



MEETING : LICENSING SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : FRIDAY 8 JULY 2022
TIME : 10.00 AM

MEMBERS OF THE SUB-COMMITTEE

Councillors C Redfern, D Snowdon and N Symonds

COMMITTEE OFFICER:
PETER MANNINGS
01279 502174
peter.mannings@eastherts.gov.uk

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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 Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Minutes - 5 and 9 May 2022 (Pages 6 - 33)

To approve the Minutes of Previous Sub-Committee meetings:

5 May 2022

9 May 2022

6. Summary of Procedure (Pages 34 - 40)

A summary of the procedure to be followed during consideration of item 7 is attached.

7. Application for a variation to a premise licence for White Horse Hotel, Hertingfordbury Road, Hertingfordbury, Hertfordshire SG14 2LB (22/0646/PLV) (Pages 41 - 90)

8. 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 SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 5 MAY 2022, AT
10.00 AM

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

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

Agenda Item 6

LICENSING SUB-COMMITTEE

EXTRACT FROM RULES OF PROCEDURE

Note – the full Rules of Procedure can be viewed at:

<http://democracy.eastherts.gov.uk/ieListMeetings.aspx?CId=144&Year=0>

8.0 Procedure at hearing

As a matter of practice, the Sub-Committee shall seek to focus the hearing on the steps needed to promote the particular licensing objective(s) which has given rise to the specific representation(s) and will avoid straying into undisputed areas. The hearing is a discussion lead by the Authority (i.e. the Chairman) with advice from the Legal Adviser.

- 8.1 The order of business shall be at the discretion of the Sub-Committee, but shall normally proceed in accordance with the following paragraphs.
- 8.2 The Chairman shall at the beginning of the hearing, introduce themselves and the Sub-Committee members, ask the Officers present to introduce themselves before inviting the parties to the hearing to identify themselves. The Chairman will then explain to the parties the procedure that the Sub-Committee intends to follow.
- 8.3 The Chairman will ask a representative of the Licensing Authority to introduce the report, and outline the matter before the Sub-Committee.
- 8.5 The Parties to a hearing for an application shall usually be invited to address the Sub-Committee in the following order:
 - (a) Applicant
 - (b) Responsible Authority
 - (c) Other parties

However, this may be varied at the discretion of the Chairman, if in his/her opinion, this would assist the efficient business of the Sub-Committee.

- 8.6 Parties to the hearing shall be entitled to:
- (a) give further information in support of their application, relevant representations or notice (as applicable) in response to a point upon which the Licensing Authority has given notice that it requires clarification;
 - (b) question any other party if given permission by the Chairman of the Sub-Committee; and
 - (c) address the Sub-Committee.
- 8.7 Members of the Sub-Committee may ask any question of any party to the hearing or other person appearing at the hearing.
- 8.8 Where there is more than one relevant representation raising the same or similar grounds, the Sub-Committee shall request that only one party address them on behalf of the parties who have made the representations in question.
- 8.9 Subject to paragraph 8.10 below, in considering any relevant representations or notice made by a party to the hearing, the Sub-Committee may take into account additional documentary or other information produced by such a party in support of their application, relevant representations or notice (as applicable) either submitted at least 24 hours before the hearing commences or, with the consent of *all* the other parties and the Chairman, at the hearing. Where all the other parties consent the Licensing Sub-Committee has discretion as to whether to admit additional documentary evidence or other information at the hearing. If large documents are submitted on the day then the hearing may be adjourned at the Chairman's discretion so that such documents can be fully considered.

Note - As a matter of good practice, any additional documentation or other information produced in advance of the hearing date, should be submitted to the licensing officer no later than two working days before the hearing.

8.10 The Sub-Committee shall disregard any information given or evidence produced by a party or any person to whom permission is given to appear at the hearing, which is not relevant to:

- (a) their application, relevant representations or notice (as applicable); or
- (b) the promotion of the licensing objectives.

8.11 Hearsay evidence may be admitted before the Sub-Committee, but consideration shall always be given to the weight, if any, to be attached to such evidence, depending upon the circumstances in which it arises.

8.12 The parties to the hearing shall be entitled to make closing submissions, usually in the following order:

- (a) Responsible Authority
- (b) Other party
- (c) Applicant.

8.13 The Sub-Committee will, after hearing the relevant representations of the parties to the hearing, withdraw from the room to make their deliberations.

8.14 The Legal Adviser and the Democratic Services Officer shall accompany the Sub-Committee when they retire to make their deliberations.

9.0 Determination of applications

9.1 The Sub-Committee shall give appropriate weight to:

- (a) the relevant representations (including supporting information) presented by all the parties;
- (b) national guidance;
- (c) the Licensing Authority's Licensing/Gambling Policy (as applicable); and
- (d) the steps that are necessary to promote the licensing objectives.

9.2 The Sub-Committee shall make its determination:

- (a) at the conclusion of the hearing in accordance with the relevant Regulations; or
- (b) within 5 working days thereafter (all other cases).

9.3 The written notice of determination shall be issued by Head of Housing and Health under delegated authority and will information regarding the appeals process.

10.0 Role of Legal Adviser

10.1 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal Adviser at any time during the course of the hearing.

10.2 The Legal Adviser shall provide the Sub-Committee with any advice it requires to properly perform its functions, on:

- (a) questions of law;
- (b) questions of mixed fact and law;
- (c) matters of practice and procedure;
- (d) the range of options available to the Sub-Committee;
- (e) any relevant decisions of courts;
- (f) relevant national guidance or policy;
- (g) other issues relevant to the matter before the Sub-Committee.

