



James Ellis  
Head of Legal and Democratic Services

**MEETING** : LICENSING COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 26 OCTOBER 2022  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

This meeting will be live streamed on the Council's Youtube page:  
<https://www.youtube.com/user/EastHertsDistrict>

## **MEMBERS OF THE COMMITTEE**

Councillor D Andrews (Chairman)  
Councillors R Bolton, K Crofton, A Hall, J Jones, T Page, C Redfern,  
S Reed, D Snowdon, N Symonds, R Townsend and C Wilson

## **Substitutes**

Liberal Democrat Group: Councillor M Goldspink

**CONTACT OFFICER: MICHELE AVES**  
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- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place

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## AGENDA

1. Appointment of Vice-Chairman 2022/23

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' declarations of interest.

5. Minutes - 13 October 2021 (Pages 6 - 14)

To approve the Minutes of the meeting of the Committee held on 13 October 2021.

6. Minutes of the Licensing Sub-Committee - 13 October 2021, 15 October 2021, 8 November 2021, 5 May 2022, 9 May 2022, 29 June 2022, 8 July 2022, 8 August 2022, 20 September 2022 (Pages 15 - 126)

To receive the Minutes of meetings of the Licensing Sub-Committee held on:

13 October 2021

15 October 2021

8 November 2021

5 May 2022

9 May 2022

29 June 2022

8 July 2022

8 August 2022

20 September 2022

7. Licensing Annual Report 2021-2022 (Pages 127 - 140)
8. Review of Licensing Activity - Quarter 1 2022/2023 (Pages 141 - 152)
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.

# Agenda Item 5

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MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 13 OCTOBER  
2021, AT 7.00 PM

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PRESENT: Councillor D Andrews (Chairman)  
Councillors R Bolton, M Goldspink, A Hall,  
T Page, C Redfern, S Reed, N Symonds and  
C Wilson

ALSO PRESENT:

Councillors J Goodeve and J Ranger

OFFICERS IN ATTENDANCE:

Claire Mabbutt	- Licensing Enforcement Officer
Katie Mogan	- Democratic Services Manager
Rosalyn Morris	- Licensing Enforcement Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

## 189 APOLOGIES

Apologies for absence were received from Councillor Jones  
and Councillor Snowdon.

190 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

191 DECLARATIONS OF INTEREST

Councillor Wilson declared that he worked as a Licensing Manager for Transport for London which involved input into policies for taxi licences.

192 MINUTES - 23 JUNE 2021

It was moved by Councillor Goldspink and seconded by Councillor Snowdon, that the Minutes of the meeting of the Committee held on 23 June 2021 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the Committee meeting held on 23 June 2021 be confirmed as a correct record and signed by the Chairman.

193 LICENSING SUB-COMMITTEE - 27 MAY, 14 JUNE, 9 JULY, 16 JULY AND 17 AUGUST 2021

It was moved by Councillor Symonds and seconded by Councillor Hall, that the Minutes of the meetings of the Sub-Committee held on 27 May, 14 June, 9 July, 16 July and 17 August 2021 be received. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the Sub-Committee meetings held on 27 May, 14 June, 9 July, 16 July and 17 August 2021, be received.

194 CONSIDERATION OF THE REVISED DRAFT LICENSING RECORDS POINTS SCHEME FOLLOWING CONSULTATION

The Licensing Enforcement Officer presented the proposed Licensing Records Points Scheme following a consultation. At the previous meeting, the Committee agreed that the draft scheme should go out for consultation for a period of eight weeks. The consultation was due to take place between 19 July and 10 September 2021. However, it had been brought to Officers attention that the consultation had possibly not reached the whole trade and therefore, the consultation was extended to 22 September 2021. The Licensing Enforcement Officer highlighted the two responses received at Appendix A of the report from East Herts licence holders. They had raised a number of points but were dealt with separately with a response from Officers. As a result of the consultation, no amendments had been proposed to the draft scheme but the current scheme was in need of an update and no negative views had been expressed with the scheme in the past.

The Chairman referred to page 83 and the two responses received from the consultation. He said that although they did not relate to the consultation, he shared their concerns. He asked the Officers to investigate the issues raised and report back to the Committee with an update to see if there was a solution.

Councillor Wilson proposed an amendment to the scheme. He referred to paragraph 31 on page 91 and was unsure



how late applications for a renewal of a licence would affect public safety. He said that the legislation stated that a driver must be fit and proper and he could not understand how a late application would impact on those criteria.

The Licensing Enforcement Officer said that she would be happy for this to be removed. She said that research had been conducted into what other Local Authorities do in the case of late renewal applications and the six points was common.

The Chairman added that East Herts worked together with Watford and Dacorum so schemes should be kept in sync.

Councillor Wilson suggested a further amendment at paragraph 22. He asked for wording to be added around the use of racist, sexist, homophobic or other discriminatory language to send a clear message that East Herts did not tolerate its use. The Licensing Enforcement Officer said that she was happy to find the wording and add into the scheme.

The Chairman asked Councillor Wilson to discuss the additional wording with the Licensing Enforcement Officer and get it agreed with himself and the Vice-Chairman outside of the meeting. He then added that there were not many matters for which three points would be awarded in the scheme.

Councillor Goldspink said that she felt six points for a late renewal was unreasonable. She said that if a driver's licence had expired, they could not trade

anyway. She understood the need to keep in step with the other authorities but felt there should be no penalty.

The Chairman asked Officers if trading when a licence has expired was covered in the policy. The Licensing Enforcement Officer said that it would be covered under legislation as it was an offence to continue trading with no licence.

Councillor Reed said he used to be a taxi driver in East Herts and in his experience, many taxi drivers were aware of when their licence was coming up for renewal. He said he would rather have a strict penalty instead of being lenient and have the risk of drivers operating without a licence.

The Chairman suggested that the Committee amend the scheme to three points for a late licence renewal instead of the six proposed.

Councillor Bolton said she agreed with the change and felt three points was a more appropriate sanction. Councillor Page asked if extenuating circumstances were taken into account when a licence renewal was late.

The Licensing Enforcement Officer confirmed that Officers would look at a licence on a case by case basis and the council have a process whereby drivers can apply to suspend their licence before it expires.

Councillor Symonds asked if a late renewal of a licence would invalidate a driver's insurance. Councillor Reed

confirmed it did not.

Councillor Hall proposed and Councillor Page seconded a motion to amend the Licensing Records Points Scheme as follows:

- (A) To reduce the penalty for a late renewal licence from six points to three points.
- (B) To add wording around the use of racist, sexist, homophobic and other discriminatory language, delegated to Councillor Wilson and Officers with agreement from the Chairman and Vice Chairman.

On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Licensing Records Points Scheme be amended as above.

Councillor Symonds proposed and Councillor Reed seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the final version of the Licensing Records Points Scheme as amended by the Committee be endorsed for presentation to the Executive.

195 CONSIDERATION OF THE REVISED DRAFT STATEMENT OF GAMBLING PRINCIPLES 2022-2025 FOLLOWING CONSULTATION

The Senior Licensing and Enforcement Officer

presented a report on the revised draft Statement of Gambling Principles 2022-25 following a consultation. He said that the Gambling Act 2005 requires each Local Authority to adopt and publish a Statement of Principles every three years. The consultation ran for four weeks from 22 August – 22 September 2021 and no responses were received. Officers suggested that the lack of responses did not reflect the quality of the consultation but was possibly a result of a combination of factors like the proposed changes were minor with little or no impact on licence holders and there have been no negative impacts from the previous statement. He also said that gambling has mostly moved online and the impact of the pandemic had further accelerated the shift. He confirmed there were no amendments to the draft Statement.

The Chairman acknowledged the work done by some Members who had fed into the Statement.

Councillor Bolton proposed and Councillor Goldspink seconded a motion supporting the recommendation in the report. On being put the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the final version of the Statement of Gambling Principles 2022-2025 be endorsed for presentation to the Executive.

196 REVIEW OF LICENSING ACTIVITY IN QUARTER 1 OF 2021

The Licensing Enforcement Officer presented the Quarter 1 report on Licensing Activity and said that the figures were skewed due to the pandemic. She drew

Members attention to Annex B, Part 3 and the Pavement Licences where a row had been omitted from the report. She confirmed that there were two new applications in Quarter 1 with six existing licences coming to a total of eight issued licences. She said that Officers intended to look at how the report was presented and how the information was displayed and asked Members for any feedback.

The Chairman said that he was pleased to see new applications and drivers passing their knowledge tests. He asked if figures could be recorded on the number of drivers who leave the taxi trade.

The Senior Licensing and Enforcement Officer said the information could be provided in the future.

Councillor Wilson said that there was national shortage of taxi drivers and said he had been unable to get a taxi in Bishop's Stortford. He asked if it was possible to record the number of licences that are issued but not used.

The Licensing Enforcement Officer said an unmet demand survey was carried out 18 months ago and a cap had been placed on the number of Hackney carriage vehicle licences the authority would issue. She said that operators were reporting that they cannot employ enough drivers from East Herts and taxis were used differently across the District. It was common for people to go to the taxi rank in Hertford but in Bishop's Stortford, phoning for a taxi was more common.

Councillor Symonds thanked Officers for their work in

an enforcement case in her ward.

Councillor Redfern proposed and Councillor Goldspink seconded a motion supporting the recommendation in the report. On being put the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That the report be considered and reviewed.

197 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.30 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 13 OCTOBER  
2021, AT 10.00 AM

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PRESENT: Councillor R Bolton (Chairman)  
Councillors T Page and C Wilson

ALSO PRESENT:

Councillors D Andrews and A Hall

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

PC Adams	- Hertfordshire Constabulary
Dan Francis	- Site Manager
Jay Lewis	- Event Assistant
Brittany Melly	- Event Manager
Saab Minichiello	- Hertfordshire Constabulary

Sergeant Clare Ramirez	- Hertfordshire Constabulary
Nina Rampling	- Designated Premises Supervisor and Bar Manager of the Dog and Whistle Limited

28 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Wilson and seconded by Councillor Page, 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.

29 APOLOGIES

There were no apologies for absence.

30 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

31 DECLARATIONS OF INTEREST

There were no declarations of interest.



32 DETERMINATION OF A TEMPORARY EVENTS NOTICE FOR MS NINA RAMPLING AT REDRICKS LAKES, REDRICKS LANE, SAWBRIDGEWORTH, HERTFORDSHIRE, CM21 0RL

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 Temporary Event Notice (TEN) under Section 100 of the Licensing Act 2003. The Sub-Committee was advised that Ms Nina Rampling submitted an application for an event to take place at Cr8 Glamping at Redricks Lakes, Sawbridgeworth.

The Sub-Committee was advised that the application was for the supply of alcohol and regulated entertainment on the premises on 30 and 31 October 2021 from 12 noon until 10 pm, for occupancy of 499 people. The TEN was for the car park of the premises, which was not licenced and the TEN would be used alongside the existing licence for Cr8 Glamping.

The Senior Licensing and Enforcement Officer detailed how the event had been described and said that had been a police objection during the consultation period in their capacity as a responsible authority. The police were concerned about the incomplete event management plan (EMP) which contained inconsistencies and the police were particularly concerned about access to the site and the arrangements for the prevention of crime and disorder, public nuisance and ensuring public safety.

The Sub-Committee was advised that Environmental Health had not formally objected to the application, they had stated that Officers would be liaising with the applicant via the Safety Advisory Group, which had met yesterday.

The Senior Licensing and Enforcement Officer set out the actions open to the Sub-Committee and said that the decision of Members should be evidence based and justified and appropriate for the promotion of the four licensing objectives and proportionate to what the Sub-Committee intended to achieve.

Councillor Bolton was advised by the Senior Licensing and Enforcement Officer that feedback relating to meetings of the Safety Advisory Group should be sought from the police. She asked for some clarity as to the process for transferring the premises licensing to a different person to that named on a premises licence.

The Senior Licensing and Enforcement Officer said that at any point an application could be made to transfer the premises licence and specify a new Designated Premises Supervisor (DPS). The application could be made online at any time prior to the event with the written consent of the current licence holder and the new DPS.

Councillor Bolton asked if there was consultation to ensure that the person taking on the licence was fit and proper. The Sub-Committee was advised that once an application had been received, there was a 14 day

consultation period with the police and the Home Office.

The Senior Licensing and Enforcement said that consultation would only be with the police in relation to a change of DPS and Officers asked that all applications were made as soon as possible. He confirmed to Councillor Bolton that events could still be held during the 14 day consultation period.

The Event Manager, Brittany Melly, said that the application was for a TEN for 499 people on the Cr8 Glamping site. The Sub-Committee was advised that this was to add to the existing event site licence and the TEN was for a Halloween Event which would now only be held on Saturday 30 October 2021. The Cr8 Glamping site would also be open to allow for camping as well for this event.

The Event Manager referred to the SAG meeting held on 12 October 2021 and said that the main points of concern were the access and the condition of the roads, and in particular the issue of two way traffic on a 150 metre single track road which would cater for ingress and egress and serve as the access for emergency vehicles.

The Sub-Committee was advised that the venue manager and his team were able to put hard core down on the stretches of the lane that would be likely to cause problems if the weather was to get worse. The Event Manager said she had created an updated EMP following the SAG meeting and a medical provider had been contacted to complement the two first aiders

that would be provided by the security company.

The Sub-Committee said that the site manager had been in liaison with Hertfordshire Fire and Rescue in relation to their concerns regarding the marquee and a full report would be submitted to the fire service by the 19<sup>th</sup> October. The Event Manager said that the applicant was working with the fire service to ensure that the marquee was fit for purpose and could be safely evacuated in an emergency.

The Event Manager referred to additional maps including a security deployment plan, a site and a map showing fire points and a plan showing the 10 tower lights to be provided on the site to ensure that people could move around safely.

Councillor Bolton said that the only plan Members had seen was the one in the Agenda. Councillor Wilson asked if there was to be a safe pedestrian route and could Members be shown where that was to be. The Event Manager said that discussions were on going as to the safest way to bring pedestrians in and out of the site. She said that the traffic light system would make the road safer and people were being encouraged to pre book taxis to and from the site.

Councillor Wilson expressed a concern in respect of pre booked taxis in that he was aware of shortages of drivers and he was concerned about pedestrians waiting and taking it upon themselves to walk. The Event Manager said that it been difficult to have taxi firms on site and she was not aware that there was a shortage of pre booked taxis.

The Event Assistant said that she would be securing some business cards of local taxi firms to leave at the entrance and exit points for this event. The Event Manager confirmed to Councillor Wilson that she was awaiting confirmation from the medical provider as to the recommended level of provision. She emphasised that she trusted their judgement and would be calling the company today to discuss the TENs event.

Councillor Page asked if the traffic light system would intrude upon the public highway. The Event Manager confirmed that it would impede on Redricks Lane and the traffic management firm was in liaison with Hertfordshire Highways and also with an Officer from Hertfordshire Constabulary.

The Event Manager followed up on a further query from Councillor Page and said that the Redricks Lane would be affected at the junction where traffic turned into the site, which was the T junction for the Cr8 Glamping site.

Councillor Page asked for some clarity as to how nimble the organisers would be in operating the lights in the event of an emergency. The Event Manager said that the traffic management firm would be providing someone to operate the lights and respond to any emergency situation.

Councillor Bolton asked for clarity as to the capacity of the glamping facilities and the numbers of people that might be staying in that accommodation and whether this was to be under the Cr8 Glamping licence or the

TEN. The Event Manager said that there was capacity for 210 campers on site and this would be covered by the Cr8 Glamping licence. She also confirmed that the 210 campers and the 499 people covered by the TEN application included staff.

Councillor Bolton asked for some clarity as to the ticketing arrangements that would be in place to control entry. The Event Manager detailed the measures that would be in place to screen people with regards to ticketing for the TEN. She said that this entry control would take place before people entered the entertainment area.

