



MEETING : LICENSING SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 20 SEPTEMBER 2022
TIME : 2.00 PM

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

MEMBERS OF THE SUB-COMMITTEE

Councillors D Andrews, N Symonds and C Wilson

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

Disclosable Pecuniary Interests

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

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

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AGENDA

1. Appointment of Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Minutes - 8 August 2022 (Pages 6 - 12)

To approve the Minutes of Previous Sub-Committee meetings:

8 August 2022

6. Summary of Procedure (Pages 13 - 19)

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

7. Application for a new premises licence for Copper Tod, 48 The Elms, Hertford, Hertfordshire, SG13 7UX (Pages 20 - 69)

8. Application for a new premises licence for Brad and Dills, 14 Market Place, Hertford, Hertfordshire, SG14 1DQ (Pages 70 - 108)

9. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

Agenda Item 5

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

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

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Mr Lars Mattes	- Applicant
Mr Sven Mattes	- Applicant

16 APPOINTMENT OF CHAIRMAN

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

CARRIED.

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

17 APOLOGIES

There were no apologies.

18 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

19 DECLARATIONS OF INTEREST

There were no declarations of interests.

20 MINUTES - 29 JUNE AND 8 JULY 2022

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

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

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

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

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

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

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

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

place to mitigate any public nuisance.

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

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

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

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

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

agreed. The reasons for this decision were as follows:

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

concern raised by the objector; and

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

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

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

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

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

22 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.03 am

Chairman

Date

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.

Agenda Item 7

East Herts Council Report

Licensing Sub-Committee

Date of Meeting: 20 September 2022

Report By: Jonathan Geall, Head of Housing and Health

Report Title: Application for a new premises licence for Copper Tod, 48 The Elms, Hertford, Hertfordshire, SG13 7UX (22/1061/PL)

Ward(s) affected: Hertford Kingsmead

Summary

- An application for a new premises licence has been received from Audex Business Services Ltd T/a Copper Tod for 48 The Elms, Hertford, Hertfordshire SG13 7UX. Two 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 meeting to decide that application. The report is to inform that decision.

RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

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

1.0 Proposal(s)

- 1.1 Members of the Licensing Sub-Committee should determine the application to grant a premise licence to Audex Business Services Ltd T/a Copper Tod 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 new premises licence was originally submitted by Audex Business Services Ltd T/a Copper Todd on 23rd July 2022. The application has been correctly advertised and consulted upon as required by legislation and regulations.

3.2 The application requests the supply of alcohol for consumption off the premises during the following times.

Licensable Activity	Day	Hours applied
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		for
Supply of alcohol (for consumption off the premises)	Monday – Tuesday	17:00 – 23:00
	Wednesday	12:00 – 23:00
	Thursday – Friday	17:00 – 23:00
	Saturday - Sunday	09:00 – 23:00

- 3.3 It is understood from the applicant that this application is solely for the use of selling gin distilled by the applicant at the premises in his spare time.
- 3.4 The premises are ***not open to the public*** for sales in person or for collections of pre orders.
- 3.5 A redacted copy of the application form for a new premises licence is attached as **Appendix 'A'**.
- 3.6 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.
- 3.7 During the 28 day statutory public consultation period the applicant agreed conditions with Hertfordshire Police. These conditions are attached as **Appendix 'B'**
- 3.8 During the 28 day statutory public consultation period two valid representations were received from Interested Parties. These representations are attached as **Appendix 'C'**.
- 3.9 One representation from a neighbour asks a number of questions in relation to the commercial scale of the business, what is being sold and raises concerns over traffic to and from the property if the licence was granted. There are also other questions asked regarding the fire safety of the premises. Therefore the prevention of public nuisance and public safety licensing objectives are engaged.
- 3.10 A plan of the area in which the premises is located is attached

as **Appendix 'D'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

- 3.11 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 Copper Tod best fit would be 'off licence'.
- 3.12 The proposed premises are a residential property not and not in a Town Centre location so is classed as being in 'Other areas'.
- 3.13 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 'Off licence' in this type of location when valid and relevant representations have been received:

Will generally be granted alcohol sales no later than 23:00.

- 3.14 Section 8.14 of the Policy contains information on how the council considers applications under the public safety licensing objective.
- 3.15 Paragraphs 8.15 and 8.16 state:

8.15 When considering this objective, the Licensing Authority will concern itself with the physical safety and wellbeing of the people who use licensed premises, and those who may be affected by the use of licensed premises (e.g. non-customers who happen to be in the immediate vicinity of a premise). This will include measures that seek to prevent accidents, injuries

and short- or long-term illnesses to staff, customers or other persons.

8.16 The Licensing Authority will have regard to the measures to be taken by applicants to ensure that the physical safety of any person visiting or working in licensed premises is not compromised. This should be demonstrated in an applicant's operating schedule. Factors that may be considered include, but are not limited to:

- The total occupancy capacity (staff, customers, others) of the premises
- Physical environment of the premises
- Customer Profile

3.16 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.

3.17 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.

3.18 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.

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

3.20 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 selection F of the East Herts Pool of conditions.

Officer Observations

3.21 With regards to the representations of the Interested Parties, both have been contacted with regards to their objections, either through email or telephone. The Senior Licensing Officer has explained the application to one and informed the other in regards to Herts Fire and Rescue making no objection. Neither of the representations, however, have subsequently been withdrawn.

3.22 This application is for the supply of alcohol **off the premises** by retail sale. The applicant has the licences for the production, storage and wholesale sale via Her/His Majesty's Revenues and Customs (HMRC).

3.23 Looking at the steps the applicant has stated that they will take to promote the licensing objectives they applicant has

confirmed that no customers will be permitted on site neither will there be any customer collections.