10.4 The Legal Adviser shall play no part in making findings of fact, but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the Democratic Services Officer's notes.

10.5 The Legal Adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The Legal Adviser is under a duty to ensure that every case is conducted fairly.

11.0 Role of Democratic Services Officer

11.1 The Democratic Services Officer's role is to make a record of the proceedings, summarise and record decisions and to provide help and assistance to parties attending hearings.

12.0 Role of Licensing

- 12.1 The Licensing Officer will present the pertinent facts of the application and the representations made by parties to the hearing.
- 12.2 The Licensing Officer shall provide the Sub-Committee with any advice it requires to properly perform its functions.
- 12.3 The Licensing Officer may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case.

13.0 Failure of parties to attend the hearing

- 13.1 If a party to the hearing has informed the Licensing Authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence and any properly made written submissions will be considered as part of the decision making process.
- 13.2 If a party to the hearing fails to provide notification in accordance with paragraph 13.1 above, and fails to attend or be represented at a hearing, the Sub-Committee may:
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - (b) hold the hearing in the party's absence and shall consider at the hearing, the application, relevant representations or notice made or submitted by that party.

14.0 Adjournments

- 14.1 Subject to the provisions of the Regulations, the Sub-Committee may, where necessary for its consideration of any relevant representations or notice made by a party to the hearing, adjourn the hearing to a specified date.
- 14.2 Where the Sub-Committee adjourns the hearing to a specified date, it shall forthwith notify the parties to the hearing of the date, time and place.

15.0 Right of Appeal

- 15.1 The all parties to a hearing have a right of appeal against a decision to the Magistrates' Court within 21 days (beginning with the day on which the applicant was notified of the decision by the Licensing Authority).

Definitions

Term	Meaning
Applicant	<p>The holder of, or the person seeking the grant of, a licence, notice or other permission under the relevant Legislation.</p> <p>The premises user in relation to a temporary event notice (TEN) or temporary use notice (TUN).</p>
Interest	A Disclosable Pecuniary Interest as defined in the Council's Members' Code of Conduct.
Other parties	Any persons making relevant representations or any person who is representing such persons.
Licensing Authority	East Hertfordshire District Council
Parties to the Hearing	The applicant and any parties that have made relevant representations or submitted a valid objection notice.
Relevant Representations	Representations (either in support of or against an application) that relate to one or more of the licensing objectives. Can be made by a Responsible Authority or other party.
Responsible Authority	The bodies that must be consulted regarding certain applications and that are entitled to make representations to the Licensing Authority.

East Herts Council Report Template

Licensing Sub-Committee

Date of Meeting: 8 July 2022

Report By: Jonathan Geall, Head of Housing and Health

Report Title: Application for a variation to a premise licence for White Horse Hotel, Hertingfordbury Road, Hertingfordbury, Hertfordshire SG14 2LB (22/0646/PLV)

Summary

- An application for a variation of premises licence has been received from White Horse Herts Ltd for a premises at White Horse Hotel Hertingfordbury Road, Hertingfordbury, Hertfordshire SG14 2LB. Representations against the application have been made by interested parties. Where representations are received against an application and not withdrawn there must be a Licensing Sub-Committee to decide that application. The report is to inform that decision.

RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

(A) The application for a variation of a premises licence be decided.

1.0 Proposal(s)

1.1 Members of the Licensing Sub-Committee should determine the application to vary a premise licence by White Horse Herts Ltd for a premises at White Horse Hotel Hertingfordbury Road, Hertingfordbury, Hertfordshire SG14 2LB through consideration of the information contained in this report and

appendices combined with submissions made at the Licensing Sub-Committee hearing.

2.0 Background

2.1 Under the Licensing Act 2003 and the council's policy an application for a new or variation to a licence or certificate is granted by officers under delegated authority if no valid representations are received.

2.2 Where valid representations are received the council's discretion is engaged. A Licensing Sub-Committee has the delegated authority to determine applications for new and varied licences and certificates. This decision must be made whilst having regard to the Licensing Objectives, the council's own Statement of Licensing Policy and to statutory guidance issued by the Secretary of State under section 182 of the Licensing Act.

2.3 The Licensing Objectives are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of public nuisance; and
- Protection of children from harm.

3.0 Reason(s)

3.1 The application for a variation to a premises licence was submitted by White Horse Herts Ltd for on 18th May 2022. The application has been correctly advertised and consulted upon as required by legislation and regulations.

3.2 The application has been made to allow 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 during the following times:

Day	Licensable Activity	Hours applied for
Mon – Sun	Supply of alcohol (for consumption on the premises)	12:00 – 22:30

- 3.3 The application requests the opening hours to be from 09:00 each day until 23:00.
- 3.4 A redacted copy of the application form for a new premises licence is attached as **Appendix 'A'**.
- 3.5 Section 18 of the application form asks the applicant to describe any additional steps they intend to take to promote the four licensing objectives as a result of the application. These being:
- the applicant has proposed that they will render all outside tables and chairs unusable at 23:00 each day;
 - use of CCTV monitoring in the proposed patio area;
 - the premises shall operate a 30 minute drinking up time from once the supply of alcohol has finished;
 - notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly through the main building;
 - customers are to be monitored to ensure that no glass or bottles are taken from the premises. There shall be no supply of alcohol for the consumption in any external licensed areas after 23:00;
 - the premises operates a 'Challenge 21' scheme, notices are to be displayed in prominent Positions.
- 3.6 During the 28 day statutory public consultation period the applicant agreed with Hertfordshire Police to vary both some of the offered conditions and some of the conditions on their current premises licence. These conditions are attached as **Appendix 'B'**