The Event Manager responded to questions from Councillor Bolton as to the measures that would be in place for managing intoxicated persons arriving to gain entry to the event. She also said that 25 toilets would be on site, which was much higher than the number required by the purple guide standards.

The Event Manager confirmed to the Sub-Committee that the state of the access road would be rectified by the laying of hard core on top of the potholes and she also said that she would inform the Sub-Committee where the proposed ten lighting towers would be located on the site.

Councillor Bolton commented on public safety in terms of the proximity of the parking and the egress to the lake. The Event Manager said that Herris Fencing would be erected all the way along the line adjacent to the car park.

Councillor Bolton questioned the Event Manager as to the numbers of security staff that would be on site. The Sub-Committee was advised that 14 staff would be on site for the TEN. The Event Manager said that she would like to have an additional 2 staff to be on the egress route and she provided a detailed explanation of a security deployment plan that demonstrated where staff would be located on the internal areas of the site.

Councillor Bolton asked a number of questions as to the lighting arrangements for the site. The Event Manager said that the tower lights in the car park area would be on from the start of the event and other tower lights would only be turned on in an emergency as they would detract from the atmosphere. She explained that the DJ set atmospheric lighting and the emergency exit lighting would be the only lighting in the immediate entertainment event area.

Police Sergeant Ramirez asked what had changed since the SAG meeting as to the access road parallel to the lake. The Sub-Committee was advised by the Site Manager that works to the access road made sense to improve the longevity of the site and to ensure the TEN could go ahead.

Sergeant Ramirez asked about the weight of vehicle that could be accommodated once the proposed work was completed. The Site Manager said that he could not answer that and the focus would be the areas of the lane where vehicles would be most likely to get bogged down. He explained in more detail the works that were proposed and answered a number of

questions about the use of the site and the orientation of the marquee in terms of fire safety.

Sergeant Ramirez asked about the ticket sales and the expected drop-out rate. The Event Manager said referred to the industry average and said that sales had ceased pending the outcome of this hearing.

Councillor Page asked about the management structure covering the two entities of the Cr8 Glamping business and the TENs application team. The Event Manager said that this information was contained in the EMP and the event space was being hired from Cr8. She said that any decisions about the event would fall to the promoters.

Councillor Page asked a further question as to the responsibilities for running Cr8 Glamping and the TENs event. The Event Manager said that the DPS for each entity would be the persons responsible for the overall decision making on site, in consultation with event security and the event management team.

The applicant answered a number of questions from Councillor Bolton as to her responsibilities running the event and as to whether she had visited the site and would be present during the event. Councillor Wilson asked questions as to the successful use of the site for other activities and these were answered by the Site Manager.

Sergeant Ramirez, on behalf of Hertfordshire Constabulary as a responsible authority, referred to the description of the event on Facebook and



commented on how she became aware of the events via the public facing advertisements rather than from the organiser themselves.

Sergeant Ramirez said that it was only through Hertfordshire Constabulary contacting the organisers about EMPs and SAG notifications that those things had been progressed. She said that it was disappointing that, having worked with these organisers before; the same amount effort had not gone into the organisation as had been put into the advertising for this event.

Sergeant Ramirez set out the timeline of contact between the organisers and the responsible authority in respect of SAG meetings, the submission of the EMP and the TENs application. She said that the applicant had been advised that the event could not be held on the site within the licensable area and there had been no contact prior to this in terms of advice or informing the police of the event.

Sergeant Ramirez commented on the appointment of the Event Manager prior to this event and said that prior to this appointment, no paperwork had been submitted. She said that the police had expressed concerns regarding the lack of time to organise an event on a site that had not held an event of this type before. The Sub-Committee was advised that the necessary plans were usually submitted at least 3 months in advance and an event of this type would be in breach of the current licence conditions.

Sergeant Ramirez spoke at length about the

interactions between the police and the organiser and the detailed timelines for this initial period of contact. She said that the initial concerns of the police regarding the ingress and egress had been pointed out to the applicant. The Sub-Committee was advised that during the SAG meeting yesterday, the concerns regarding traffic management had led to the suggestion of a traffic light system.

Sergeant Ramirez stressed that this system was far from ideal with only one route in and out of the site and past experience had shown that when taxis were held in a queue, the passengers were often encouraged to walk rather than wait inside the vehicle. She commented on the issues that would be created by everyone arriving and leaving at the same time and this was dictated by the type of event. She expressed a concern that all of these taxis would be attempting to travel in both directions simultaneously via a narrow access road and she was also concerned that 150 m was a long stretch for traffic lights and passengers could then leave those taxis to walk on a narrow 60 mph road that had a problem with potholes.

Sergeant Ramirez said that Hertfordshire Fire and Rescue were concerned about the single access route and should this be blocked, there would be no other way in or out of the site for emergency services. A fire officer at the SAG meeting had talked about how quickly fire could spread in a marquee.

The Sub-Committee was advised that a traffic management plan (TMP) would have to be agreed with Highways and Sergeant Ramirez said that she was

surprised this had not been finalised before the SAG meeting. Councillor Bolton interjected about whether it was possible for a TMP to be finalised in a short space of time. Sergeant Ramirez confirmed that it was possible for this to be approved.

Sergeant Ramirez said that she was concerned about the time pressure required to resolve the state of the access track. She said that the track was naturally muddy due to the topography and she doubted that the fire bridge would be satisfied to drive along the access track.

Sergeant Ramirez referred to how waterlogged the site was and expressed a concern about the lack of foliage allowing access unless barriers were installed. She also said one corner of the marquee was waterlogged and partially collapsed and expressed a concern that the only way out of the marquee was the main exit as the toilet trailer restricted the only alternative escape route.

Sergeant Ramirez said that it had not been made clear where fencing would be installed to prevent those who had been drinking making their way down towards the lakes. She said that there did not appear to be any plan in place to assist people who had got stuck in the car park.

Sergeant Ramirez stated that in relation to public nuisance, she did not feel that the organisers had not considered the possibility that the event would cause a public nuisance. She summarised the brief statement in the Event Management Plan as regards

consideration of local community impact and the Sub-Committee was advised that no noise management plan had been submitted and there had been complaints about a previous music event and also about Clay Pigeon Shooting.

Sergeant Ramirez expressed concerns about how the queues between the two marquees would be managed as there was no commentary in the EMP on this matter. She said that she had reviewed the revised EMP and there will still shortcomings and omissions such as the health and safety adviser and the location of fencing.

Sergeant Ramirez summarised her understanding of the marquees in terms of capacity and talked at length about the shortcomings of the TMP and EMP. She referred in particular to the lack of a security deployment plan and said that she was particularly concerned about the reliance on a 30-40% drop out rate potentially resulting in people with tickets being turned away.

Sergeant Ramirez stated that the traffic management company had only happened as a result of the SAG meeting. She said that Environmental Health had not commented in the absence a noise management plan and Hertfordshire Fire and Rescue were concerned over the lack of a blue route access to the event site. The Sub-Committee was advised that there was no fire risk assessment on either marquee on the site. Sergeant Ramirez touched how much remained to be resolved and she did not see how these matters could be addressed in the two and half weeks remaining

before this event and she felt that the organisers did not appreciate the importance of getting things organised in advanced.

Sergeant Ramirez summarised by saying that the plans for these events were inadequate and there was no faith in the organisers that the issues would be rectified for the events to be run. She said that she had seen there had been little consideration of public nuisance and she had seen very little information about the prevention of crime and disorder and the issue of the one route access and public safety had not been addressed. She said that these licensing objections would be at risk if the event were to go ahead.

Follow a question from Councillor Page as to the state of the track, an Officer present with Sergeant Ramirez explained that as this track was level with the water table with limited or no drainage, this would present problems for vehicles with significant axle loadings. He said that he would not wish to drive a four and half tonne ambulance or a three and a half tonne public order van on this track. He confirmed to Councillor Bolton that a fire trucked weighed in excess of 25 tonnes.

At the conclusion of the closing summary submissions, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had

listened to the comments of the Senior Licensing and Enforcement Officer and the submissions made by all parties, both written and oral.

The Sub-Committee had decided that the application should be rejected in its entirety on the basis that it had failed to support the crime and disorder, prevention of public nuisance and public safety Licensing Objectives and due to concerns over the distinct lack of a detailed written Event Management Plan (EMP) for the event.

### **Reasons for decision**

1. In reaching this decision, Members considered all of the evidence submitted and the oral and written representations made by the parties. Members had regard to the Section 182 Guidance issued under the Licensing Act 2003; in particular paragraphs 7.1 – 7.40 and the Council's Statement of Licensing Policy.
2. The Applicant/Premises User (Nina Rampling) today confirmed that she has not visited the site despite making the TENS application on 29<sup>th</sup> September 2021. Members were not satisfied that the Applicant can demonstrate her ability to discharge her obligation, as the premises user, in promotion of the four licensing objectives.
3. As of today, the Premises User has failed to satisfied the following 3 Licensing Objectives

#### Public Safety

- No health and safety officer/advisor has been

appointed

- Inadequate medical provisions in place
- Road traffic management plan not complete
- No fire safety risk assessment in place
- No adequate access for emergency services to attend site
- No pedestrian route
- capacity – not identified how this will be controlled between 2 sites
- fencing – where this will be placed in proximity to the lake

#### Crime and Disorder

- Has not been addressed in a risk assessment
- emergency dispersal of people
- no evidence of SIA deployment and roles during the event and external area
- no evidence of how capacity between 2 sites will be managed

#### Public Nuisance

- no noise management plan submitted
  - local community impact assessment is inadequate
4. Based on the information available before it, Members were not confident that the above issues will be remedied by the event date. Members note that had the process started earlier then these issues may have been resolved prior to the hearing today.

5. In reaching this decision to reject the application, Members had regard to the other steps available to them and determined that these would not be appropriate for the following reasons:
- Impose conditions to the existing premises licence – Members noted that the location identified within the TENS did not fall within the scope of the existing premises licence and therefore this option was not available to Members.
  - Take no action – Members determined the TENS does undermine the Prevention of Public Nuisance, Public Safety and Prevention of Crime and disorder licensing objectives and therefore Members had no option but to issue a counter notice to prevent the event from going ahead.

**RESOLVED** – that the application for a Temporary Events Notice at Redricks Lakes, Redricks Lane, Sawbridgeworth, Hertfordshire, be refused.

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.

### 33 URGENT BUSINESS

There was no urgent business.

The meeting closed at 1.13 pm



Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON FRIDAY 15 OCTOBER 2021,  
AT 10.00 AM

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PRESENT: Councillor D Andrews (Chairman)  
Councillors A Hall and C Wilson

ALSO PRESENT:

Councillor J Goodeve

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Adem Altunatmaz	- Premises Licence Holder (PLH)
Navin Shah	- Friend of the PLH

34 APPOINTMENT OF CHAIRMAN

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

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

35 APOLOGIES

There were no apologies for absence.

36 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

37 DECLARATIONS OF INTEREST

There were no Declarations on Interest.

38 MINUTES - 17 AUGUST 2021

It was moved by Councillor Wilson and seconded by Councillor Hall that the Minutes of the meeting held on 17 August 2021 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meetings held on 17 August 2021 be confirmed as a correct record and signed by the Chairman.

39 APPLICATION FOR A VARIATION OF A PREMISES LICENCE  
FOR TOWN EXPRESS, 9 RAILWAY STREET, HERTFORD,  
HERTFORDSHIRE, SG14 1BG

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The Chairman summarised the procedure that would be followed during the meeting and all those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer presented his full report covering an application that had been made under Section 34 of the Licensing Act 2003.

The Sub-Committee was advised that the application for the variation of a premises licence had been made on 21 August 2021 for the premises known as Town Express, 9 Railway Street, Hertford. The application sought to vary the licence by extending the hours for the supply of alcohol on Monday to Sunday from 08:00 to 01:00.

The Senior Licensing and Enforcement Officer said that the applicant had since further amended the application to extend the hours from 08:00 to Midnight Monday to Sunday. The Sub-Committee was advised that the current licence was for the supply of alcohol from 08:00 and 23:00.

The Sub-Committee was also advised that the application sought to remove condition 10, which restricted the sale of beer and cider in single containers and the application also covered the amendment of condition 11 to read that the alcohol content of all beer, lager and cider should be not higher than 7.5%.

The Senior Licensing and Enforcement Officer said that the applicant had not offered any additional conditions other than those contained within the current licence. The Sub-Committee was advised that two representations had been received during the 28 day consultation period, one from Hertfordshire Constabulary and other from the local ward Member who was present at the hearing.

The Senior Licensing and Enforcement Officer said that the police had withdrawn their representation following the reduction in the timings to 08:00 to midnight and the remaining representation could be seen at Appendix B. This representation engaged the prevention of public nuisance and prevention of crime and disorder licensing objectives.

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 and the Sub-Committee should be aware that the site was within a sensitive licensing area in the East Herts Licensing Policy.

The Senior Licensing and Enforcement Officer said that the report contained information submitted by the applicant and the interested party. The Sub-Committee should determine the application with a view to promoting the four licensing objectives. Members should also consider if the applicant had provided evidence that the variation application, if granted, would promote and not undermine the four licensing

objectives.

The Sub-Committee was advised that the applicant's evidence should be balanced against the evidence received from those making representations. The Senior Licensing and Enforcement Officer said that if Members believed that the application would not undermine the licensing objectives then the application should be granted as requested.

The Senior Licensing and Licensing Officer said that if Members believed that there was evidence that granting the variation would not promote the licensing objectives, then it was within the remit of the Sub-Committee to take any action that was appropriate and proportionate to address any concerns. The Sub-Committee could attach conditions or take any steps that were appropriate and proportionate and this included limiting the hours or if there were no steps then the application could be refused in its entirety, but this should always be the last resort.

The Senior Licensing and Enforcement Officer said that the Members' decision should be evidence based and justified as being appropriate for the promotion of the four licensing objectives and proportionate to what the Sub-Committee intended to be achieved.

Councillor Andrews asked for an explanation of what was meant by a sensitive licensing area in the context of this particular application. The Senior Licensing and Enforcement Officer said that the sensitive area meant that the Sub-Committee could consider a pool of licensing conditions when looking at this variation

application.

The applicant's friend asked in what respect was this area sensitive under the terms of the Licensing Act 2003 and when was the designation applied to this particular area. The Senior Licensing and Enforcement Officer said that the latest version of the Licensing Policy was adopted in July 2021, following a full consultation.

The Sub-Committee and all parties present were provided with a summary of the criteria that had been applied to make the area a sensitive area. The Senior Licensing and Enforcement Officer referred in particular to evidence from the police and local ward Members.

The applicant's friend sought and was given further clarification as to the extent of the sensitive licensing area. He asked why the policy in respect of a sensitive licensing area was applied to this variation application when other off licences sold much higher strengths of alcohol in single units and were open much later. The Senior Licensing and Enforcement Officer said that the policy was adopted in July 2021 and each case was considered on its own merits and this application had been submitted after the adoption of this policy.

Councillor Andrews made the point that any change in licensing policy was not retrospective and any previous licences were not to be reviewed unless a specific review application was made in line with the current policy.

The applicant's friend asked in what way would the sale of multiple units of alcohol impact on the Licensing objectives. He said that there was no evidence that there would be an increase in alcohol consumption. He stressed that Hertford was a small town and the influx of people due to the night time economy was not increasing and there must be evidence to back up any hearsay about such an increase.

The applicant's friend that said that the applicant had evidence of having lost trade due to not being licensed to sell alcohol above certain strengths. He said that the applicant was seeking an equal playing field with rival licensed premises in the vicinity of Town Express.

