

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

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

ALSO PRESENT:

Councillors T Page and D Andrews

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

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

40 APPOINTMENT OF CHAIRMAN

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

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

41 APOLOGIES

There were no apologies for absence.

42 CHAIRMAN'S ANNOUNCEMENTS

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

43 DECLARATIONS OF INTEREST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

superseded by the licence.

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

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

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

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

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

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

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

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

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

Additional Conditions:

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

made on this' to remain in place.

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

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

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

Additional Conditions:

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

1994.

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

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

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

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

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

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

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

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

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

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

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

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

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

had been advertised in line with the Licensing Act 2003.

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

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

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

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

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

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

Additional Conditions:

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

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

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

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

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

46 URGENT BUSINESS

There was no urgent business.

The meeting closed at 12.58 pm

Chairman
Date