- 3.7 During the 28 day statutory public consultation period seven valid representations were received from Interested Parties. Three objections being from the Ward Councilors, two valid representations objecting to the application were received from local residents and two other local residents made representations supporting the application. These representations are attached as **Appendix 'C'**.
- 3.8 The representations from the local Councilors, state concerns over the control measures to mitigate public nuisance, specifically noise. They are also concerned regarding anticipated anti-social behavior. These therefore engage the prevention of public nuisance and prevention of crime and disorder licensing objectives. The representations all mention the lack of planning permission for the new bar structure; this point is discussed within the officer observations.
- 3.9 The representations from two neighbours raise objections on the basis of noise nuisance to neighbouring residents therefore engaging the prevention of public nuisance licensing objective. One representation alleges unlicensed activities took place on 30th April 2022..
- 3.10 The representations from two neighbours supporting the application state that they feel the new bar is a great addition and in keeping with the premises and supports a local business.
- 3.11 As this is a variation application the current premise licence is attached as **Appendix 'D'** and contains a number of conditions to premise licence around the licensing objectives.
- 3.12 A plan of the area in which the premises is located is attached as **Appendix 'E'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

- 3.13 Section 6 of the East Herts Statement of Licensing Policy (herein 'the Policy') details definitions of premises and location and operation of premises (differentiating between Town Centre locations and other areas). Under this section of the Policy the operation of the White Horse Hotel best fit would be 'Hotel bar'.
- 3.14 The proposed premises are a Hotel premises in Hertingfordbury and as such they are not in a Town Centre locations so are classed as being in 'Other areas'.
- 3.15 The table at 6.9 of the Policy details the council's approach to hours for licensed premises when it has received relevant representations to an application. Notwithstanding that each application is considered on its own merits, the following hours would normally be granted to a 'Hotel bar' in this type of location when valid and relevant representations have been received:

*Will generally be granted the sale of alcohol only to residents **24 hours**. In relation to private events and events open to non-residents licensable activities will generally be granted no later than **00:30**.*

- 3.16 Section 8.6 the Policy contains information on how the council considers applications under the prevention of crime and disorder licensing objective.
- 3.17 Paragraphs 8.8 to 8.10 state:

8.8 The Authority will expect applicants to take appropriate and proportionate measures to promote the crime and disorder objective. Examples of the sources of crime and disorder which the Authority would require applicants to take into consideration may include, but are not limited to:

- *Underage drinking*
- *Drunkenness on the premises*
- *Public drunkenness*
- *Drugs*
- *Violent behaviour*
- *Overcrowding/occupancy capacity*
- *Anti-social behaviour*

8.9 When determining licence applications and reviews the Licensing Authority will give consideration to:

- *whether the premises make or will make a significant contribution to levels of crime and disorder in the local area, and*
- *whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the issue of an authorisation has been carried out by the applicant.*
- *the ability and competency of the person in charge of the premises to monitor the premises at all times it is open;*
- *the training given to staff in how to defuse or manage conflict amongst patrons and crime prevention measures appropriate to those premises;*
- *the physical security features installed in the premises. This may include matters such as the position of cash registers, and the security of cash boxes in gaming machines on the premises; where alcohol is stored in 'off-licences'; the standard of CCTV that is installed; adequate lighting; metal detection and search facilities; the use of toughened drinking glasses in pubs and clubs; the removal of glasses or glass bottles used or discarded outside of the applicants premises;*
- *risk assessment of drinks promotions which may contribute to the impact on crime and disorder (e.g. 'happy hours'), and plans for minimising risks;*
- *measures to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies. On*

licensed hotel or B&B premises, this should extend to keeping proper registrations of guests, with proofs of identification, and records of car registration numbers. Where applicable, applicants are encouraged to show that they can comply with the Home Office guidance Safer Clubbing in relation to the control of illegal drugs on their premises, and they should agree a protocol with the police on the handling of illegal drugs found on their premises.;

- *where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;*
- *the likelihood of any violence, public disorder or policing problem if the licence is granted;*
- *whether design of the premises has been considered having regard to reducing conflict and minimising opportunities for crime;*
- *the measures taken to control admission to, and dispersal from, the premises, including the use of registered door supervisors;*
- *any other such measures as may be appropriate, such as participation in a local pub watch scheme or other body designed to ensure effective liaison with the local community, 'music wind-down policies', restrictions on 'happy hours', and other examples of industry best practice;*
- *The arrangements for delegating and accounting for responsibility for the supply of alcohol on community premises operated without a DPS.*

8.10 This list is not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits.

3.18 Section 8.20 of the Policy contains information on how the council considers applications under the prevention of public nuisance licensing objective.

Paragraphs 8.21 to 8.29 state:

8.21 The Licensing Authority will interpret the term 'public

nuisance' widely as advised in the Secretary of State's guidance. When considering this objective the Authority will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities. Public nuisance can be at a low level only affecting a few people locally, as well as a major disturbance affecting the wider community.

8.22 This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The Licensing Authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.

8.23 The Authority would expect applicants to have demonstrated in their operating schedule that public nuisance concerns have been identified, with suitable control measures implemented and maintained. Factors that may be considered include, but are not limited to:

- The location of the premises and proximity to residential and other noise sensitive premises*
- The hours of opening, including times when licensable activities may not be taking place, last admission time and 'wind down period'*
- Nature of activities provided*
- Supervision of customers including managing dispersal*
- Odour and light nuisance*
- Litter and waste disposal*
- The location of delivery and collection areas and delivery/collection times*
- Noise management plan (where appropriate)*

8.24 Steps that can be taken to minimise public nuisance include those to:

- prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. This may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- prevent disturbance by customers and staff arriving at or leaving the premises;
- prevent queuing (either by pedestrian or vehicular traffic);
- help ensure patrons and staff leave the premises quietly;
- minimise the effect of parking by patrons on local residents;
- minimise noise from the use of smoking shelters, gardens and other open-air areas.