Councillor Wilson asked about the original licence and the conditions that had been applied. The applicant's friend explained that this application had been made as the applicant was now losing trade to rival licensed premises that were selling higher strength alcohol products. The applicant was now seeking to compete on an equal footing.

Councillor Goodeve questioned the applicant as to whether he realised that the Statement of Licensing Policy had been updated and there were now different guidelines around which policy now operated in response to problems in Hertford Town Centre due to anti-social behaviour. Councillor Andrews interjected to explain that the Authority was required to reconsider its Licensing policy on a regular basis and the factors mentioned by Councillor Goodeve were included in this review.



Councillor Goodeve asked the applicant why no additional conditions were being offered to promote the four licensing objectives. The applicant's friend said that the applicant believed that what was on offer was already more than adequate. He emphasised that if there were any breaches of conditions then these could be addressed.

Councillor Goodeve asked if the applicant was aware of increased crime levels in relation to the night time economy in Hertford. The applicant's friend posed the question as to whether any increase was alcohol fuelled and he made the point that the police had withdrawn their objection as there was no supporting evidence.

The applicant's friend said that the applicant was not contributing to the problems and he was acting responsibly and it was for the police to prove that he was not by submitting evidence to the Sub-Committee. He referred to other factors such as drug use and wider social problems.

Councillor Goodeve questioned the applicant as to whether he was aware of cumulative impact. The applicant's friend commented on whether there was any evidence of increased numbers of people coming into town at a level equal to or above the levels seen before the COVID-19 pandemic.

Councillor Goodeve said that these premises were located in an area that had been classified by paragraph 7.2 of the Statement of Licensing Policy as a

sensitive licensing area. She therefore believed that it would be most unwise to do anything that would be detrimental to public safety.

Councillor Goodeve said that the selling of single cans of beer or cider could contribute to further public nuisance by encouraging people to loiter in the town centre whilst behaving in an anti-social manner. She expressed concern about the desire to increase the alcoholic strength of sales and she emphasised that she did not feel there had been any change for the better since conditions were imposed.

Councillor Goodeve said that the applicant had not offered any additional conditions to promote the four licensing objectives. She said that the night time economy remained a concern for Hertfordshire Constabulary and the suggestion of adding SIA door staff would seem to be prudent if the Sub-Committee was minded to approve the variation. She had also noted the sensible suggestion of not selling alcohol in glass containers.

Councillor Goodeve asked the Sub-Committee to consider that the number of residents in the town centre continued to rise due to office and retail to residential conversions that were taking place under permitted development rights. She said that local ward Members and Council Officers were already receiving complaints about noise, fighting and other undesirable behaviours in the town.

Councillor Wilson asked if any residents had complained about this licensed premises or any

activities connected to it. Councillor Goodeve said that she had not been notified of any concerns relating to this premise but residents were concerned about the cumulative impact of having so many venues and premises selling alcohol and contributing to problems as a whole. She acknowledged that it was always going to be difficult to attribute problems to a particular establishment.

Councillor Wilson asked if any residents had indicated that they objected to this particular application. Councillor Goodeve said that people were often reticent to put verbal concerns into formal written complaints due to being fearful of some kind of retribution.

The applicant's friend asked what significant impact would there be from an extra hour of trading. Councillor Goodeve said there was an updated Statement of Licensing Policy and Hertford was the worst affected town in East Herts terms of anti-social behaviour.

The applicant's friend asked what the impact would really be of a small increase to 7.5% ABV from 5.5% ABV for a small number of beverages. Councillor Goodeve said that selling single units of this strength ABV would encourage people to have an extra one or two and get inebriated or further inebriated that bit more quickly. She talked about small steps in the wrong direction that were not helpful.

At the conclusion of the closing submissions, the Sub-Committee, the Litigation and Advisory Lawyer and

Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant's friend and the local ward Member and had decided to grant the variation of the premises licence that had been sought for:

1. The supply of alcohol (for consumption off the premises) Monday to Sunday 08:00 to 00:00.
2. Opening hours of Monday to Sunday 08:00 to 00:00
3. The approval of Annex 2 condition 10, which prohibited the sale or supply of beer or cider in single containers.
4. The amendment of Annex 2 condition 11 allowing alcohol content of all beer, lager and cider sold to be higher than 7.5 % ABV.

**Reasons for Decision:**

1. The Licensing Sub-Committee considered all of the evidence before it including the written representations made by the interested party. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance promulgated pursuant to Section 182 of that act.

2. The Licensing Sub-Committee was required to adopt a presumption in favour of granting a variation to a licence unless there is clear evidence upon which to base a refusal or modification. There was insufficient evidence before the Sub-Committee to rebut that presumption.
3. In reaching this decision, Members has regard to the objections received and noted that whilst there was a perception of public disorder in the night time economy around the Town Centre, the concerns were speculative which could not be directly attributed to these premises and were there outside the scope of the Sub-Committee to consider.

**RESOLVED** – that the application for a the variation of a Premises Licence for Town Express, 9 Railway Street, Hertford be granted, for the following reasons:

1. The Licensing Sub-Committee considered all of the evidence before it including the written representations made by the interested party. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance promulgated pursuant to Section 182 of that act.
2. The Licensing Sub-Committee was required to adopt a presumption in favour of

granting a variation to a licence unless there is clear evidence upon which to base a refusal or modification. There was insufficient evidence before the Sub-Committee to rebut that presumption.

- 3. In reaching this decision, Members has regard to the objections received and noted that whilst there was a perception of public disorder in the night time economy around the Town Centre, the concerns were speculative which could not be directly attributed to these premises and were there outside the scope of the Sub-Committee to consider.

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.

40 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.24 am

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON MONDAY 8 NOVEMBER  
2021, AT 10.00 AM

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PRESENT: Councillor D Snowdon (Chairman)  
Councillors J Jones and T Page

ALSO PRESENT:

Councillor Phyllis Ballam

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
Dominic Stagg	- Environmental Health
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE

Joab Archer	- Premises Licence Holder
Sally Bannister	- Police Licensing Officer
Alan Green	- Assistant Solicitor

Sergeant Clare                    - Hertfordshire  
Ramirez                                Constabulary  
Richard Taylor                    - Solicitor

41     APPOINTMENT OF CHAIRMAN

It was moved by Councillor Page and seconded by Councillor Jones, that Councillor Snowdon be appointed Chairman for the Sub-Committee meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that Councillor Snowdon be appointed Chairman for the Sub-Committee meeting.

42     APOLOGIES

There were no apologies.

43     CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

44     DECLARATIONS OF INTEREST

There were no declarations on interest.

45     APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR  
THE MIXER, 6 BALDOCK STREET, WARE, HERTFORDSHIRE  
SG12 9DZ

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



or introduced themselves.

The Senior Licensing and Enforcement Officer said that the applicant had notified the Council that she was unable to attend the hearing. He presented his report covering an application for review of the premises licence under Section 51 of the Licensing Act 2003 for The Mixer, 6 Baldock Street, Ware.

The Chairman explained that the applicant was not available and there had been no acceptable alternative dates. The Sub-Committee agreed to hear the case in the absence of the applicant.

The Sub-Committee was advised that on 20 August 2021, a review application was received from the applicant in the capacity of a neighbouring resident acting as an interested party. The review application alleged that there were issues regarding noise from the premises and that there was noise nuisance had been reported from the outside area which closed at 22:00 hours.

The Senior Licensing and Enforcement Officer said that the applicant was concerned about noise from the premises when there were live bands or DJ sets and it had been alleged that doors and windows were often open allowing noise to escape more easily.

The Sub-Committee was advised that the applicant had requested that the Sub-Committee either close the garden area or bring the forward the closure time for the outside area to earlier than 22:00 hours. A condition had also been requested that all doors and

windows be closed at the same time to prevent noise leakage. The resident had called the review as she believed that this related to the prevention of public nuisance licensing objective.

The Senior Licensing and Enforcement Officer said that further representations were received during the 28 day consultation period; further representations were received from Environmental Health, Hertfordshire Constabulary, a District Councillor, a Town Councillor and four from local residents or local businesses.

The Sub-Committee was advised that the representation from Environmental Health confirmed that Officers had received numerous complaints over the years and noise equipment had been installed in the applicant's home in November 2019.

The Senior Licensing and Enforcement Officer said that Environmental Health had made unannounced visits and Officers had not established the existence of statutory noise nuisance as defined by the Environmental Protection Act 1990.

The Sub-Committee was advised that the representation from the police gave a brief history of the premises and informed the Sub-Committee on a number of police reports. The police had stated that they had received 11 reports between 5 October 2019 and 25 June 2021, in relation to noise. The police had liaised with the applicant and conditions had been suggested to the Sub-Committee, as detailed in paragraphs 1.12 and 1.14 of their report.

The Senior Licensing and Enforcement Officer said that the police had stated that they believed that there was evidence that music played from the premises was loud and impacted upon residents and the police believed that the use of the archway was causing a nuisance. The Town and District Councillors had both stated that they had received complaints from residents alleging noise.

The Senior Licensing and Enforcement Officer summarised a number of other comments that been received from residents in respect of noise. The premises licence holder had responded to these documents and his responses had been shared with all those present at the hearing today.

The Sub-Committee was advised that the report looked at the East Herts Statement of Licensing Policy and the revised guidance under Section 182 of the Licensing Act 2003. The report included information provided by the applicant, the interested parties and the premises licence holder.

The Senior Licensing and Enforcement Officer said that the Sub-Committee should determine the application with a view to promoting the four licensing objectives. Members must consider the evidence that had been produced and they should take no action if they believed that the premises would not undermine the licensing objectives.

The Sub-Committee was reminded that the guidance said that Members should take the minimum steps that were needed to mitigate their concerns. Members

were advised that they could make changes to the premises licence, so long as these were appropriate and proportionate for the promotion of the Licensing Objectives.

The Senior Licensing and Enforcement Officer detailed the options available to the Sub-Committee and said that the decision should be evidence based and justified as appropriate for the promotion of the four licensing objectives and proportionate to what the Sub-Committee intended to achieve.

Mr Taylor, solicitor for the premises licence holder (PLH), referred to paragraph 3.23 of the report and the applicant's evidence in the form of noise recordings. He asked a question as to the value of the noise recordings as evidence and the Senior Licensing and Enforcement Officer confirmed that the evidence of the applicant's noise recordings was of limited value.

Mr Taylor sought and was given confirmation from the Officer that a lot of the noise reports had come at a time when the doors and windows of the premises were open due to COVID-19. He also asked and was given an assurance from the Officer that no complaints had been received in respect of noise since the application had been submitted.

Mr Dom Stagg, Senior Technical Officer for East Herts Environmental Health, confirmed that numerous complaints had been received over a number of years. He confirmed that the complaints had not met the threshold to be classified as a statutory noise nuisance under the Environmental Health Protection Act.

Members were advised of the high benchmark that was in place for a statutory nuisance in that noise had to have a significant impact on the enjoyment of a neighbouring property before it could be classified as a statutory nuisance.

Councillor Page asked for the Senior Technical Officer to expand on the activities of Environmental Health in respect of noise monitoring. He referred in particular to the recently declined offer of assistance from the applicant. The Senior Technical Officer explained that the applicant had declined a recent offer of assistance and he set out the reasons for this and the advice that had been subsequently given by Officers.

Councillor Jones asked if any further suggestion had made for noise monitoring equipment to be installed in other premises where there had been complaints. The Senior Technical Officer explained the process that was followed before noise monitoring equipment could be offered and deployed.

Mr Taylor sought and was given clarification from the Senior Technical Officer that Environmental Health had insufficient evidence to apply for a review of this premises licence. The Senior Technical Officer said that Environmental Health Officers would continue to work with the premises licence holder and were supportive of the conditions that had been suggested.

The Senior Technical Officer said that he welcomed the offer of a condition in respect of a noise limiter. He explained that things had not yet reached the stage where a problem had been identified at The Mixer

whereby something needed to be done in terms of noise and a statutory nuisance.

Mr Taylor said that the premises licence holder believed considered that noise limiters were very expensive and that this was not being offered as a condition. He invited the Sub-Committee to impose the conditions that had been offered and to instruct the premises licence holder to continue to work with Environmental Health. He commented on the way forward if a noise limiter was deemed to be required at The Mixer.

Sergeant Clare Ramirez asked and was given an answer as to what had been recorded in December 2019. The Sub-Committee was advised that people noise had been audible as well as some music evident in the recordings. Members were advised that part of the assessment of acceptability was the ability to control noise and people noise was harder to control.

Mr Taylor asked and was given clarification as to when the CCTV evidence had been submitted to the Premises Licence Holder. The Sub-Committee resolved to move into part 2 with the press and public being excluded to allow police video footage to be viewed by Members.

Following this, the hearing continued in public and there was a five minute adjournment for the premises licence holder and Mr Taylor to discuss the video footage.

The meeting restarted following the adjournment and

Sergeant Ramirez clarified that there had been some noise observed by the police prior to 8 pm. She also pointed out that noise had been logged on diary sheets by the applicant at a time prior to 8 pm. The Sub-Committee were advised of the matter of smoking in the archway where people had congregated in an enclosed space that should not be used.

Sergeant Ramirez said that the main concern of the police was that the premises licence holder needed to take responsibility for the outside areas and introduce actions to control areas being used as an extension of the premises. She referred to conditions that had been requested in relation to the alleyway.

Sergeant Ramirez commented on the loud music and referred to the premises being more than a restaurant or place to socialise. She said that the police believed more could be done to mitigate the issues that they had identified. The Sub-Committee was referred to the pool of model conditions in the Licensing Policy. Sergeant Ramirez drew Members attention to photos from Facebook which showed a DJ near a doorway with speakers facing the garden.

Councillor Snowdon questioned the police as to whether they had considered launching their own review application for this premises. Sergeant Ramirez said that she believed there was sufficient evidence for a review and the police felt that this review application had come at the right time. She confirmed that the police were seeking conditions to be applied to the licence as detailed in paragraph 1.12 on page 72 of the public document pack.

Sergeant Ramirez said that care needed to be taken in respect of the use of the courtyard and the police felt that the numbers permitted to use this very small area needed to be defined. She also referred to the care that the premises licence holder needed to exercise in terms of where the smoking area was going to be and the need for some control over this area.

Sergeant Ramirez said the alleyway should be controlled on the basis that from 8 pm there should be no customers congregating in the alleyway to the side of the premises unless they were queuing to gain access. Mr Taylor set out the context for the 16 calls made to police during a period when COVID-19 had dictated that doors and windows had to be open for premises to be allowed to open.

Councillor Ballam, as the local ward Member for Ware Town Council, addressed the Committee at length in respect of the review application. She highlighted an instance of very loud music emanating from The Mixer on a Sunday and all the doors and windows had been open. She stated that the matter of noise had been an issue for as long as the premises had been open prior to doors and windows being opened for ventilation. She referred to the demeanour of the premises licence holder and said that was evidence of disturbance from this premises adversely impacting on the health of residents.

Mr Taylor referred to the proactive approach being taken by the premises licence holder in his dealings with the responsible authorities. He referred to the



limitations of what could be achieved with a grade 2 listed building in terms of noise mitigation. He referred to the complaints being largely from a single person in respect of noise from the premises.

Mr Taylor referred to the complaints as being about noise from the premises and from customers. He addressed the Committee at length in respect to of noise and made the point that there had been no noise complaints from the applicant for four months. He said the premises licence holder had worked with Environmental Health in respect of noise and he had also been working with a noise specialist in regarding the installation of a noise limiter.

Mr Taylor explained that there was one area of outside space which could accommodate 20 people. He stated that curtailing the hours for this space could be catastrophic for the business. He addressed the Sub-Committee in respect to the use of the archway and said that the premises licence holder could not accept further restrictions of the use of the courtyard as well as a new separate smoking area that had been introduced.

