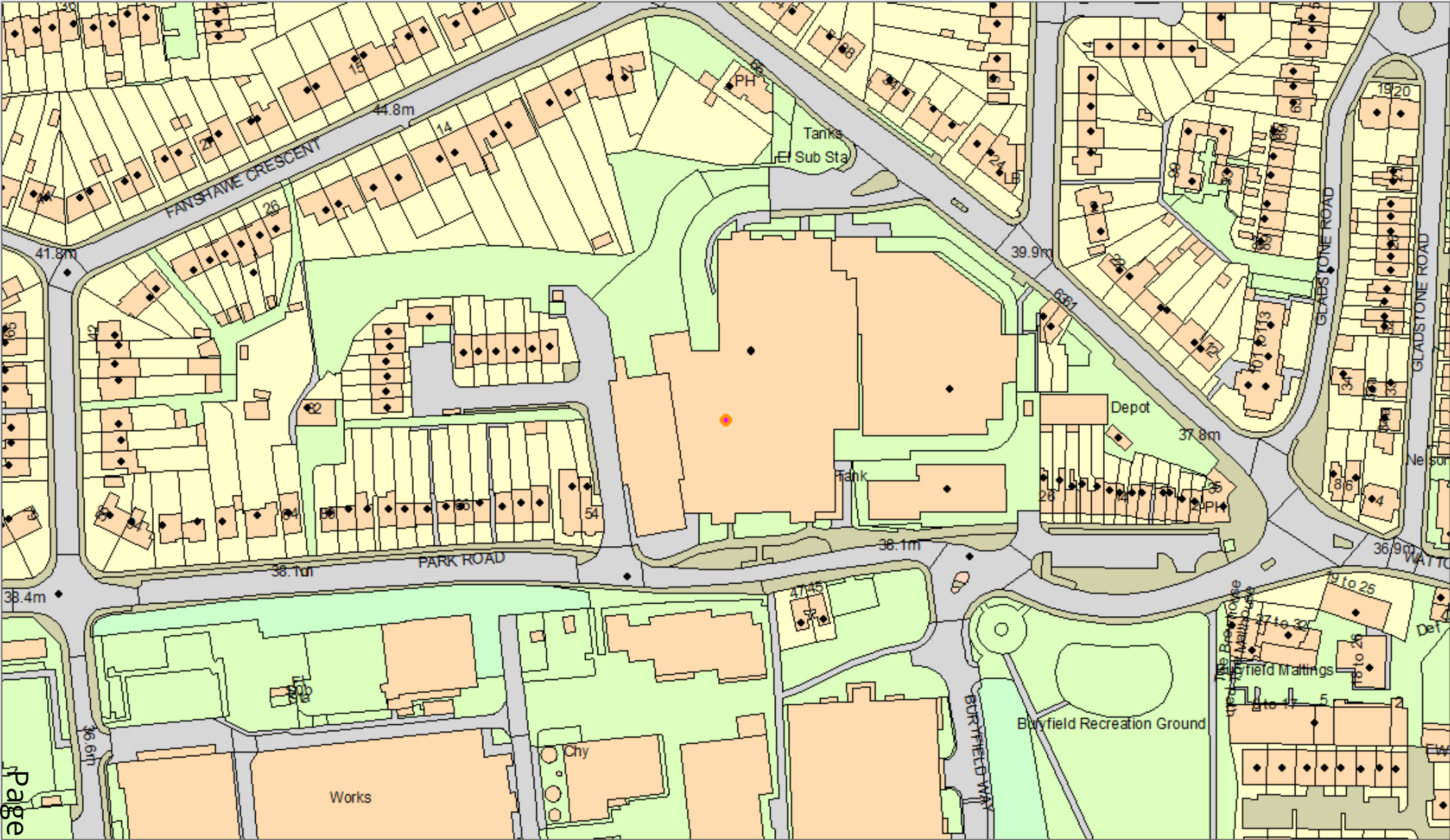
SP-GRABA-BWS-4360

BASEMENT

PROPOSED BWS LICENCE

16/11/2018

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