8.25 This lists above are not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits.

8.26 The Authority notes that, as with other licensing objectives, there are other regulatory regimes exist which may be used to control nuisance. The Environmental Protection Act 1990 in particular allows Environmental Health officers to require the abatement of a statutory nuisance, and would be considered the primary control for such issues. However, the Licensing Authority notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

8.27 Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design

stages prior to the construction or redevelopment of premises. The Council's Environmental Health officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.

8.28 The Licensing Authority will have regard to best practice guidance when considering this licensing objective, including but not limited to:

- *Guidelines on Community Noise (World Health Organisation)*
- *Effective Management of Noise from Licensed Premises (British Beer and Pub Association)*
- *Code of Practice on Environmental Noise Control at Concerts (Noise Council)*

8.29 Where premises which are the subject of licensing applications involving amplified musical entertainment beyond 11pm are in close proximity to residential properties, the Licensing Authority will require a comprehensive operating schedule listing measures that the applicant intends to implement to ensure the promotion of this licensing objective.

3.19 Paragraph 9.37 and 9.38 of the revised Guidance issued under section 182 of the Licensing Act 2003 (herein 'the Guidance') states:

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas.

9.38 A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and

should be allowed sufficient time to do so, within reasonable and practicable limits.

- 3.20 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Licensing Sub-Committee must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 3.21 Paragraphs 9.42-9.44 of the Guidance deal with how to determine actions that are appropriate for the promotion of the licensing objectives.
- 3.22 If Members are minded to impose conditions to mitigate concerns regarding the undermining of the licensing objectives, then Chapter 10 of the Guidance deals with conditions attached to premises licences. Paragraphs 10.8-10.10, 10.13-10.15 would be particularly relevant along with section 16 of the East Herts Pool of conditions.

Officer Observations

- 3.23 With regards to the points raised by local Councillors regarding planning consent, it should be noted that planning and licensing are different regulatory regimes, although similar in many ways. An applicant can apply for a licence with different hours / restrictions to their planning consent and this can be granted if the Licensing Sub-Committee feel that this would not undermine the licensing objectives. The applicant would then need to apply for the appropriate planning consent or would face possible enforcement action from Planning. This is

echoed in paragraph 14.64 of the Guidance. It should be noted that Planning have been consulted on the application and have not made any representation.

- 3.24 This application is to allow the supply of alcohol from the additional bar area. The patio area can currently be used for the consumption of alcohol as this is not a licensable activity. Using deregulations this area can currently be using a workplace exemption for live music until 23:00.
- 3.25 This application if granted would allow for recorded music to be played in the patio area until 22:30 using deregulations.
- 3.26 If Members believe that the application would not undermine any of the licensing objectives then the application should be granted as requested.
- 3.27 As stated in the Guidance, the council's decision should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 3.28 Members should consider if they believe the applicant has provided evidence that the licence if granted would promote and not undermine the licensing objectives. This evidence should be balanced against the evidence given by those making representations that the licensing objective would be undermined.
- 3.29 Put in its simplest terms what are the minimum measures that can be put in place to address the concerns? Refusal of the application should be the last option considered.
- 3.30 In considering additional conditions, Members should decide whether these steps would in fact address their concerns if the decision was made to grant the hours requested.

- 3.31 For conditions to be enforceable they need to be clear, unambiguous and free from subjective terms. If a condition cannot be enforced then it should not be placed on any granted licence.
- 3.32 Aside from adding conditions it is open to Members to limit the hours of operation under the licence but clear reasons for this step would need to be given. However, if simply limiting the hours beyond those requested does not mitigate Members' concerns regarding the promotion of the licensing objectives then the option to also impose appropriate and proportionate conditions is available.
- 3.33 When the Licensing Sub-Committee gives its decision to those in attendance it should be made clear to all parties how much weight has been attached to each submission and why and what evidence Members' have relied upon when reaching their decision.

4.0 Options

- 4.1 The actions open to the Licensing Sub-Committee are:
- grant the application as requested if they feel the application would promote and not undermine the licensing objectives; or
 - grant the application but at the same time impose additional conditions or amend the activities or times requested; or
 - if Members believe that there is evidence that shows that there are no steps that can be taken to ensure that the application sought would promote the licensing objectives then the application should be refused.
- 4.2 When the Licensing Sub-Committee gives its decision to those

in attendance it should be made clear to all parties how much weight has been attached to each submission and why and what evidence Members have relied upon when reaching their decision.

5.0 Risks

5.1 A decision on the application must be made and any decision made can be appealed at the Magistrate's Court. Therefore the Licensing Sub-Committee should ensure that when giving their decision on the application they give clear reasons on how and why they have made their decision. In doing so, the council's ability to defend its decision is strengthened and the risk of its decision being over-turned on appeal is lessened, although, of course, this risk can never be entirely removed.

6.0 Implications/Consultations

6.1 As with any application for a new premise licence / variation of premise licence or review of a premise licence there is a 28 day public consultation.

Community Safety

The report details the four licensing objectives, these objectives are detailed in paragraph 2.3, therefore Community Safety will be considered when determining the application.

Data Protection

Where the appendices have shown personal data this has been redacted.

Equalities

Consideration has made to the Equality Act 2010 and the Public Sector Equality Duty in this report and will be considered during the Licensing Sub-Committee hearing.