Mr Taylor said that a condition would be acceptable to the premises licence holder for no outside speakers to be used and a further condition would be accepted for all doors and windows to be closed when music was being played above background levels.

Councillor Jones asked if the complaints had stopped due to any particular action taken by the premises licence holder. The premises licence holder explained

that air circulation fans had been installed to ensure a good air flow now that the doors were shut and windows locked. He said he always did what he could to rectify matters when he was notified of a complaint.

Councillor Jones asked whether the archway was a public right of way. The premises licence holder explained that there was no legal public thoroughfare but the archway was used as a cut through by the public and residents.

The premises licence holder answered a number of further questions from the Sub-Committee in respect of the outside area, the DJ music being played with windows open and the importance of the outside space to the business.

Councillor Page asked a question in respect of the training that had been given to the staff in respect of people management. The premises licence holder explained that although he had no formal people management training, he had received guidance from police and Environmental Health and there were SIA approved door staff on Fridays and Saturdays.

The Sub-Committee asked a number of the questions of the premises licence holder and Mr Taylor in respect of the clientele and music being played at The Mixer as well as further questions about the licensable area and possible conditions.

Sergeant Ramirez explained that the police felt that the restrictions on the licence governing the outside area and the alleyway should not just apply on Fridays and

Saturdays as there could be events on public holidays and on other days during the week. She also explained that the police would like to see a condition that prevented the use of the covered section of the alleyway.

At the conclusion of the closing summary submissions, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had read the application for review and listened to the comments of the Senior Licensing and Enforcement Officer, the Responsible Authorities and Interested party. The applicant was absent from the hearing today and the Sub-Committee had proceeded to hear the review in the absence of the Applicant.

In determining this matter, the Sub-Committee had decided to modify the conditions of the premises licence and include new conditions, the majority of which have been offered up by the Premises Licence Holder in consultation with the police:

### **Conditions**

- There will be no use of outside speakers at the rear courtyard of the premises.
- All doors and windows to be closed after 22:00 hours when music is being played inside the premises, except for ingress and egress.

- From 16:00 hours, no customer pedestrian access from the premises to the car park at the rear of the premises, unless during an emergency situation.
- Between 22:00 hours and 09:00 hours, there shall be no disposal of bottles, or other refuse, or deliveries or collecting, relating to licensable activities at the premises, except the weekly refuse collection. Deliveries to be made to the front of the premises only.
- A written dispersal policy, approved by a Police Licensing Officer, will be in place and a copy available for inspection at the premises. As a minimum, the policy must cover actions to be taken to reduce the impact on the local community when customers are leaving the premises. The policy must be operated and adhered to by the staff at the premises.
- In addition to the dispersal policy, the Premise Licence holder will ensure that a soft closure procedure is followed at the end of the evening, 30 minutes before the time the premises are due to close. This must include lowering any music, informing people of the approaching closing time, not selling excessive amounts of drinks to people within this time period, encourage sensible drinking and ensuring people have time to finish the drinks they have ordered prior to closure.
- The Premises Licence Holder shall actively participate in the PubWatch Scheme, including attending the meetings, and supporting the

PubWatch banning systems including keeping records and sharing information with the police.

- A minimum of one SIA registered door staff to be present on duty on Friday and Saturday evenings between 7pm to the close of premises.
- At all times after 21:30, the area hatched blue on the attached plan is to be used as a smoking area only. In that area:
  - i) A maximum of 10 persons to be permitted at any time;
  - ii) No tables and chairs will be available for use;
  - iii) No drinks to be permitted;
  - iv) Notices will be displayed requesting that customers use the area quietly to ensure no nuisance is caused to the neighbours;
  - v) The passageway /courtyard area that will be hatched green on the attached plan is to be kept clear of obstruction except when queuing for entry to the premises;
  - vi) No alcohol or smoking to be permitted by patrons in the passageway/courtyard area hatched green on the attached plan.

**Annex 2 conditions:**

- Amend condition one to include the door supervisor

to be SIA registered

- Remove condition 7
- Replace condition 11 to read 'No use of the rear courtyard after 21:30'
- Licence 17/0170/PLMV to correct the timing for Recorded Music to Monday – Saturday 10:00 to 00:30.

In coming to its decision, the Sub-Committee had been mindful to strike a healthy balance between residents' interests and supporting the night-time economy.

Members were satisfied that the offered conditions and additional conditions granted were appropriate to promote the licensing objectives and would address many of the representations received.

**RESOLVED** – that the conditions of the premises licenced be modified to include new conditions, the majority of which have been offered up by the PLH in consultation with the police:

### **Conditions**

- There will be no use of outside speakers at the rear courtyard of the premises.
- All doors and windows to be closed after 22:00 hours when music is being played inside the premises, except for ingress and egress.
- From 16:00 hours, no customer pedestrian access from the premises to the car park at the

rear of the premises, unless during an emergency situation.

- Between 22:00 hours and 09:00 hours, there shall be no disposal of bottles, or other refuse, or deliveries or collecting, relating to licensable activities at the premises, except the weekly refuse collection. Deliveries to be made to the front of the premises only.
- A written dispersal policy, approved by a Police Licensing Officer, will be in place and a copy available for inspection at the premises. As a minimum, the policy must cover actions to be taken to reduce the impact on the local community when customers are leaving the premises. The policy must be operated and adhered to by the staff at the premises.
- In addition to the dispersal policy, the Premise Licence holder will ensure that a soft closure procedure is followed at the end of the evening, 30 minutes before the time the premises are due to close. This must include lowering any music, informing people of the approaching closing time, not selling excessive amounts of drinks to people within this time period, encourage sensible drinking and ensuring people have time to finish the drinks they have ordered prior to closure.
- The Licence Holder shall actively participate in the PubWatch Scheme, including attending the meetings, and supporting the PubWatch

banning systems including keeping records and sharing information with the police.

- A minimum of one SIA registered door staff to be present on duty on Friday and Saturday evenings between 7pm to the close of premises.
- At all times after 21:30, the area shaded blue on the attached plan is to be used as a smoking area only. In that area:
  - i) A maximum of 10 persons to be permitted at any time;
  - ii) No tables and chairs will be available for use;
  - iii) No drinks to be permitted;
  - iv) Notices will be displayed requesting that customers use the area quietly to ensure no nuisance is caused to the neighbours;
  - v) The passageway /courtyard area shaded green on the attached plan is to be kept clear of obstruction except when queuing for entry to the premises. In that area:
    - No alcohol consumption or smoking to be permitted by patrons

**Annex 2 conditions:**

- Amend condition one to include the door



supervisor to be SIA registered.

- Remove condition 7
- Replace condition 11 to read 'No use of the rear courtyard after 21:30'

Current Licence 17/0170/PLMV:

- to correct the timing for Recorded Music Monday – Saturday 10:00 to 00:30.

## **REASONS FOR DECISION**

1. The Licensing Sub Committee considered all of the evidence before it including the written representations made by the applicant and the oral and written representations made by the licence holder, the responsible Authorities and the Interested Parties. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance promulgated pursuant to Section 182 of that Act.
2. Members noted that under paragraph 11.20 of the Section 182 Guidance, Members should seek to establish the cause or causes of the concerns that the representations identify and any remedial action taken should be directed at these causes where it considers them appropriate to the promotion of the licensing objectives.
3. In coming to its decision, the Sub-Committee was mindful to strike a healthy balance between residents' interests and support the night-time economy. Members are satisfied that the offered conditions and additional conditions granted are

appropriate to promote the licensing objectives and will address many of the representations received.

46 URGENT BUSINESS

There was no urgent business.

The meeting closed at 1.54 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 5 MAY 2022, AT  
10.00 AM

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PRESENT: Councillor D Snowdon (Chairman)  
Councillors J Jones and C Wilson

ALSO PRESENT:

Councillors D Andrews, J Goodeve and  
P Ruffles

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE

Sue Adams	- Premises Licence Holder
Sue Barber	- Hertford Town Council
Elaine Dell	- Premises Licence Holder
Nick Kirby	- Hertford Town

## Council

47 APPOINTMENT OF CHAIRMAN

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

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

48 APOLOGIES

There were no apologies.

49 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

50 DECLARATIONS OF INTEREST

There were no declarations of interest.

51 MINUTES - 13 OCTOBER AND 15 OCTOBER 2021

It was moved by Councillor Jones and seconded by Councillor Wilson that the Minutes of the meeting held on 13 October 2021 be confirmed as correct records and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

It was moved by Councillor Wilson and seconded by Councillor Jones that the Minutes of the meeting held on 15 October 2021 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meetings held on 13 October and 15 October 2021, be confirmed as correct records and signed by the Chairman.

52 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR JUNGLE BAR, 117 FORE STREET, HERTFORD, HERTFORDSHIRE, SG14 1AX 22/0207/PLV

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

The Sub-Committee was advised that on 28 February 2022, an application was received for the variation of the premises licence in respect of Jungle Bar, 117 Fore Street, Hertford. The application was subsequently amended on the 12 March 2022, for the following licensable activities:

- The provision of recorded music Monday to Tuesday 09:00 – 01:30, Wednesday 09:00 – 02:30, Thursday – Saturday 09:00 – 03:00 and Sunday 09:00 – 02:30

The Sub-Committee was advised that the applicant had proposed no additional steps to promote the four licensing objectives as there were a number of

conditions on the current premises licence. The Senior Licensing and Enforcement Officer detailed the involvement of Environmental Health in respect of the setting of agreed noise limiter levels for all speech, live music and recorded music.

The Senior Licensing and Enforcement Officer said that during the 28 day consultation period, six representations had been received from interested parties. The representations were from local Councillors and they had engaged the following licensing objectives:

- prevention of public nuisance
- prevention of crime and disorder
- public safety

The Sub-Committee was advised that the objections from local Councillors were due to concerns regarding music and people noise along with customer behaviour outside the premises.

The Senior Licensing and Enforcement Officer said that Hertford Town Council had also raised an objection based on the prevention of public nuisance licensing objective due to the proximity of neighbouring residents. There had also been two residents objections based on the prevention of public nuisance due to the proximity of neighbouring residents.

The Sub-Committee was advised that there had been no representations from any responsible authority and the Senior Licensing and Enforcement Officer drew Members' attention to the Officer observations that

were detailed in the report.

The Sub-Committee was advised that SIA condition four could not be amended as this had not been widely consulted upon. The Sub-Committee was advised that the applicant had been advised that amending condition four would require an amendment application.

The Senior Licensing and Enforcement Officer said that the Sub-Committee should determine the application with a view to promoting the four licensing objectives. In determining the application, Members should determine whether they felt that the applicant had provided evidence that the application, if granted, would promote and not undermine the licensing objectives.

The Senior Licensing and Enforcement Officer said that the determination of the Sub-Committee should be evidence based, justified and being appropriate for the promotion of the four licensing objectives.

The applicant said that the staff running Jungle Bar took great responsibility in keeping vulnerable patrons safe, well and well behaved. She said that the premises aided the Hertford pub watch group and she believed that the Jungle Bar was a much needed venue in the town.

The applicant said that the socialisation for young people was paramount for wellbeing and mental health and they were glad that the Jungle Bar had survived the harsh realities of Covid-19. She said that

all venues in Hertford gave a different experience and all venues were equally as important.

The applicant said that an email had been sent to the Castle Ward District Councillors to request a meeting so that the reasons for the music variation could be explained. She explained why the application for the variation had been made and said that no sound escaped from the back of the premises. The applicant explained that the front door of the premises was kept open to maintain a flow of fresh air due to Covid-19 safety and there had been no complaints.

The applicant stated that there had been no music related complaints in years and a complaint was only made when blue notices went out regarding this variation application. She agreed that fighting in the street was a problem and had always been a concern. The Sub-Committee was advised that she worked closely with the police to bar anyone who displayed violence.

The applicant said that the scanner in the Jungle Bar had identified the people who were barred from entering premises in Hertford. She reiterated that no responsible authority had objected to the application and she referred to the extra conditions that had been accepted onto the licence, for example the wearing of high visibility clothing by the SIA door staff.

The applicant said that Hertford had the second largest night time economy in East Herts that brought pleasure to many and she would continue to try to help the police in identifying the criminals in society.



The Sub-Committee was advised that the Jungle Bar was awaiting its certification of five stars under the licensing savvy system and the applicant and a colleague were the chair and vice-chair of pub watch.

Councillor Wilson asked how many people were in the premises during the last hour of opening in terms of a percentage of the total capacity. He also asked for some clarity as to why the change in the hours and the reason for the provision of music at the front of the building in the form of background music approach closing time.

The applicant confirmed that the Jungle Bar was sometimes full in the hour prior to closing time and at other times there would be around 60 people in the premises. She confirmed that this figure varied and a half an hour soft closing period was proposed at the Jungle Bar.

Councillor Wilson asked about the policy for dispersal to stop large numbers of people exiting the premises at once. The applicant confirmed that there was not normally a mass exodus and occasionally people were kept inside the premises if there was something happening outside of the Jungle Bar. Every effort was made to avoid a mass exodus from the premises by suddenly stopping the music and turning the lights on.

Following questions from Councillor Jones, the applicant explained in more detail the operation of the front and rear sound systems at the Jungle Bar. She also set out the reasons for the request for more time in the variation application.

Councillor Jan Goodeve, as the local ward Member, informed the Committee that historically there had been problems with the premises which culminated in a review of the licence before the pandemic. She stated that there needed to be a balance and the Jungle Bar needed to be a good neighbour and there also needed to be fairness in the consideration of people who live within the vicinity of the premises who needed to feel safe in their own homes.

Councillor Goodeve said that there had not been any issues regarding noise emanating from the premises. The issue was concern regarding the disruption from people leaving the Jungle Bar even later should music be permitted to be played later and the issue of the noise associated with people dispersing that could disturb local residents.

Councillor Goodeve said that she was pleased that the Jungle Bar had signed up to the Licensing Savvy initiative that had been instigated by the Police. She commented that it would have been inappropriate for Members to meet with the applicant without an Officer being present.

There being no closing summary submissions, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officers retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and the interested

parties and had decided to grant the variation of the premises licence, subject to the one additional condition offered by the applicant.

Additional Condition:

- All SIA registered door staff to wear high visibility jackets for one hour prior to the terminal hour until SIA door staff had finished their duties.

**RESOLVED** – that the application for the variation of a premises licence at the Jungle Bar, 117 Fore Street, Hertford be granted, subject to the following additional condition offered by the applicant:

- All SIA registered door staff to wear high visibility jackets for one hour prior to the terminal hour until SIA door staff had finished their duties.

### **Reasons for Decision**

1. The Licensing Sub Committee considered all of the evidence before it including the written representations made by the interested party. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance promulgated pursuant to Section 182 of that Act.
2. The Licensing Sub Committee is required to adopt a presumption in favour of granting a variation to

a licence unless there is clear evidence upon which to base a refusal or modification. There was insufficient evidence before the Sub Committee to rebut that presumption.

- 3. In reaching this decision Members had regard to the objections received and noted that whilst there is a perception of public disorder in the night time economy around the Town Centre, the concerns were speculative which could not be directly attributed to these premises and were therefore outside the scope of the Sub Committee to consider.

53 APPLICATION FOR A NEW TIME LIMITED PREMISES LICENCE BY INTEGRATED EVENT MANAGEMENT LTD (STONE VALLEY FESTIVAL SOUTH / WANNASEE FESTIVAL) FOR EVENTS AT HILLSIDE FARM, HILLSIDE LANE, GREAT AMWELL, WARE, HERTFORDSHIRE, SG12 9SH (22/0235/PL)

Application deferred to Licensing Sub-Committee meeting on 9 May 2022.

