

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

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