Environmental Sustainability

No

Financial

There will be a cost to the authority in holding the Licensing Sub-Committee hearing; this will be covered by the existing budget.

There would be a cost if the decision of the Licensing Sub-Committee is appealed to the Magistrates Court and the authority chooses to defend that appeal.

Health and Safety

No

Human Resources

No

Human Rights

As with all applications and Council functions, the Human Rights Act 1998 has been considered in this report and will be considered during the Licensing Sub-Committee hearing.

Legal

All statutory requirements have been considered in preparing this report.

Specific Wards

Yes – Hertford - Castle

7.0 Background papers, appendices and other relevant material

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705327/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April

[_2018_.pdf](#)

- 7.2 East Herts Statement of Licensing Policy 2021-2026
<https://cdn-eastherts.onwebcurl.com/s3fs-public/2022-03/Statement%20of%20Licensing%20Policy%202021-26%20Mar%202022.pdf>

East Herts Pool of Model Conditions 2021
<https://eastherts.fra1.digitaloceanspaces.com/s3fs-public/2021-08/Pool%20of%20Model%20Conditions%202021%20%28accessible%29.pdf>

- 7.3 **Appendix 'A'** – Application for a New Premise Licence.
- 7.4 **Appendix 'B'** – Conditions agreed by Hertfordshire Police with the applicant.
- 7.5 **Appendix 'C'** – Representations both supporting and objecting against the application.
- 7.6 **Appendix 'D'** – Current Premises Licence.
- 7.7 **Appendix 'E'** – Map showing location of the premises.

Contact Member Councillor Jan Goodeve – Executive Member for Planning and Growth
jan.goodeve@eastherts.gov.uk

Contact Officer Jonathan Geall – Head of Housing and Health
Contact No: 01992 531594
jonathan.geall@eastherts.gov.uk

Report Author Brad Wheeler – Senior Licensing and Enforcement Officer
Contact No: 01992 531520
brad.wheeler@eastherts.gov.uk



* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

60,000

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The area is a patio seating area with a serving outside bar. To be used in full during the summer time (March - October) as a serviced extension to our restaurant and bar area providing chairs and tables to our customers with sail shades and umbrellas. Access to the Patio area will be through the main building.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

Yes No

Section 6 of 18

Continued from previous page...

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

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

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 12 of 18

Continued from previous page...

PROVISION OF LATE NIGHT REFRESHMENT

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

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Summer Months March - October

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

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

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

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

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

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

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

All outside tables and chairs shall be rendered unusable at 23:00 each day.
The licensed Patio area access will be monitored by CCTV.
The premises shall operate a 30 minute "drinking up" period once the sale of alcohol has ceased.

b) The prevention of crime and disorder

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly through the main building.

c) Public safety

Customers are to be monitored to ensure that no glass or bottles are taken from the premises.

d) The prevention of public nuisance

There shall be no sale of Alcohol for consumption in any external licensed areas after 23:00

e) The protection of children from harm

The Premises operates a Challenge 21scheme notices are displayed in prominent positions.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Fees for all Licensing Act 2003 permissions have been set by central government. Variation fees are based on the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15)

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

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-hertfordshire/change-1> to upload this file and continue with your application.

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

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

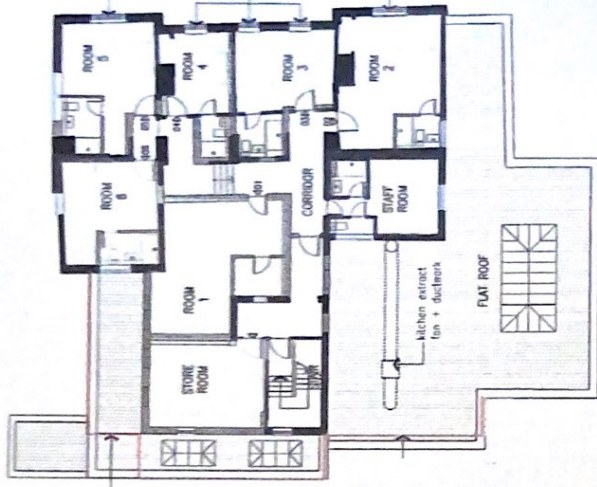
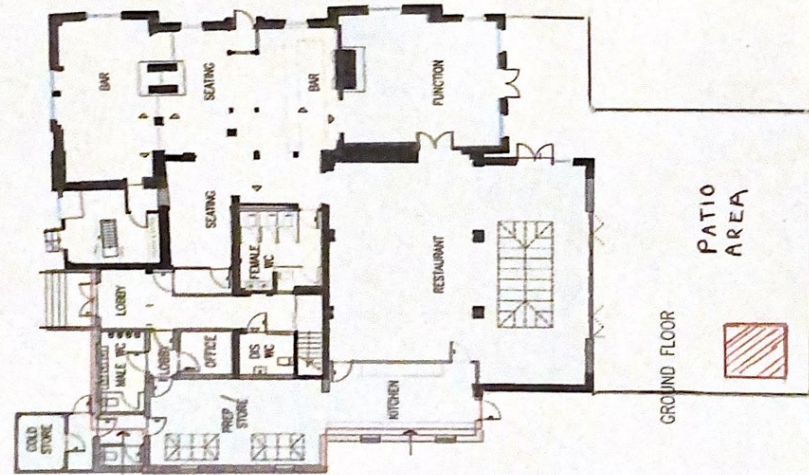
Date and time submitted