54 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.11 am

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON MONDAY 9 MAY 2022, AT  
10.00 AM

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PRESENT: Councillor D Andrews (Chairman)  
Councillors R Bolton and T Page

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Mr Buchley	- Head of Property (Lidl)
Mr Goding	- Interested Party and Member of Great Amwell Parish Council
Mr Charles Holland	- Legal Representative (Integrated Event

Mr Hutchinson	Management) - Premises Licence Holder (Integrated Event Management)
Mr Joe Leyden	- Acquisitions Consultant (Lidl)
Amanda Pullinger	- Legal Representative (Lidl)
Mr Robson	- Licensing Consultant
Kelly Watts	- Trading Compliance (Lidl)

#### 55 APPOINTMENT OF CHAIRMAN

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

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

#### 56 APOLOGIES

There were no apologies for absence.

#### 57 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

58 DECLARATIONS OF INTEREST

There were no declarations of interest.

59 MINUTES - 8 NOVEMBER 2021

It was moved by Councillor Bolton and seconded by Councillor Page that the Minutes of the meeting held on 8 November 2021 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 meeting held on 8 November 2021 be confirmed as a correct record and signed by the Chairman.

60 APPLICATION FOR A PREMISES LICENCE FOR LIDL AT 295-297 STANSTED ROAD, BISHOP'S STORTFORD, HERTS CM23 2BT (22/0294/PL)

The Chairman summarised the procedure for 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 new premises licence under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on 14 March 2022, Lidl Great Britain Limited submitted an application for a new premises licence at 295 – 297 Stansted Road, Bishop's Stortford, Hertfordshire, CM23 2BT. The application sought permission for the supply of alcohol for consumption off of the premises,

Monday - Sunday 07:00 – 23:00.

Members were advised that the applicant had proposed a number of steps which they intended to take to promote the four licensing objectives. These included the training of staff and the operation of a Challenge 25 policy.

Members were further advised that there had been seven valid representations received from local residents acting as interested parties, which could be seen at Appendix B of the report. The representations from residents raised concerns of noise, safety from traffic and anti-social behaviour and engaged the public safety, prevention of public nuisance and prevention of crime and disorder licensing objectives. There had been no representations received from the Authorities.

The Senior Licensing and Enforcement Officer drew Members' attention to an error at paragraph 3.9 in the report, and confirmed that the site of the proposed premises was not a field, that it was instead currently being utilised by a car manufacturer as a service garage.

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



appropriate and proportionate.

The applicant's legal representative briefly introduced the application. She referred to the representations received from residents, shown at pages 73 – 79 of the report, and said that they contained general, unsubstantiated comments which were not based on evidence. She advised that the application included a request to trade alcohol on Sundays between 07:00 – 23:00, but clarified that this request had been made only in anticipation of any possible future relaxation in Sunday trading hours.

The applicant's legal representative said that Lidl had 860 stores in the UK, and was therefore experienced at operating units in different locations, including those in towns and on retail parks. She said that Lidl was aware of its responsibilities and provided extensive training to staff to prevent the sale of alcohol to persons under the age of 18, to those who are intoxicated, and to recognise the signs of proxy purchases. She said that all staff were required to complete this training prior to working on the shop floor, and to complete refresher training at least every six months, with records kept of this training.

She continued by saying that Lidl also employed external test purchasers to check the robustness of its Challenge 25 policy, and that full store coverage CCTV was used alongside the staff monitoring of high 'risk' areas. She said that Lidl was an active participant in joint working and community projects, giving examples with the Police and bespoke initiatives.

The Chairman thanked the applicant's legal representative for her comprehensive overview of the application.

Councillor Page asked for detail on the stores proposed security measures. In particular the measures intended to combat any possible gathering in the car park area during the evenings. He also asked for clarification on when the store would receive its deliveries.

The applicant's legal representative said that no such problems were anticipated at the location. She said that all aspects of store security are continuously monitored, with store management proactive in encouraging liaison with local residents. The use of barriers and boulders (whichever was location appropriate) could be used to stop unwanted access to the car park area. With regards to store deliveries, the applicant's representative said that this was an issue for planning. She added that deliveries would be made to the store even without an alcohol licence.

Councillor Bolton said that the site visit which had been carried out by the Members of the Sub-Committee had been very helpful, and asked for further clarification on the footprint of the proposed store, its parking and CCTV.

The Head of Property for Lidl said that Lidl were re-profiling the whole of the site, which would stretch from the highway to the railway and create a 24,000 sqft retail unit with 137 parking spaces. He said that as owners of the site the whole area would be configured

to be easier to access, secure and maintain. With regards to CCTV, this would be dependent on the location and any data protection considerations.

The applicant's legal representative said that the police had made no objections to the application, and that the representations made by local residents were made without evidence. She said that the proposed store was in a low crime area, and therefore was not likely to attract any anti-social issues. She finished by saying that Lidl was an experienced company, with robust training and procedures in place, and that members could be confident in granting the application.

At the conclusion of the closing submission, the Sub-Committee, the Litigation and Advisory Lawyer and the Democratic Services Officers retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licencing and Enforcement Officer and the applicant. The Sub Committee had considered the representations that had been received and had decided to grant the application.

There did not appear to be any substantial evidence to support the concerns that had been raised and the Sub-Committee was reassured by the applicant that any concerns raised with them would be addressed in the future. In coming to this decision believed that the conditions attached to the licence would be sufficient

to promote and not undermine the four licencing objectives.

**RESOLVED** – that the application for a New Premises Licence for Lidl Great Britain Limited at 295 -297 Stansted Road, Bishop’s Stortford, Herts, CM23 2BT be granted, with the supply of alcohol (for consumption off of the premises) and opening hours Monday to Sunday 07:00 – 23:00.

### **Reasons for Decision**

1. The Licencing Sub Committee considered all of the evidence before it including the written representations made by the interested parties. Members had regard to the Council’s Statement of Licencing Policy, the Licencing Act 2003 and the guidance promulgated pursuant to Section 182 of that Act.
2. The Licencing Sub Committee is required to adopt a presumption in favour of granting a licence unless there is clear evidence upon which to base a refusal or modification. There was insufficient evidence before the Sub Committee to rebut that presumption.
3. In reaching this decision Members had regard to the objections received and noted that whilst there is a perception of public safety and public nuisance at the premises, the concerns were speculative which could

not directly attributed to these premises and were therefore outside of the scope of the Sub Committee to consider.

4. Members were assured by the Applicant that concerns raised to them by local residents will be addressed in the future.

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

61 APPLICATION FOR A NEW TIME LIMITED PREMISES LICENCE BY INTEGRATED EVENT MANAGEMENT LTD (STONE VALLEY FESTIVAL SOUTH / WANNASEE FESTIVAL) FOR EVENTS AT HILLSIDE FARM, HILLSIDE LANE, GREAT AMWELL, WARE, HERTFORDSHIRE, SG12 9SH (22/0235/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 an application for a new time limited premises licence made on 3 March 2022 by Integrated Event Management Ltd under Section 17 of the Licensing Act 2003, for a festival to be held at Hillside Farm, Hillside Lane, Great Amwell, Ware, Hertfordshire.

The Senior Licensing and Enforcement Officer said that the application was resubmitted on 9 March 2022 after errors had been identified in respect of the requested

dates. The Sub-Committee was advised that the application had been correctly advertised and consulted upon as required by legislation and regulations. Members were advised that the application sought the following licensable activities to be granted:

- Live and recorded music and the performance of dance between 11 am and 11 pm Thursday to Sunday;
- Late night refreshment between 11 pm and 1 am

Members were advised that the application, if granted, restricted these times to two events to be held at the premises over two weekends between 9 May and 1 August 2022.

The Senior Licensing and Enforcement Officer said that the applicant had stated a number of steps to promote the licensing objectives and these included a requirement that all operations would be carried out in conjunction with a comprehensive management plan. Members were advised that the management team would consist of eight senior managers and there would be a risk assessment produced for the event. There would be a minimum of four personal licence holders to supervise the sale of alcohol at all times.

The Sub-Committee was advised that there would be a suitably sized team of SIA personnel wearing body worn cameras. The event would have a comprehensive drugs policy, prohibited items policies and search policies. The Senior Licensing and Enforcement Officer

said that competent medical provider would be present and a competent contractor would be appointed to review all risks and review the use of noise management plan.

Members were advised that the applicant would employ a cleansing team to remove litter and waste in line with a no trace policy. A Challenge 25 policy would be in place as well as a policy to ensure the protection of children from harm. These measures were further supported by conditions which had agreed with Environmental Health.

The Sub-Committee was advised that 2 representations against the application were received during the consultation period; one of which was from the parish council and the other was from a resident who was concerned about noise and public safety. The representations engaged the following licensing objectives:

- Prevention of public nuisance
- Public safety

The Senior Licensing and Enforcement Officer said that in respect of the gas pipe line in the locality, the applicant had taken advice from Cadent Gas regarding temporary structures. The Event Management Plan (EMP) had been through the Safety Advisory Group (SAG) and it had been concluded that no further meetings were necessary.

The Sub-Committee was advised that the report looked at the East Herts Statement of Licensing Policy

and the revised guidance under Section 182 of the Licensing Act 2003. The report included information submitted by the applicant and the interested parties making the representation.

The Senior Licensing and Enforcement Officer said that the Sub-Committee should determine the application with a view to promoting the four licensing objectives. Members must consider whether they believe the applicant had provided evidence that the licence if granted would promote and not undermine the licensing objectives.

The Sub-Committee was reminded that this evidence should be balanced against the representations provided by the interested parties in respect of the undermining of the licensing objectives. Members should grant the application as requested if they believed it would not undermine the licensing objectives.

The Senior Licensing and Enforcement Officer set out the options open to the Sub-Committee and said that the determination should be evidence based and justified as being appropriate for the promotion of the four Licensing Objectives and proportionate to what Members intended to achieve.

Councillor Bolton sought and was given clarification that Environmental Health Officers had contacted the applicant and conditions had been agreed. The Senior Licensing and Enforcement Officer confirmed that there had been no representations from responsible authorities and he was not aware of any conditions



that had been agreed between the applicant and Hertfordshire Fire and Rescue.

The applicant's legal representative said that the matter of the display of blue notices on site should be addressed. He asked for clarity in terms of whether the Council considered that the application had been correctly consulted upon. In response to further questions from the applicant's legal representative and the interested party, the Senior Licensing and Enforcement Officer commented in detail on this point and confirmed that the application had been correctly advertised on site and consulted upon in line with the correct procedures.

The legal representative for the applicant said that conditions three and four in paragraph 3.8 (sub-paragraphs one to nine), were duplicate conditions. He drew the attention of Members to a condition covering a detailed noise management plan with measures agreed by the local authority not less than three weeks prior to the event.

The Senior Licensing and Enforcement Officer said that it would be clearer if the matter of the noise management plan and the communications strategy were covered by a separate condition.

The applicant's legal representative confirmed that the licensable area would not be open to the public after 11:30 pm and there would be no public access to this red lined area after 11:30 pm. He said that the fire safety plan would be in line with the requirements that had been set out by Hertfordshire Fire and Rescue.

The applicant's legal representative said that the content of the operating schedule included wording that had been requested by Hertfordshire Constabulary on previous applications. He confirmed that the waste management plan would be compliant with the conditions and advice that had been set out by Environmental Health.

The applicant's legal representative set out the nature of the application for the time limited premises licence and he set out the intended dates for two musical festival events at Hillside Farm. He spoke about the theme for the established festival events which had all occurred without incident. He said that there had been no police objection and the previous stipulations of the police had been included in the conditions that were part of the application.

The applicant's legal representative set out how the matter of the gas pipeline had been addressed. He spoke at length about the noise management plan for the first festival and stressed that noise disturbance would not be at a level that would constitute a nuisance. The premises licence holder detailed how complaints would be logged and addressed. The Sub-Committee was advised of the procedure that would be applied in respect of surrender bins, search policies for all entry points and the entry refusals process.

Councillor Page asked about the intended monitoring of the numbers attending the festival events. The Sub-Committee was advised that all tickets would be exchanged for a wrist band on entry to the site. The

applicant's legal representative addressed the matter of a condition requiring that the letter drop containing a contact number for residents.

The interested party addressed the Sub-Committee in respect of noise and the fact this his house had been vibrating during festival events in 2021. He talked about the positioning of the staging and said that the noise propagation maps had made no allowance of wind or the reflection of noise from buildings. He commented on the increase in decibels that could result from certain wind conditions.

The applicant stated that the control of noise propagation was run in line with the ISO standards in respect of wind speeds and an aggregate was taken regarding wind speeds from multiple directions. The interested party said that the site was too small to control noise where it would not impact somebody at some point.

At the conclusion of the closing summary submissions from the applicant and the interested party, the Sub-Committee, the Litigation and Advisory Lawyer and Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and the interested party. The Sub-Committee had considered the representations that had been received and had decided to grant the time limited premises licence subject to the conditions agreed between the applicant

and Environmental Health.

The duplicated condition four is to be deleted and the grant of the licence is subject to the following condition that had been offered up by the applicant:

- 7 days prior to the event, the applicant is required to distribute written information to residents as identified by modelling as being at risk of breach of agreed noise levels without mitigation measures. The Written information is to include the dates and times of planned activities and the noise complaint telephone number for residents to contact.

### **Informatives:**

Condition paragraph 8.6 of the operating schedule, in respect of the fire safety plan, be amended to include the requirements and and/or advice of Hertfordshire Fire and Rescue. Condition paragraph 8.9 of the operating schedule (waste management plan), be amended to include the requirements and/or advice of Environmental Health.

**RESOLVED** – that the application for a new time limited premises licence by Integrated Event Management Ltd (Stone Valley South Festival South/Wannasee) for events at Hillside Farm, Hillside Lane, Great Amwell, Ware, Hertfordshire, be granted.

### **Reasons for Decision:**

1. The Licensing Sub-Committee considered all

of the evidence before including the written representations made by the interested party. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance promulgated pursuant to Section 182 of that act;

2. The Licensing Sub-Committee is required to adopt a presumption in favour of granting a premises licence unless there is clear evidence upon which to base a refusal of modification. There was insufficient evidence before the Sub-Committee to rebut that presumption: and
3. In reaching this decision Members had regard to the objections received and noted that the licence was sought until 23:00 hours which was not too late for this type of event. Members were also satisfied with the additional condition offered up by the Applicant which would ensure that the noise management plan would afford the representatives protection from the noise disturbance reported in the previous year.

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

## 62 URGENT BUSINESS

There was no urgent business.

The meeting closed at 2.01 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 29 JUNE 2022,  
AT 10.00 AM

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PRESENT: Councillor R Bolton (Chairman)  
Councillors A Hall and N Symonds

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

1 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Hall and seconded by Councillor Symonds, 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.

2 APOLOGIES

There were no apologies for absence.

3 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded participants to use their microphones when speaking.

The Chairman advised that there was a work experience student observing the meeting, and asked participants if there were any objections to the student's presence. There were no objections.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 SUMMARY OF PROCEDURE

The Chairman advised that this document could be found at pages 5 – 11 of the agenda.

6 APPLICATION FOR A NEW TIME LIMITED PREMISE LICENCE FOR STONE VALLEY FESTIVAL SOUTH / INTEGRATED ENTERTAINMENT LTD AT HILLSIDE FARM, HILLSIDE LANE, GREAT AMWELL, HERTS, SG12 9SH

The Chairman duly noted that neither the applicant nor the interested parties were in attendance at the hearing, and asked for confirmation from Officers that notifications had been sent to them. The Senior Licensing and Enforcement Officer said that all parties



had been sent the appropriate notifications on 15 June 2022, with agenda packs also being sent to participants by Democratic Services last week. The Chairman noted that information relating to the hearing was also available on the Council's website.

The Chairman asked if the applicant had made an application before, and would therefore be familiar with the hearing process. The Senior Licensing and Enforcement Officer said that the applicant had made a prior application, and that at least one of the interested parties had also made a previous representation.

The Chairman asked for advice from the Legal Representative. The Litigation and Legal Advisor said that the Sub-Committee could proceed with the hearing if they were satisfied that service of papers had been affected, and that there had been no requests to adjourn the hearing. All Members confirmed that they were happy to continue in the absence of the applicant and the interested parties.

The Senior Licensing and Enforcement Officer introduced his report, advising the Sub-Committee that on 8 May 2022 an application was received from Integrated Management Ltd (Stone Valley Festival/ Wannasee Festival) for a new premises licence for events at Hillside Farm, Hillside Lane, Great Amwell. He said that application requested the supply of alcohol for consumption on, and off of the premises, late night refreshment and regulated entertainment as detailed below:

<b>Day</b>	<b>Licensable Activity</b>	<b>Hours applied for</b>
Thu – Sun	Supply of alcohol (for consumption on and off the premises)	11:00 – 23:00
Thu – Sun	Late Night Refreshment	23:00 – 01:00
Thu – Sun	Recorded Music	11:00 – 23:00
Thu – Sun	Live Music	11:00 – 23:00
Thu – Sun	Performance of Dance	11:00 – 23:00

The Senior Licensing and Enforcement Officer said that the application had restricted events to eleven days per calendar year. However, this number had been reduced during the consultation period to three events per year, each consisting of a maximum of three consecutive days.

The Senior Licensing and Enforcement Officer advised the Sub-Committee of the additional steps proposed by the applicant to promote the four licensing objectives, which could be seen at pages 45 – 51 of the report. This included that all operations be carried out in conjunction with a comprehensive Management Plan. He advised the Sub-Committee that the application was further supported by further conditions which had been agreed between the applicant and Environmental Health, which could be seen at Appendix B of the report.

The Senior Licensing and Enforcement Officer said that during the statutory twenty eight day public consultation period, three valid representations had been received from interested parties, attached at Appendix C of the report. One representation was from

Great Amwell Parish Council, one was from the Ward Councillor, and the other was from a local resident. He advised that all of these representations referred to concerns over noise, and therefore engaged the prevention of public nuisance licencing objective.

The Senior Licensing and Enforcement Officer advised the Sub-Committee that they should determine the application with a view to promoting the four licensing objectives, and that their determination should be evidence based, justified and appropriate.

The Chairman thanked the Senior Licensing and Enforcement Officer for his report. She advised that it would be normal practice at this juncture for the Sub-Committee to ask the applicant any questions which they may have, but as they were not in attendance Members would have to take the papers as read.

Councillor Symonds said that she had a question for the applicant, which related to the four entrances and exits on the site, and asked if both male and female security staff would be situated at these points. The Senior Licensing and Enforcement Officer said that this had been implemented by the applicant at previous events.

Councillor Symonds asked if the applicant would use security patrols around the perimeter of the site during events to keep out unwanted visitors. The Senior Licensing and Enforcement Officer said that he was unable to appropriately respond to this question on behalf of the applicant, but that this would be expected at such events.

The Chairman asked if the sound checks for the events would be carried out on days extra to those in the application, how long such sound checks take, and if any complaints had been received in relation to previous sound checks at the site. She also asked if any campers at the events were able to arrive on site the day before the start of the event (i.e. on sound check day) and if the applicant had been compliant with Environmental Health conditions at previous events held this year.

The Senior Licensing and Enforcement Officer said that sound checks were not licensable activities, and that these could be carried out the day before an event. He added that a complaint had been received from an interested party in relation to a sound check in the past which had taken place over one hour, the day before a previous event on the site. The Senior Licensing and Enforcement Officer said that he recently attended a partnership meeting with Environmental Health and the Police, and that the events already held on the site by the applicant earlier this year had not been raised as an issue.

As the Chairman was unable to take questions from the interested parties or responsible authorities due to their non-attendance she referred to the representation received from the Ward Member which raised concerns over waste and noise management, and noted that these issues were covered in the application's Waste Management Plan and Environmental Health conditions.

The Chairman referred to representations received

from Great Amwell Parish Council and the local resident which both raised concerns over noise and wind direction, and asked if there had been any updates on this issue. The Senior Licensing and Enforcement Officer said that Environmental Health had not raised any complaints regarding these issues to the Licensing Department.

The Chairman referred to the representation received from Great Amwell Parish Council which referred to the site being used in contravention of development rights, and asked for confirmation that this was a matter for the Planning Department and not Licensing. The Senior Licensing and Enforcement Officer said that this would be a matter for Planning and referred Members to both Officer observations and Section 182 guidance. He confirmed that although licencing and planning matters did overlap they were determined separately, but reiterated that upon consultation the Planning Department had raised no objections to the application.

There being no closing statements the Sub-Committee, the Litigation and Advisory Lawyer and the Democratic Services Officers retired to a separate room to allow Members to consider the evidence.

Following this, the Members and Officers returned. It was observed that the applicant was now present, having arrived at the hearing late during Member's consideration.

The Chairman announced that having noted that neither the applicant nor the interested parties had attended the hearing, the Sub-Committee had listened

to the report and comments from the Senior Licensing Enforcement Officer. That having reviewed the application and the written representations submitted, the Sub-Committee they had determined to grant the application for a premises licence for:

- (i) The supply of alcohol (for consumption on and off the premises)  
Thursday to Sunday 11:00 – 23:00
- (ii) Late Night Refreshments  
Thursday to Sunday 23:00 – 01:00
- (iii) Recorded Music  
Thursday to Sunday 11:00 – 23:00
- (iv) Live Music  
Thursday to Sunday 11:00 – 23:00
- (v) Performance of Dance  
Thursday to Sunday 11:00 – 23:00

Subject to all the conditions agreed between the Applicant and Environmental Health as outlined in Appendix B.

To amend conditions 8.6 and 8.9 of the Applicants Operating Schedule:

8.6 Fire Safety Plan – in line with ‘recommendations’ set by Herts Fire and Rescue

8.9 Waste Management Plan – in line with ‘recommendations’ set by Environmental Health

To amend - under the Prevention of Public Nuisance - the first line to reflect the change in the reduction of the duration of events to 3 events per calendar year, each consisting a maximum of 3 consecutive days (as opposed to the 11 days per calendar year originally sought).

### **Reasons for Decision**

1. The Licensing Sub Committee considered all of the evidence before it including the written representations made by the interested party. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance promulgated pursuant to Section 182 of that Act.
2. The Licensing Sub Committee is required to adopt a presumption in favour of granting a premises licence unless there is clear evidence upon which to base a refusal or modification. There was insufficient evidence before the Sub Committee to rebut that presumption.
3. In reaching this decision Members had regard to the written objections received and noted that the conditions agreed with Environmental Health addressed the main concerns raised. Members also noted that objections raised in relation to planning considerations were outside of the remit of the Licensing Sub Committee.
4. In reaching this decision, Members were mindful

that the Applicant has run a number of festivals recently and noted that no complaints had been received in relation to these.

7 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.05 am

Chairman .....
Date .....



MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON FRIDAY 8 JULY 2022, AT  
10.00 AM

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PRESENT: Councillor D Snowdon (Chairman)  
Councillors C Redfern and N Symonds

ALSO PRESENT:

Councillors D Andrews, J Goodeve and  
S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Mr Alastair Bramley	- Premises Licence Holder
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8 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Redfern and seconded by

Councillor Symonds, that Councillor Snowdon be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

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

9 APOLOGIES

There were no apologies for absence.

10 CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained the procedure for the hearing, and reminded participants to use the microphones when speaking as the meeting was being webcasted via YouTube.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 MINUTES - 5 AND 9 MAY 2022

It was moved by Councillor Symonds and seconded by Councillor Redfern that the Minutes of the meeting held on 5 May be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

It was moved by Councillor Symonds and seconded by Councillor Redfern that the Minutes of the meeting held on 9 May 2022 be confirmed as a correct record

and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meetings held on 5 May 2022 and 9 May 2022, be confirmed as correct records and signed by the Chairman.

13 SUMMARY OF PROCEDURE

The Chairman drew participant's attention to the Summary of Procedure which could be found on pages 34 – 40 of the agenda.

14 APPLICATION FOR A VARIATION TO A PREMISE LICENCE FOR WHITE HORSE HOTEL, HERTINGFORDBURY ROAD, HERTINGFORDBURY, HERTFORDSHIRE SG14 2LB (22/0646/PLV)

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The Chairman summarised the procedure for the Sub-Committee hearing, and all those present introduced themselves.

The Senior Licencing and Enforcement Officer presented his report covering an application for the variation of a premises licence for the White Horse Hotel, Hertingfordbury Road, Hertingfordbury, Hertfordshire, SG14 2LB. The Sub-Committee was advised that this application was submitted on 18 May 2022 for the supply of alcohol on the premises during March through to October from an outside bar located in the patio area to the rear of the premises, Monday – Sunday from 12:00 - 22:30.

The Senior Licencing and Enforcement Officer listed the additional steps which the applicant had proposed in order to promote the four licencing objectives, and advised that these included modifications that had been agreed with Hertfordshire Constabulary, as detailed in Appendix B.

The Senior Licencing and Enforcement Officer said that seven valid representations had been received during the consultation period. Five of the representations objected to the application, raising concerns regarding public nuisance, crime and anticipated anti-social behaviour. Two representations supported the application, citing the premises as an asset to the village, with the outside bar being in keeping with its surroundings. There had been no representations from the responsible authorities.

Members were advised that if they believed that the application would not promote the four licencing objectives, they should take appropriate and proportionate action to address these concerns.

The Chairman asked the Senior Licencing and Enforcement Officer for clarification of the hours for which the supply of alcohol had been requested (as at page 61).

The Senior Licencing and Enforcement Officer confirmed that the application sought the supply of alcohol Monday – Sunday from 12:00 to 22:30, and not from 12:00 to 10:30 as per the application. He said that this had been an error on the part of the applicant,

who had inadvertently not used the 24 hour clock when completing the form. The Senior Licencing and Enforcement Officer said that Officers had liaised with the applicant regarding this matter, who had confirmed that the end time should read 22:30. The applicant confirmed these events, and said that the supply of alcohol was being sought Monday – Sunday from 12:00 to 22:30.

Councillor Goodeve said that, should the application be granted and the applicant not be given planning consent for the outside bar, would the applicant be able to serve alcohol from the outside space. The Senior Licencing and Enforcement Officer referred Members to the Officer's observations section of the report regarding planning matters. He confirmed that should this be the scenario, the applicant could sell alcohol from the outside space.

The applicant told the hearing that they had been operating the White Horse Hotel for five years. He said that there was a demand for an outside bar, with many customers still hesitant to venture indoors due to Covid-19. The applicant said that the patio area of the premises was already very busy, often being full at weekends. He explained that the addition of the outside bar would mean that patrons would not have to walk from the patio area and around the front of the premises to purchase drinks from the inside bar.

Councillor Snowdon asked which drinks would be available at the outside bar. The applicant said that there would be a smaller and condensed product range and summarised the drinks that would be

available.

Councillor Snowdon asked the applicant how they would deal with noise complaints. The applicant said that the patio area was already used by customers, and he explained that the premises was a food led business, and not for example a sports bar. He said that there would be no stools around the outside bar area, and only tables and chairs on the patio. He said that being able to purchase drinks on the patio would not change customer's behaviour, it would just be more convenient. The applicant referred to a past Christmas Party event at the premises where a noise complaint was made. He said that they always responded to complaints, and worked with the Local Authority.

Councillor Snowdon asked how the outside bar area would deal with the extra provision of rubbish, including any noise from bottles being put into rubbish bins. The applicant said that rubbish would be cleared from the patio tables by staff with trays, and disposed of behind the bar. There would be no big bins in the area as these attracted wasps.

Councillor Symonds referred to several of the representations received from families with children at neighbouring properties. She asked how noise from the bar area would be mitigated for, in particular for houses at the back of the venue where the outside bar was situated. The applicant said that the representations from neighbouring houses with children were located at the front of the premises, and therefore the furthest away from the outside bar. He

said that there would be no more noise from the patio area with the addition of the outside bar, adding that there would be less customers on the patio as the outside bar took up space.

Councillor Symonds asked if food would be available on the patio. The applicant said that food was not prepared on the patio area, but had been serviced to it for the past five years.

Councillor Goodeve said that the venue needed to be a good neighbour, with consideration given to surrounding properties which were both listed and in a conservation area and therefore unable to be double glazed.

Councillor Rutland-Barsby asked that, if the applicant was not granted planning permission for the outside bar, would alcohol be served from an unsecure table on the patio. The applicant said that they would not serve drinks on the patio area unless this was from the outside bar.

At the conclusion of these questions, the Sub-Committee, the Litigation and Advisory Lawyer and the Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had considered the application. He said that the Sub-Committee had heard the representations from the Applicant and the Interested Parties who had attended the hearing, and had reviewed the application and the

written representations submitted.

The Chairman said that the Licensing Sub-Committee had determined to grant the application for the supply of alcohol for consumption on the premises during March to October from an outside bar located in the patio area to the rear of the premises Monday to Sunday 12:00 – 22:30. Members had also agreed to grant the licence subject to the conditions proposed by the Applicant and those agreed between the Applicant and Hertfordshire Constabulary as noted at Appendix B.

The Chairman said that in granting the application, Members had been mindful of the concerns raised by the interested parties and are assured that the Applicant has, and will continue to take steps to negate these concerns.

**RESOLVED** – To grant the variation to the Premises licence sought for:

- (i) The supply of alcohol (for consumption on the premises) Monday to Sunday 12:00 – 22:30
- (i) Opening hours of 09:00 – 23:00 Monday to Sunday
- (ii) Subject to the conditions proposed by the Applicant and those agreed between the Applicant and Hertfordshire Constabulary as noted at Appendix B.



## Reasons for Decision

- 1 The Licensing Sub Committee considered all of the evidence before it including the written representations made by the interested parties. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance promulgated pursuant to Section 182 of that Act.
- 2 The Licensing Sub Committee is required to adopt a presumption in favour of granting a licence unless there is clear evidence upon which to base a refusal or modification. There was insufficient evidence before the Sub Committee to rebut that presumption.
- 3 In reaching this decision Members had regard to the objections received and noted that the residents live near the front of the premises and the location of the bar area covering the variation was further away. Members noted that the grant of this licence was independent of any planning permissions which the Applicant will require.
- 4 The Sub Committee was mindful that local residents had a certain amount of protection under the Environmental Protection Act 1990. The Sub Committee was also mindful that the residents could request a review if problems were

experienced as a result of the operation of the Premises Licence which the Licence holder fails to address.

- 5 Members were assured by the Applicant that concerns raised to them by local residents will be addressed in the future.

15 URGENT BUSINESS

There was no urgent business.

The meeting closed at 10.52 am

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON MONDAY 8 AUGUST 2022,  
AT 10.30 AM

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PRESENT: Councillor J Jones (Chairman)  
Councillors D Andrews and C Redfern

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Peter Mannings	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Mr Lars Mattes	- Applicant
Mr Sven Mattes	- Applicant

16 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Andrews and seconded by Councillor Redfern, that Councillor Jones be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared

CARRIED.

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

17 APOLOGIES

There were no apologies.

18 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

19 DECLARATIONS OF INTEREST

There were no declarations of interests.

20 MINUTES - 29 JUNE AND 8 JULY 2022

It was moved by Councillor Redfern and seconded by Councillor Andrews that the Minutes of the meeting held on 29 June and 8 July 2022 be confirmed as correct records and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meetings held on 29 June and 8 July 2022, be confirmed as correct records and signed by the Chairman.