Approval deadline




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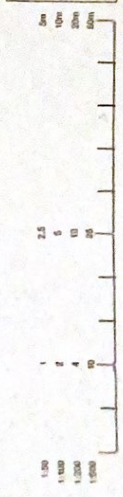
FIRST FLOOR

-  PUB/BAR AREAS
-  HOTEL USE
-  LICENSED BAR

EXISTING FLOOR PLANS AS PER
PLANNING APPROVAL 3/15/2154/FUL



bryant + moore
ARCHITECTS
19-21 Salisbury Square, Old High Road, Hert's AL9 8BT
Tel: 01763 251418 Fax: 01763 251419 Email: info@bryantmoore.co.uk



THE WHITE HORSE HOTEL, HERTINGFORDBURY, SG14 2LB
1:100@A1
1:200@A3
DEC 2016

THE WHITE HORSE
PROPOSED CONDITIONS

Amend Condition 1 to :

1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-
 - a. All entry and exit points, **including the licensed patio area access** must be covered to enable frontal identification of every person entering the premises in any light condition
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
 - d. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises when the premises are open to the public. This staff member must be able to show and supply if requested a Police or authorised office recent data or footage with the absolute minimum of delay when requested.
 - e. Any faults with the CCTV system must be recorded in writing and must be rectified without delay.

Amend Condition 4 to :

4. The premises license holder shall display A4 size notices on all entry/exit points, **including the licensed patio area access** and in the car park with clear wording no smaller than size 50 font asking persons arriving at or departing the venue to discourage from noise and be respectful of the premises neighbours.

Amend Condition 7 to :

7. The following conditions apply to the rear patio area (they are not applicable when a TEN's is in place covering the area concerned):
 - a. No use of the outside areas after 23.00 hours apart from ingress/egress of customers using the outside smoking area.
 - b. No open vessels allowed on the outside patio area after 23.00 hours this is to be managed by DPS/Manager on Duty.
 - c. **All outside tables and chairs shall be rendered unusable at 23:00 hours each day.**

From:
Sent: 07 June 2022 15:38
To:

Subject: RE: [External] White Horse Hertingfordbury, 30 May, 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Re: Licensing application number 22/0646/PLV

Given the below, ie the premises do not have planning permission for the colourful hut like structure for the licensing application sought it seems inappropriate to consider the application. There is now an enforcement case open for the unauthorised structure on the patio of the premises which are in a conservation area ref E/22/0099/ENF.

The premises have had a verbal warning recently about contravening existing licensing conditions, there is therefore a lack of trust between the premises and some of the neighbours. Nearby residents are expressing concerns that allowing this to go ahead will result in excessive noise and disturbance thereby causing public nuisance. Of course some residents do have young children who may be affected by noise and congregation of people late into the evening.

Should a planning application be submitted for the structure on the patio, comments will of course be submitted on that separately.

Best wishes.

Hertford Castle Ward
East Herts District Council

Mobile:
Twitter

Sign up to our weekly newsletter - [Network](#)

From:
Sent: 07 June 2022 08:37
To:

Cc:
Subject: RE: [External] White Horse Hertingfordbury, 30 May, 2022

Dear all,

There are no current planning applications related to this premises under consideration.

We do have an existing enforcement case pending consideration in relation to an outbuilding that's been erected and being used as a bar area (ref. E/22/0099/ENF). I will ask the case officer for an update and confirm if this constitutes development and if so what our intended course of action is.

From:
Sent: 06 June 2022 15:20
To:
Subject: FW: [External] White Horse Hertingfordbury, 30 May, 2022

Dear Colleagues

I am conscious that the deadline for comments on the White Horse's licensing application is approaching, I'm not aware that they have applied for planning permission though. Do we know if a planning application is imminent? Is it possible to defer considering the licensing application until the planning application is determined?

Many thanks.

From:
Sent: 06 May 2022 14:54
To:
Subject: RE: [External] White Horse Hertingfordbury, 30 May, 2022

Good afternoon ,

I wanted to update you following a joint visit undertaken at the premises this morning by myself and my colleague from Hertfordshire

We spoke with the premises licence holder about the outside bar, the following points raised:

- I advised that they need to speak with planning regarding the outside bar as this is within their regime to assist and give advice..
- I advised that the garden area is not currently licensed for licensable activity. Also as the garden area is not on the current plan they cannot use the deregulation for regulated entertainment.
- I advised that they must not use the bar for the sale of dispensing of alcohol.
- I requested that they submit a variation application if they wish to utilise the bar going forward.

The premises licence holder confirmed that:

- They now intend to submit a variation application on 08.05.22
- They will contact the duty planning officer
- They will not use the bar until they have the correct authorisation

In addition, we spoke about the footage supplied to us which shows regulated entertainment taking place indoors on 01.05.22 at 23:56pm. The music could be heard clearly on the recording, people were dancing inside

the premises. The doors to the rear garden area were open, I advised that the annex 2 conditions attached to the premises licence not being fulfilled were:

- Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
- All windows and doors in any rooms where regulated entertainment is being held to be kept closed after 23.00 hours during that regulated entertainment.

The premises licence holder has been educated on the above conditions and a verbal warning was given. They have confirmed that staff have been made aware and these will be complied with along with all other conditions on their licence.

We will keep the premises on the enforcement schedule of works, if you need anything further please feel free to contact me.

Kind Regards

Licensing Enforcement Officer

From:

Sent: 13 June 2022 16:56

To:

Subject: Re: Application Notice - Hertford Castle Ward

Categories:

I have significant concerns with this application.

It is for alcohol sales outside the public house building in the garden/patio area -from where exactly? an insecure table placed in the area (possibility of crime)? or more probably from the dreadful colourful shed with a planning enforcement on it currently, erected within the first conservation area in Hertfordshire.