21 APPLICATION FOR A NEW PREMISES LICENCE FOR ANTHROPOS FESTIVAL AT HIXHAM HALL, HIXHAM LANE, FURNEUX PELHAM, HERTS SG9 0LR (22/0801/PL)

The Chairman summarised the procedure for the Sub-Committee hearing, and all those present introduced themselves.

The Senior Licensing and Enforcement Officer summarised the application and the representation that had been received. He detailed the licensable activities that had been applied for at Hixham Hall, Hixham Lane, Furneux Pelham. The Sub-Committee was advised of the timings that had been included the application for the licensable activities.

The Senior Licensing and Enforcement Officer drew the attention of Members to the steps that had been proposed by the applicant to satisfy the four licensing objectives. The Sub-Committee was referred to Appendix C for the conditions that had been agreed with the police and Environmental Health.

The Senior Licensing and Enforcement Officer summarised the relevant issues that the Sub-Committee should be considering when determining the application. He detailed the options that were open to Members when determining the application and said that the Sub-Committee should take appropriate and proportionate action to address any concerns.

The event manager said that the applicant was working with a sound and noise management team regarding noise restrictions and noise levels that could be put in

place to mitigate any public nuisance.

The applicant explained that he would be limiting the hours for the sale of alcohol and also limiting the hours of music at certain sound stages depending on the likely impact. He said that the sounds levels would also be restricted during night time hours so that music would be inaudible outside of the site.

The applicant said that a similar event with similar hours had been run in the North Herts Council area and there had been no major concerns in respect of public nuisance. He said that the site at Hixham Hall was in a much more remote location.

The applicant said that the live sound stages would be switched off late at night and background music would be played at bars and cafes late at night. Councillor Andrews expressed his disappointment that the Parish Council objector had not attended the hearing to speak to their objection.

The Sub-Committee, the Head of Legal and Democratic Services and the Democratic Services Officer retired to a separate room to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that the Sub-Committee had considered the comments of the Senior Licensing and Enforcement Officer, the objection from Albury Parish Council and the comments provided by the Applicants during the hearing, and had decided to grant the application as applied for along with the conditions as

agreed. The reasons for this decision were as follows:

1. The Sub-Committee are mindful that the event as applied for is outside the parameters of its own Statement of Licensing Policy inasmuch as it allows licensing activity to persist until 03:00 on a Friday and Saturday, whereas para 6.9 of the policy states that licensable activity will generally be allowed until 01:00 on Fridays and Saturdays. However, the Sub-Committee are satisfied that allowing the licensable activity as requested would not, on this occasion, be contrary to the promotion of the licensing objectives. The Sub-Committee came to this conclusion due to the fact the SAG had been properly engaged throughout, there were no objections received from any responsible authorities nor any local residents;
2. The one objection received, from Albury Parish Council, did not, in the Sub-Committee's opinion, provide any evidence for why it felt the event would be contrary to the promotion of the four licensing objectives. Further, and to the Sub-Committee's disappointment, the Parish Council did not attend the meeting of the Sub-Committee in order to expand on their stated objection. The Sub-Committee therefore placed little weight on the objection for these reasons;
3. The Sub-Committee are satisfied that the licensable activity will be voluntarily restricted by the applicants once they have finalised their preparations, which addressed the main

concern raised by the objector; and

4. The Sub-Committee are satisfied that the location of the event is sufficiently remote as to not be close in proximity to residential and other noise sensitive premises.

**RESOLVED** – that the application for a new premises licence for Anthropos Festival at Hixham Hall, Hixham Lane, Furneux Pelham be granted for the following reasons:

1. The Sub-Committee are mindful that the event as applied for is outside the parameters of its own Statement of Licensing Policy inasmuch as it allows licensing activity to persist until 03:00 on a Friday and Saturday, whereas para 6.9 of the policy states that licensable activity will generally be allowed until 01:00 on Fridays and Saturdays. However, the Sub-Committee are satisfied that allowing the licensable activity as requested would not, on this occasion, be contrary to the promotion of the licensing objectives. The Sub-Committee came to this conclusion due to the fact the SAG had been properly engaged throughout, there were no objections received from any responsible authorities nor any local residents;
2. The one objection received, from Albury Parish Council, did not, in the Sub-Committee's opinion, provide any evidence



for why it felt the event would be contrary to the promotion of the four licensing objectives. Further, and to the Sub-Committee’s disappointment, the Parish Council did not attend the meeting of the Sub-Committee in order to expand on their stated objection. The Sub-Committee therefore placed little weight on the objection for these reasons;

- 3. The Sub-Committee are satisfied that the licensable activity will be voluntarily restricted by the applicants once they have finalised their preparations, which addressed the main concern raised by the objector; and
- 4. The Sub-Committee are satisfied that the location of the event is sufficiently remote as to not be close in proximity to residential and other noise sensitive premises.

22 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.03 am

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON TUESDAY 20 SEPTEMBER  
2022, AT 2.00 PM

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PRESENT: Councillor D Andrews (Chairman)  
Councillors N Symonds and C Wilson

ALSO PRESENT:

Councillors Goodeve and Ruffles

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Andrew Brown	- Applicant
Joe Harvey	- Legal Representative for the Applicant
Mr Brown	- Observer
Mrs Brown	- Observer

Jill Chapman - Interested Party

23 APPOINTMENT OF CHAIRMAN

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

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

24 APOLOGIES

There were no apologies for absence.

25 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the hearing that Item 8 had been withdrawn from the agenda.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 MINUTES - 8 AUGUST 2022

It was moved by Councillor Symonds and seconded by Councillor Wilson that the Minutes of the meeting held on 8 August 2022 be confirmed as a correct record and signed by the Chairman. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the minutes of the meeting held on 8 August 2022 be confirmed as a correct record and signed by the Chairman.

28 SUMMARY OF PROCEDURE

The Chairman referred the hearing to the Summary of Procedure.

29 APPLICATION FOR A NEW PREMISES LICENCE FOR COPPER TOD, 48 THE ELMS, HERTFORD, HERTFORDSHIRE, SG13 7UX

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The Sub-Committee received a report on the application for a new premises licence for Audex Business Services Ltd trading as Copper Tod at 48 The Elms, Hertford, Hertfordshire, SG13 7UX.

Members of the Sub Committee considered the report and the evidence presented to the hearing by the applicant, the applicant's legal representative and the objector to the application.

In line with the procedure, Sub Committee members retired to consider the case. They were accompanied by the Democratic Services Officer and the Sub-Committee's Legal Advisor.

The Sub Committee reconvened in public session to give its decision.

**RESOLVED** – that the licence for a New Premises Licence for Audex Business Services Ltd trading as Copper Tod, 48 The Elms, Hertford, Hertfordshire, SG13 7UX be granted subject to the conditions 1 -12, as agreed between the applicant and Hertfordshire Constabulary at Appendix B of the report:

The supply of alcohol (for consumption off the premises)

Monday – Tuesday	17:00 – 23.00
Wednesday	12:00 – 23:00
Thursday – Friday	17:00 – 23:00
Saturday – Sunday	09:00 – 23:00

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

- 30 APPLICATION FOR A NEW PREMISES LICENCE FOR BRAD AND DILLS, 14 MARKET PLACE, HERTFORD, HERTFORDSHIRE, SG14 1DQ
- 

This item was withdrawn from the agenda.

- 31 URGENT BUSINESS

There was no urgent business.

The meeting closed at 3.05 pm

Chairman .....

Date .....

## East Herts Council Report

### Licensing Committee

**Date of Meeting:** 26 October 2022

**Report by:** Claire Mabbutt (Licensing Enforcement Officer)

**Report title:** Licensing Annual Report 2021-22

**Ward(s) affected:** All

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### Summary

#### RECOMMENDATIONS FOR LICENSING COMMITTEE:

**(A) That Members review and comment on the Licensing activity from 2021/2022.**

#### **1.0 Proposal(s)**

1.1 That the report is received by members of the Licensing Committee.

#### **2.0 Background**

2.1 The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal dealing and gambling.

2.2 This report presents data for the last financial year on processing and enforcement, delegated decisions and Licensing Sub-Committee involvement, on licences, notices,

permits and applications including:

- Alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003;
- Gaming under the Gambling Act 2005;
- Taxi drivers, vehicle proprietors and operators.

### 3.0 Reason(s)

3.1 During the last financial year the enforcement team has undertaken 95 actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:

Type	2020/21 totals	2021/22 totals
Taxi inspections and investigations	54	75
Taxi complaints	14	15
Licensing Act 2003 complaints	5	10
Licensing Act 2003 premises visits	0	8
Checks of statutory notices	22	35
Gambling visits/complaints	0	0
Invoice visits/chase ups	0	0
Charity collection complaints	0	0
<b>Total actions</b>	<b>95</b>	<b>143</b>

3.2 All complaints have been fully investigated and have resulted in the appropriate action being taken in line with policy.

3.3 Members requested that further detail be provided in relation to any trends in the types of complaints received. The Licensing team is currently managing serial complaints relating to two premises. These complaints relate to noise disturbance and alleged breaches of Licence conditions.



Licensing has worked jointly with Environmental Health on both of these cases.

Case One – Out of hours visits have been undertaken, and we have witnessed breaches of conditions and unlicensed activity taking place. This is an ongoing investigation, which could lead to prosecutions.

Case Two – Evidence provided by the resident does not show breaches of conditions nor does it identify the noise disturbance he claims. Environmental Health has undertaken noise monitoring and the premises is not presenting statutory nuisance. Planning have placed a caveat on the use of the outside covered area, it cannot be used after 21:00, this is for planning to enforce with evidence provided by Licensing as and when obtained.

- 3.4 Under the licensing points system a total of 25 points have been issued to five licensed drivers. These points were issued as a result of drivers failing to produce documents in time, conduct falling below that expected (following a complaint) and witnessed illegal parking. This is a similar number as the previous year.
- 3.5 The figures for the corporate performance indicators for licensing in 2021/2022 are detailed in the table below and compared with that of 2020/2021.

<b>Performance indicator – cumulative (reported quarterly) within the year unless otherwise stated</b>	<b>Target</b>	<b>2020/2021</b>	<b>2021/2022</b>
Percentage of valid personal licences processed within 2 weeks	85%	98 %	98%
Percentage of valid temporary event notices processed within 72 hours	90%	90 %	91%
Percentage of applications for new and variation of premises	99%	100%	100%

licences processed within 2 calendar months (from date of validation to issue date)			
Percentage of driver's licences issued within 30 working days of validation	95%	85%	95%

3.6 Further details regarding decision making, application numbers and other licensing matters can be found at **Appendix A.**

3.7 Performance data and year on year comparison figures can be found in **Appendix B.**

## **6.0 Implications/Consultations**

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

No

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

No

## Legal

No

## Specific Wards

No

## 7.0 Background papers, appendices and other relevant material

- 7.1 Licensing Committee 2021-2022 activity report from the meeting held on 13 October 2021:  
<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MIId=3956&Ver=4&J=3>
- 7.2 **Appendix A** - Further details regarding decision making, application number and other licensing matters.
- 7.3 **Appendix B** – Performance data from 1 April 2021 to 31 March 2022. Year on year comparison figures for applications and granted licences, notices and other permissions.

### Contact Member

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## Licensing Activity report: 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022

### 1. Context

The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal handling and gambling.

### *Licensing matters managed by the Licensing & Enforcement Team*

### 2. Taxis

The activity over the period in question has been as follows:

New applications	42
New applicants who have attended training	13
Resits of knowledge test	21
Existing drivers who have attended update training	55
Decisions taken by Service Manager – Licensing & Enforcement under delegated powers	4 (Suspension for non-production of documents)
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman of the Licensing Committee	3 (1 Suspension, 1 refusal to renew, 1 grant with a shorter expiry date)
Appeals against licensing points – decision by Service Manager	2 (13 Licensing Record Points issued)
Upheld	1 (9 Licensing Record Points removed)
Dismissed	1
Appeals of decision – decision by court	0
Upheld <i>council not successful in defending its decision</i>	0
Dismissed <i>council successful in defending its decision</i>	0
Prosecution sought	0
Successful	0
Unsuccessful	0
Judicial reviews	0

There is a strong desire among both Members and officers to build on the council's work to promote high quality taxi licensing. In July 2020 the DfT statutory taxi and private hire vehicle standards were published. The standards resulted in a number of changes the most significant of which was the implementation of English competency testing for both new and renewing drivers. The team has spent a significant amount of time assisting drivers at renewal to ensure they can demonstrate they meet the required standard.

Approaches by renewing drivers have varied from those that have engaged early, and even taken courses to improve their English, to others who have ignored the requirement until the day before their renewal. Many renewing drivers have been exempt from the testing by virtue of other qualifications.

There has been one attempt to pass the test by cheating but this was flagged up by the artificial intelligence (AI) software which monitors applicants whilst taking the test. The driver's renewal application was refused as a result.

The team has been supporting applicants to comply with the requirements to provide tax checks before applications can be accepted. This requirement only came into effect in the new financial year but the preparation and assistance to the trade started during 21/22.

The authority has required drivers to sign up to the DBS update service to allow for the required 6 monthly criminal record checks to be carried out but again the response from the trade has varied. Where a driver has failed to sign up to the Update service they are required to apply for a full Enhanced DBS check every 6 months, which involves time and expense. Where we are not in possession of a suitable check licences can be suspended in order to ensure the public are protected.

### 3. Premises

During the 2021/22 financial year 9 applications were decided by Licensing Sub-Committees. There were a further 1 Adjourned hearing, which was then determined approximately a month later and 1 postponed hearing. The details of the matters brought before Licensing Sub-Committees are shown below.

<b>Premises/Person</b>	<b>Location</b>	<b>Type of application</b>	<b>Resolved</b>
Tesco – Lancaster Way	Bishop’s Stortford	Premises Licence Variation	Granted with amendments
Tesco – Ware Road	Hertford	Premises Licence Variation	Granted with amendments
Silver Leys Polo Club	Little Hadham	New Premises Licence	Granted with Conditions
Proove	Hertford	New Premises Licence	Granted with Conditions
Wilkestock	Watton-at-Stone	Review - Police	Revoked - appealed
Beer Shop – Northgate End	Bishop’s Stortford	New Premises Licence	Granted with Conditions
Redricks Lakes	Sawbridgeworth	TEN	Refused
Town Express	Hertford	Variation	Granted
The Mixer	Ware	Review - Resident	Modified Conditions

During this financial year applications for two reviews were received, one bought by the Police and another bought by a local resident.

The Police review of the Wilkestock licence resulted in it being revoked, a decision which was subsequently appealed by the licence holder. In the lead up to the appeal hearing negotiations took place resulting in a consent order being signed which dispensed with the appeal.

The second review was brought by a resident living in the vicinity of The Mixer in Ware. The resident declined to attend the licensing sub-committee hearing which decided the application. The sub-committee members took the decision to modify the conditions attached to the premises licence. Complaints have continued to be received from the resident and are being dealt with by both Environmental Health and Licensing. Should evidence of a breach be identified then the appropriate action will be taken.

#### **4. Temporary Event Notices**

As Members are aware only the Police and Environmental Health can object to TENs. Often informal agreement is reached with premises users, TENs are modified or even withdrawn meaning that a hearing is not required.

The authority received 465 TENs by premises users. Only one TEN received an objection and went to a hearing. The objection was from the Police and the TEN was for Redrick's Lakes. The TEN was given to allow the supply of alcohol and the provision of regulated entertainment in the car park of the premises for a Halloween themed event. The TEN would be in addition to the licensable activity allowed on the premises located next to the car park.

Concerns were raised at the Safety Advisory Group (SAG) by a number of the partners involved. The objection by the Police was in relation to the Event Management Plan (EMP) and concerns over the prevention of public nuisance, crime and disorder and public safety if the event went ahead. Members refused the TEN and a counter notice was issued.