As I understand it, this planning aspect is not of concern to the licensing department!? - really? is selling alcohol from no fixed secure base a good thing and complies with licensing objectives?? or do we re grant licensing to encourage direct flagrant breaking of planning law?

The owners/management have shown disregard to their licence conditions in the past also noise abatement requirements.

Twice recently, finally only this last Friday (beggars belief with this case open for comments) they were playing live music in the garden - not allowed.

Back to licensing principles:

Huge public nuisance due to encouragement of noisy garden/patio use with readily available alcohol, I fear observation of hours applied for, given current form.

Hertingfordbury is a natural 'bowl' for sound travel with the White Horse being the centre of a natural amphitheatre leading to significant disturbance to the many very young families living opposite and adjacent to the WH. Children need their sleep. There are bedroom windows within yards of the garden/patio

Residents are happy to encourage this business at the heart of their village. However, not to the cost of unreasonable disturbance to their lives as has sadly been the case on more than one occasion in the past.

Kind regards

EHC Castle Ward

From:
Sent: 08 June 2022 23:49
To:

Subject: Re: [External] White Horse Hertingfordbury, 30 May, 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Dear all

I do not understand how a licensing application can be entertained re a structure which does not have planning permission and the applicant is the subject of an enforcement action.

Subject to the above, I also oppose this licensing application. These premises are located in the centre of Hertingfordbury village and surrounded by residential housing. The intention of the application must be to increase trade so it must follow that it will lead to an increase in alcohol consumption and therefore an increase in noise and anti-social behaviour which will be contrary to our licensing principles.

Thanks

From:
Sent: 13 June 2022 14:51
To:
Subject: Comments for Licensing Application 22/0646/PLV

Categories:

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 13/06/2022 2:51 PM from

Application Summary

Address: Hertingfordbury Road Hertingfordbury Hertford Hertfordshire SG14 2LB

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

Customer Details

Name: Mr & Mrs

Email:

Address: St. Mary's Lane Hertingfordbury SG14

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 13/06/2022 2:51 PM 22/0646/PLV | Variation - Premises Licence
The White Horse Hotel SG14 2LB

We object to the application.

Whilst understandably any public house will generate a level of noise, The White Horse has a history of showing a lack of consideration for its neighbours. We live a short distance from the premise, behind a row of houses and at a lower level but on a number of occasions we have been disturbed late at night by noise. Environmental Health will have a record of our complaints. At least we have been mainly spared for the last two years the noise generated

from the outside pods used for pre-Christmas festivities.

There are a number of houses opposite and behind the White Horse. An outdoor licence will result in the generation of additional noise causing disturbance to those residents and others living nearby.

It should also be noted that many of the owners of properties nearby have young children and any additional noise generated will have a particular effect on them, through the evening and late into the night.

Kind regards

From:
Sent: 15 June 2022 17:18
To:
Subject: Comments for Licensing Application 22/0646/PLV

Categories:

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 15/06/2022 5:17 PM from Mr & Mrs

Application Summary

Address: Hertingfordbury Road Hertingfordbury Hertford Hertfordshire SG14

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

Customer Details

Name: Mr & Mrs

Email:

Address: Hertingfordbury Road, Hertford, Hertfordshire SG14

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 15/06/2022 5:17 PM We object to this application on the following grounds:

* Crime and Disorder

The application for variance of license is in response to enforcement action by East Herts, in response to illegal activity, of the sale of alcohol outside the licensed boundary of the premises, on 30th April 2022. A disregard by the premises, for the already generous license terms and conditions, is clearly evident. Approving this application sets a precedence that breaking license terms, and asking for forgiveness later, is acceptable and constructive behaviour.

* Public Nuisance

Neighbouring residents are already negatively affected by noise generated from the licensed premise, particularly in late evenings. Historically this has led to East Herts Environment Health enforcing a noise abatement order against the premises, due to the significant public nuisance from the premises events.

* Protecting Children From Harm

Expanding the sale of alcohol to the patio area will generate even more noise, from customers queuing at the new outside patio bar, the serving of glasses and bottles, and loud conversations emanating from a greater number of customers. This increased noise will have further negative affect on neighbouring residents, particularly those with young children who require earlier bed times.

Kind regards

From:
Sent: 19 May 2022 17:28
To: Housing & Health Services - Community Protection
Subject: Comments for Licensing Application 22/0646/PLV

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 19/05/2022 5:27 PM from Mr .

Application Summary

Address: Hertingfordbury Road Hertingfordbury Hertford Hertfordshire SG14 2LB

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

Customer Details

Name:

Email:

Address: Hertingfordbury SG14

Comments Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

Comments: 19/05/2022 5:27 PM The White Horse is an asset to the village and the proposal to use an outdoor bar is a good addition. The bar itself is in keeping with the surroundings and the village should be supporting a local business that provides a good service.

Kind regards

From:
Sent: 18 May 2022 18:48
To:
Subject: Comments for Licensing Application 22/0646/PLV

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 18/05/2022 6:47 PM from

Application Summary

Address: Hertingfordbury Road Hertingfordbury Hertford Hertfordshire SG14 2LB

Proposal: Variation - Premises Licence

Case Officer:

[Click for further information](#)

Customer Details

Name:

Email:

Address: Hertingfordbury SG14

Comments Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

Comments: 18/05/2022 6:47 PM The White is a fabulous amenity for our village. The staff and management are always trying to find ways of developing their business and thereby showcasing our village.
The addition of a terrace bar is in keeping with the character of the pub and village and is a great attribute.

Kind regards

District of East Hertfordshire
Premises Licence
Licence No: 19/0829/PLT

Licensing Act 2003

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
White Horse Hotel Hertingfordbury Road, Hertingfordbury, Hertford, Hertfordshire, SG14 2LB	Telephone: 01992 586791

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
SALE OF ALCOHOL			
Friday and Saturday		10:00	01:00
Monday to Sunday	(Residents Only)	00:00	00:00
Monday to Thursday		10:00	00:00
Sunday		10:00	00:00
PERFORMANCES OF DANCE (INDOORS)			
Monday to Saturday		10:00	01:00
Monday to Sunday	(Residents Only)	00:00	00:00
Sunday		10:00	00:00
FILMS (INDOORS)			
Monday to Saturday		10:00	01:00
Monday to Sunday	(Residents Only)	00:00	00:00
Sunday		10:00	00:00
LIVE MUSIC (INDOORS)			
Monday to Saturday		10:00	01:00
Monday to Sunday	(Residents Only)	00:00	00:00
Sunday		10:00	00:00
LATE NIGHT REFRESHMENT (INDOORS)			
Monday to Saturday		23:00	01:00
Monday to Sunday	(Residents Only)	23:00	05:00
Sunday		23:00	00:00

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**RECORDED MUSIC (INDOORS)**

Monday to Saturday		10:00	01:00
Monday to Sunday	(Residents Only)	00:00	00:00
Sunday		10:00	00:00

ENTERTAINMENT OF SIMILAR DESCRIPTION (INDOORS)

Monday to Saturday		10:00	01:00
Monday to Sunday	(Residents Only)	00:00	00:00
Sunday		10:00	00:00

Licensable activities will be extended for one additional hour on the following days: Christmas Eve, Boxing Day, New Year's Day, August Bank Holiday, Easter Bank Holiday, May Day Weekend, Spring Bank Holiday, August Bank Holiday Weekend, Friday preceding Bank Holiday, Saturday preceding Bank Holiday and Sunday preceding Bank Holiday.

THE OPENING HOURS OF THE PREMISES

Friday and Saturday		10:00	01:00
Monday to Sunday		00:00	00:00
Monday to Thursday		10:00	00:00
Sunday		10:00	00:00

The closing time for the premise is extended for one additional hour on the following days: Christmas Day, Boxing Day, New Year's Day, Easter Bank Holiday, May Day Weekend, Spring Bank Holiday, August Bank Holiday, Friday preceding Bank Holiday, Saturday preceding Bank Holiday and Sunday preceding Bank Holiday.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption on the Premises

Part 2**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

White Horse Herts Ltd
Hansford Brown, 8 Alpha Business Park, Travellers Close, Welham Green, Hertfordshire, AL9 7NT

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

11726548

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

Personal licence number:
Licensing Authority: East Herts Council

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

6. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula -

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

where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club

premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
9. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
10. The admission of children under 18 to any film exhibition must be restricted in accordance with any recommendation made by the film classification body specified in section 4, Video Recordings Act 1984 unless the licensing authority notifies the holder of the premises licence that recommendations made by the licensing authority must be followed instead.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-
 - a. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
 - d. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested a Police or authorised office recent data or footage with the absolute minimum of delay when requested.
2. The age verification policy operated at the premises shall be "Challenge 21". This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 21 years of age shall be required to provide proof of age using an acceptable form of ID. The only forms of ID that may be accepted shall be a:
 - a. Passport;
 - b. UK photo driving licence; or
 - c. Military ID card.
3. Notices advertising that the premises operates a "Challenge 21" scheme shall be displayed in a clear and prominent position at the premises entrance(s)/and inside at the premises bar serving area.
4. The premises license holder shall display A4 size notices on all entry/exit points and in the car park with clear wording no smaller than size 50 font asking persons arriving at or departing the venue to

discourage from noise and be respectful of the premises neighbours.

5. Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
6. All windows and doors in any rooms where regulated entertainment is being held to be kept closed after 23.00 hours during that regulated entertainment.
7. The following conditions apply to the rear patio area (they are not applicable when a TEN's is in place covering the area concerned):
 - a. No use of the outside areas after 23.00 hours apart from ingress/egress of customers using the outside smoking area.
 - b. No open vessels allowed on the outside patio area after 23.00 hours this is to be managed by DPS/Manager on Duty
8. No non-residents to be admitted or re-admitted to the premises after 23:00 hours.
9. Children under 18yrs of age must be accompanied by an appropriate adult after 21.00 hours and up to the terminal hour.
10. The Premises Licence Holder shall provide a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises.
11. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature and be available for inspection at all reasonable times by an authorised officer of relevant responsible authority, it should record the following details:
 - a. Time and date and nature of the incident,
 - b. People involved
 - c. Action taken
 - d. Details of the person responsible for the management of the premises at the time of the incident.
12. The Premises Licence Holder or Designated Premises Supervisor shall ensure that a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to an authorised enforcement officer on request.
13. All events held at the premises which involve licensable activities must be risk assessed in order to identify areas of concern and establish actions to reduce risk.
14. For all events where the event is being held to celebrate a person's birthday over the age of 14 years and up to and including 30th Birthday parties the following conditions apply:
 - a. Two SIA door staff must be used for the first 150 customers and increased by one SIA door staff for every additional 50 customers
 - b. A drugs policy and search policy must be used during the events
 - c. A dispersal policy must be used during such events
 - d. Drinks not to be served in glasses, including glass bottles. Plastic and / or polycarbonate containers to be used instead.

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

Intentionally left blank

The White Horse Inn. Hertingfordbury
Date: 2016Ref: 15_239_PL58