**Licensing Act 2003**

<b>Premises Licence Applications</b>	<b>20/21</b>	<b>21/22</b>
New	28	23
Variation	16	17
Minor Variation	11	16
Transfer of premises licence	25	12
Change of designated premises supervisor	50	80
Interim Authority notice	0	0
Review	0	2
Suspended	0	0

<b>Club Premises Certificates Applications</b>	<b>20/21</b>	<b>21/22</b>
New	0	0
Variation	1	0
Minor Variation	0	0
Transfer of premises licence	0	0
Interim Authority notice	0	0
Review	0	0
Cancelled/surrendered	0	0
Suspended	0	0

<b>Personal Alcohol Licences Applications</b>	<b>20/21</b>	<b>21/22</b>
New	49	84
Refused	0	0

<b>Temporary Event Notices Received</b>	<b>20/21</b>	<b>21/22</b>
TENs received	100	465
Objections (Police or Environmental Health)	1	1
Refused	0	1



## GAMBLING ACT 2005

<b>New Applications</b>	<b>20/21</b>	<b>21/22</b>
Club Machine Permits	0	0
Small Society Lotteries	22	66
Betting Premises Licence (Betting shops)	0	1
Licensed Premises Gaming Machine Permit	0	0
Notification of Gaming Machines	1	0

## CHARITY COLLECTIONS

<b>New Applications</b>	<b>20/21</b>	<b>21/22</b>
House To House	15	15
Street Collections	8	28

This figure does not include direct debit collections or those charities with a National dispensation to collect who simply notify us of their intention to collect in East Herts.

## DISTRIBUTION OF FREE LITERATURE

	<b>20/21</b>	<b>21/22</b>
New Applications	0	10
Currently issued	0	3

Consents allowing Distribution of Free Literature are issued for various periods of time hence why the currently issued number differs from the number of applications received.

## TAXIS

<b>Dual Drivers</b>	<b>20/21</b>	<b>21/22</b>
New	6	14
Renewed	34	61

<b>Private Hire Drivers</b>	<b>20/21</b>	<b>21/22</b>
New	9	28
Renewed	18	10

<b>Private Hire Operators</b>	<b>20/21</b>	<b>21/22</b>
New	3	13
Renewed	11	10

<b>Hackney Carriage Vehicles</b>	<b>20/21</b>	<b>21/22</b>
New	21	42
Renewed	180	175
Change of vehicle	37	47

<b>Private Hire Vehicles</b>	<b>20/21</b>	<b>21/22</b>
New	12	24
Renewed	33	28
Change of vehicle	4	6

	<b>20/21</b>	<b>21/22</b>
Courtesy vehicles*	19	15

\*vehicles temporarily replacing those damaged in accidents.

### **PAVEMENT LICENCES (Since 23<sup>rd</sup> June 2020)**

	<b>20/21</b>	<b>21/22</b>
New Applications	23	15
Refused	4	1
Invalid	6	3
Total Issued	13	11

### **STREET TRADING (since 01<sup>st</sup> April 2021)**

	<b>21/22</b>
New Applications	80
Total issued (since 01.04.21)	51

### **TOTALS NUMBERS OF LICENCES**

<b>Type of Licence</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>
Premises Licence	287	290	289	301	301	298	292	292	295
Club Premises Certificates	35	35	35	35	35	35	35	35	35
Personal Alcohol	2111	2121	2126	2131	2142	2149	2150	2152	2162

Licences									
Betting Premises Licence	15	15	14	14	14	14	14	14	14
Dual Drivers	267	265	262	266	268	261	257	255	246
Hackney Carriage Vehicles (including suspended plates)	204 (1 Suspended)	204 (1 Suspended)	200 (1 Suspended)	207 (1 Suspended)	209 (0 Suspended)	208 (0 Suspended)	213 (0 Suspended)	212 (0 Suspended)	204 (0 Suspended)
Private Hire Drivers	50	50	50	46	47	48	46	47	47
Private Hire Vehicles (including suspended plates)	42 (0 Suspended)	42 (0 Suspended)	42 (0 Suspended)	40 (0 Suspended)	42 (0 Suspended)	45 (0 Suspended)	44 (0 Suspended)	45 (0 Suspended)	47 (0 Suspended)
Private Hire Operators	30	31	30	30	26	26	26	27	27

Figures regarding licensed vehicle numbers are routinely recorded so figures are available from 2013.

Date	Number of Hackney Carriage vehicles	Number of Private Hire vehicles
June 2013	250	46
June 2014	254	44
June 2015	257	57
June 2016	257	56
June 2017	266	58
December 2017	265	62
June 2019	251	66
February 2020	254	61
December 2020	219	40
February 2021	208	41
March 2021	206	40
April 2021	200	42
May 2021	205	41
June 2021	209	43
July 2021	204	42
August 2021	204	42
September 2021	200	42
October 2021	207	40
November 2021	209	42
December 2021	208	45

<b>Date</b>	<b>Number of Hackney Carriage vehicles</b>	<b>Number of Private Hire vehicles</b>
January 2022	213	44
February 2022	212	45
March 2022	204	47

### **LICENSING RECORD POINTS ISSUED**

	<b>2020/21</b>	<b>2021/22</b>
Number of drivers issued points	6	5
Points issued	29	23
Successful appeals - No of points removed	9	0
Percentage of licence holders issued points*	1.9%	1.7%

\* Based on 317 drivers in 20/21 & 292 drivers in 21/22

## East Herts Council Report

### Licensing Committee

**Date of Meeting:** 26 October 2022

**Report by:** Claire Mabbutt (Licensing Enforcement Officer)

**Report title:** Review of licensing activity in Quarter 1 2022/23

**Ward(s) affected:** All

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#### Summary:

- Quarterly reports are presented to Licensing Committee to ensure oversight of these areas of regulation and allow the authority to evidence that it is fulfilling its statutory responsibilities.

#### RECOMMENDATIONS FOR LICENSING COMMITTEE:

**(A) That Members review and comment on the Licensing activity from Quarter 1 of 2022/23**

##### **1.0 Proposal(s)**

1.1 That the report is received by members of the Licensing Committee.

##### **2.0 Background**

2.1 The council's Licensing and Enforcement Team covers the Hackney Carriage and Private Hire licensing, alcohol, entertainment and late night refreshment licensing and

notices, along with more infrequent applications relating to, among other things, scrap metal dealing and gambling.

2.2 This report presents data for the year to date on processing and enforcement, delegated decisions and Licensing Sub Committee involvement, on licences, notices, and permits, and applications including:

- Alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003;
- Gaming under the Gambling Act 2005;
- Taxi drivers, vehicle proprietors and operators.

### **3.0 Reason(s)**

3.1 Members have previously requested that further details be provided in relation to any trends in the types of complaints received. During Q1 the vast majority of complaints related to noise disturbance from licensed premises.

3.2 The number of complaints in Q1 of 2022/23 when compared with the same period in 2021/22 differ due to premises opening up after the pandemic and consequent lockdowns. Premises have been trying to recoup losses, so they have been holding more events. As premises were closed during lockdowns, residents may have become used to there being less noise and this may have increased the complaints relating to noise from entertainment.

3.3 The team has assisted with inspections of licensed premises during Friday and Saturday evenings and has supported the Police and Environmental Health with enforcement where requested. The key role has been to support compliance whilst helping to gather evidence where necessary.

3.4 The enforcement team's work normally involves ensuring that all documentation for taxi drivers and vehicles is up-to-date

and therefore ensuring licences are valid. The enforcement team is ensuring that records are kept up-to-date and that people with expired documents are suspended until they are ready to go back to work and produce the required documents.

3.5 Under the licensing record points system during Q1, zero points have been issued.

3.6 The figures for the quarterly performance indicators for licensing for Q1 are detailed in the table below with the 2021/22 figures for comparison.

<b>Performance indicator - cumulative (reported quarterly) within the year unless otherwise stated</b>	<b>Target</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
Percentage of valid personal licences processed within 2 weeks	85%	100%	100%
Percentage of valid temporary event notices processed within 72 hours	90%	80%	70%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	99%	100%	90%
Percentage of driver's licences issued within 30 working days of validation	95%	100%	98%

3.7 Further details regarding decision making, application numbers and other licensing matters can be found at **Appendix A.**

3.8 Performance data and year on year comparison figures can be

found in **Appendix B**.

## **4.0 Options**

4.1 To not provide the members of the Licensing Committee with Quarterly reports. This option was dismissed as it would not allow for oversight of this area of regulation by Member.

## **5.0 Risks**

5.1 None identified by author.

## **6.0 Implications/Consultations**

### **Community Safety**

Proper scrutiny of the work of the Licensing & Enforcement team helps to ensure that policies and procedures promote community safety.

### **Data Protection**

None

### **Equalities**

None

### **Environmental Sustainability**

No

### **Financial**

None as any work either carried out or proposed will be possible within existing budgets.

### **Health and Safety**

None

### **Human Resources**

None



## **Human Rights**

None

## **Legal**

None

## **Specific Wards**

None

### **7.0 Background papers, appendices and other relevant material**

7.1 **Appendix A** - Further details regarding decision making, project and policy work and licensing matters dealt with by Environmental Health.

7.2 **Appendix B** – Performance data from 1st April 2022 to 30<sup>th</sup> June 2022. Year on year comparison figures for applications and granted licences, notices and other permissions.

### **Contact Member**

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### **Contact Officer**

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## Licensing Activity report: 1<sup>st</sup> April 2022 to 30<sup>th</sup> June 2022

### 1. Context

The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal handling and gambling.

### *Licensing matters managed by the Licensing & Enforcement Team*

### 2. Taxis

The activity over the period in question has been as follows:

New driver applications	21 (4 dual drivers & 17 private hire drivers)
New applicants who have attended training	9
Resits of knowledge test	4
Existing drivers who have attended update training	14
Decisions taken by Service Manager – Licensing & Enforcement under delegated powers	1 (Appeal against Licensing Record Points Issued)
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman of the Licensing Committee	0
Appeals against licensing points – decision by Head of Housing and Health	0
Upheld	n/a
Dismissed	n/a
Appeals of decision – decision by court	0
Upheld <i>council not successful in defending its decision</i>	0
Dismissed <i>council successful in defending its decision</i>	0
Prosecution sought	0
Successful	0
Unsuccessful	0

Judicial reviews	0
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There is a strong desire among both Members and officers to build on the council's work to promote high quality taxi licensing. Through the Herts and Beds Licensing Group work has been started on drafting a countywide licensed vehicles emissions policy with the involvement of HCCSP.

### 3. Premises

During Q1 of this financial year three applications were decided by Licensing Sub-Committees. There is a significant amount of work for officers whenever there is a contested application and the costs of a Licensing Sub-Committee are not covered by the fees set by Central Government. The details of the matters brought before Licensing Sub-Committees are shown below.

<b>Premises/Person</b>	<b>Location</b>	<b>Type of application</b>	<b>Resolved</b>
Jungle Bar	Hertford	Premises Licence Variation	Granted with conditions
Lidl	Bishop's Stortford Meads	New Premises Licence	Granted
Stone Valley South/Wannasee Festival	Great Amwell	New time limited Premises Licence	Granted with amendments to conditions

### 4. Temporary Event Notices

The number of TENS received by the authority in Q1 was 88 more than in the same period of 2021/22 (a total of 135 TENS received).

As Members are aware only the Police and Environmental Health can object to TENS.

As part of this work all TENS received by the Licensing Team are forwarded in a redacted form to East Herts SAG so that they are aware of events and can flag up concerns where necessary.

## Appendix B

Q1 2021/22 Data – 1<sup>st</sup> April 2021 to 30<sup>th</sup> June 2021

Q1 2022/23 Data – 1<sup>st</sup> April 2022 to 30<sup>th</sup> June 2022

### Licensing Act 2003

<b>Premises Licence Applications</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
New	0	12
Variation	0	2
Minor Variation	1	2
Transfer of premises licence	0	8
Change of designated premises supervisor	2	15
Interim Authority notice	0	0
Review	0	0
Suspended	0	0

<b>Club Premises Certificates Applications</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
New	0	0
Variation	0	0
Minor Variation	0	0
Transfer of premises licence	0	0
Interim Authority notice	0	0
Review	0	0
Cancelled/surrendered	0	0
Suspended	0	0

<b>Personal Alcohol Licences Applications</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
New	26	19
Amendments (change of address etc)	3	4
Refused	0	0

<b>Temporary Event Notices Received</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
TENs received	47	135
Objections (Police or Environmental Health)	1	0
Refused	0	6

## GAMBLING ACT 2005

<b>New Applications</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
Club Machine Permits	0	0
Small Society Lotteries	9	16
Betting Premises Licence (Betting shops)	0	0
Licensed Premises Gaming Machine Permit	0	0
Notification of Gaming Machines	0	1

## CHARITY COLLECTIONS

<b>New Applications</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
House To House	3	2
Street Collections	4	16

This figure does not include direct debit collections or those charities with a National dispensation to collect who simply notify us of their intention to collect in East Herts.

## DISTRIBUTION OF FREE LITERATURE

	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
New Applications	0	1

## TAXIS

<b>Dual Drivers</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
New	3	4
Renewed	6	34

<b>Private Hire Drivers</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
New	2	17
Renewed	1	5

<b>Private Hire Operators</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
New	1	1
Renewed	2	0

<b>Hackney Carriage Vehicles</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
New	16	0
Renewed	42	56
Change of vehicle	10	11

<b>Private Hire Vehicles</b>	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
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New	5	11
Renewed	4	6
Change of vehicle	0	3
Courtesy vehicles	2	8

### Pavement Licences

	Q1 2021/22	Q1 2022/23
New Applications	2	4
Refused	0	0
Invalid	0	1
Awaiting Decision		1
Total issued	8	3

### STREET TRADING (since 01<sup>st</sup> April 2021)

	Q1 2021/22	Q1 2022/23
New Applications	2	5
Awaiting Decision		2
Total issued	2	3

### TOTALS NUMBERS OF LICENCES

Type of Licence	11/04/22	03/05/22	01/06/22
Premises Licence	293	293	293
Club Premises Certificates	35	35	35
Personal Alcohol Licences	2175	2177	2184
Betting Premises Licence	14	14	14
Dual Drivers	245	240	238
Hackney Carriage Vehicles (including suspended plates)	199 (2 Suspended)	198 (4 Suspended)	201 (4 Suspended)
Private Hire Drivers	44	44	47
Private Hire Vehicles (including suspended plates)	48 (0 Suspended)	49 (0 Suspended)	47 (0 Suspended)
Private Hire Operators	28	28	28

Figures regarding licensed vehicle numbers are routinely recorded so figures are available from 2013.

Date	Number of Hackney Carriage vehicles	Number of Private Hire vehicles
June 2013	250	46
June 2014	254	44
June 2015	257	57
June 2016	257	56
June 2017	266	58

<b>Date</b>	<b>Number of Hackney Carriage vehicles</b>	<b>Number of Private Hire vehicles</b>
December 2017	265	62
June 2019	251	66
February 2020	254	61
December 2020	219	40
February 2021	208	41
March 2021	206	40
April 2021	200	42
May 2021	205	41
June 2021	209	43
July 2021	204	42
August 2021	204	42
September 2021	200	42
October 2021	207	40
November 2021	209	42
December 2021	208	45
January 2022	213	44
February 2022	212	45
March 2022	204	47
April 2022	199	48
May 2022	198	49
June 2022	201	47

### **LICENSING RECORD POINTS ISSUED**

	<b>Q1 2021/22</b>	<b>Q1 2022/23</b>
Number of drivers issued points	0	2
Points issued	0	18
Successful appeals - No of points removed	0	9
Percentage of licence holders issued points*	0%	0.7%

\* Based on 317 drivers in 20/21 & 289 drivers in 21/22