- 3.24 The Fire Authority has confirmed with the Licensing Authority that they received the application and that they have no objections to this application.
- 3.25 There have been no objections from any responsible authority.
- 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 – Kingsmead.

7.0 Background papers, appendices and other relevant material

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) -
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705327/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
- 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%2022.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 by Hertfordshire Police agreed with the applicant.
- 7.5 **Appendix 'C'** – Representations against the application.
- 7.6 **Appendix 'D'** – 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 21

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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="CTAPP"/>	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.
<input type="radio"/> Yes <input checked="" type="radio"/> No		

Applicant Details

* First name	<input type="text" value="ANDREW"/>	
* Family name	<input type="text" value="BROWN"/>	
* E-mail	<input type="text" value="ANDREW.BROWN@AUDEX.CO.UK"/>	
Main telephone number	<input type="text" value="(+44) 07807869839"/>	Include country code.
Other telephone number	<input type="text" value="(+44) 01992926936"/>	
<input type="checkbox"/> 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?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="10254761"/>	
Business name	<input type="text" value="AUDEX BUSINESS SERVICES LTD t/a COPPER TOD"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="394891340"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

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 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

LIMITED LIABILITY COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

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

The premises is a single garage conversion specifically furnished to meet food establishment standards. The licensable space although segregated is adjoining my residential premise on the Foxholes estate, Hertford. Having successfully been awarded all other licences from regulatory services to operate and registered as a food establishment with East Herts Council; we seek to sell alcoholic beverages. As a Hertford home-based craft business, we aim to sell and dispatch small volume produced craft spirits for internet customers and to supply local business. The premise will not be open to the

Continued from previous page...

public, operating at distance to customers through internet sales available to online shoppers in the UK. The premise will not change the frontage of the existing property operating within the confines of the property, discreetly. The property is covered extensively by CCTV both internally and externally.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

0

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give 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

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

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

State any seasonal variations

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

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

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

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text" value="48"/>
Street	<input type="text" value="THE ELMS"/>
District	<input type="text"/>
City or town	<input type="text" value="HERTFORD"/>
County or administrative area	<input type="text" value="HERTFORDSHIRE"/>
Postcode	<input type="text" value="SG13 7UX"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="21/0819/PER"/>
Issuing licensing authority (if known)	<input type="text" value="EAST HERTS COUNCIL"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

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

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

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give 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...

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

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 in the column on the left, 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 18 of 21

LICENSING OBJECTIVES

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

Page 42

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

Continued from previous page...

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

The Designated Premise Supervisor will be employed at the premise and responsible for the day-to-day management. The Premises Licence holder shall ensure that no members of the public shall be admitted to the specified licensed area. All orders for alcohol shall only be accepted if they are made remotely. The premises licence holder or designated premises supervisor shall ensure that orders for alcohol are dispatched to bona fide addresses only. No licensable activities shall be advertised by posters, stickers or banners which are displayed to the public in the immediate area of the premise being licensed.

b) The prevention of crime and disorder

Premise is covered by an on-site presence both during and a significant time outside licensable time, recorded. The premises shall install and maintain a recorded CCTV system with motion and sound detection. Licensed area of the premise cannot be seen from the public highway and is situated on a non-through pedestrian route. Outside of the hours authorised for the sale of alcohol, all alcohol within the licensed area is to be secured to the satisfaction of the licensing authority.

c) Public safety

The specified licensed area will not be open to the public and will not be available to visit by customers. Any and all equipment will be maintained and operated in accordance with legal requirements.

d) The prevention of public nuisance

The specified licensed area will not be open to the public and will not be available to visit by customers for the purpose of purchasing and/or collecting sale orders. There shall be a personal licence holder on duty on the premises at all times when required for the sale of alcohol. Activities will not cause statutory nuisance. No deliveries will be made to the premise between the hours of 23:00hrs and 07:00hrs. Delivery vehicle horns shall not be used at any time, except in accordance with the Highway Code. No commercial waste will be produced in quantity to warrant commercial waste agreement

e) The protection of children from harm

The designated premises supervisor shall attend and pass a formal training course on avoiding underage sales. The personal licence holder shall maintain refusal books and that online store includes age-related prompts to check the age of the buyer. The premises licence holder shall publish the age verification policy and inform customers before the sale is completed that age and identity verification may be required at delivery in accordance with the premises licence holder's age verification policy. Entry by children under the age of 18 to the specified area of the premises is prohibited whilst the following take place: make up, handling and storage, and sale of alcoholic beverages.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

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 21 of 21

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. The fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands: band a NDRV £0 - £4300, fee = £100 band b NDRV £4,301 - £33,000, fee = £190 band c NDRV £33,001 - £87,000, fee = £315 band d NDRV £87,000 - £125,000, fee = £450 band e NDRV £125,001 and over, fee = £635

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

There is an exemption from the payment of fees in relation to the provision of regulated entertainment only at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event 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 (£)

Page 48

100.00

Continued from previous page...

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)

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-hertfordshire/apply-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 LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

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

Consent of individual to being specified as premises supervisor

Andrew Brown

I

[full name of prospective premises supervisor]

of

48 The Elms, Hertford, SG13 7UX

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Sale of alcohol

[type of application]

by

Andrew Brown

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Audex Business Services Ltd trading as Copper Tod
48 The Elms
Hertford
SG13 7UX

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Andrew Brown

[name of applicant]

concerning the supply of alcohol at

Audex Business Services Ltd trading as Copper Tod
48 The Elms
Hertford
SG13 7UX

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

21/0819/PER

[insert personal licence number, if any]

Personal licence issuing authority

East Herts Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

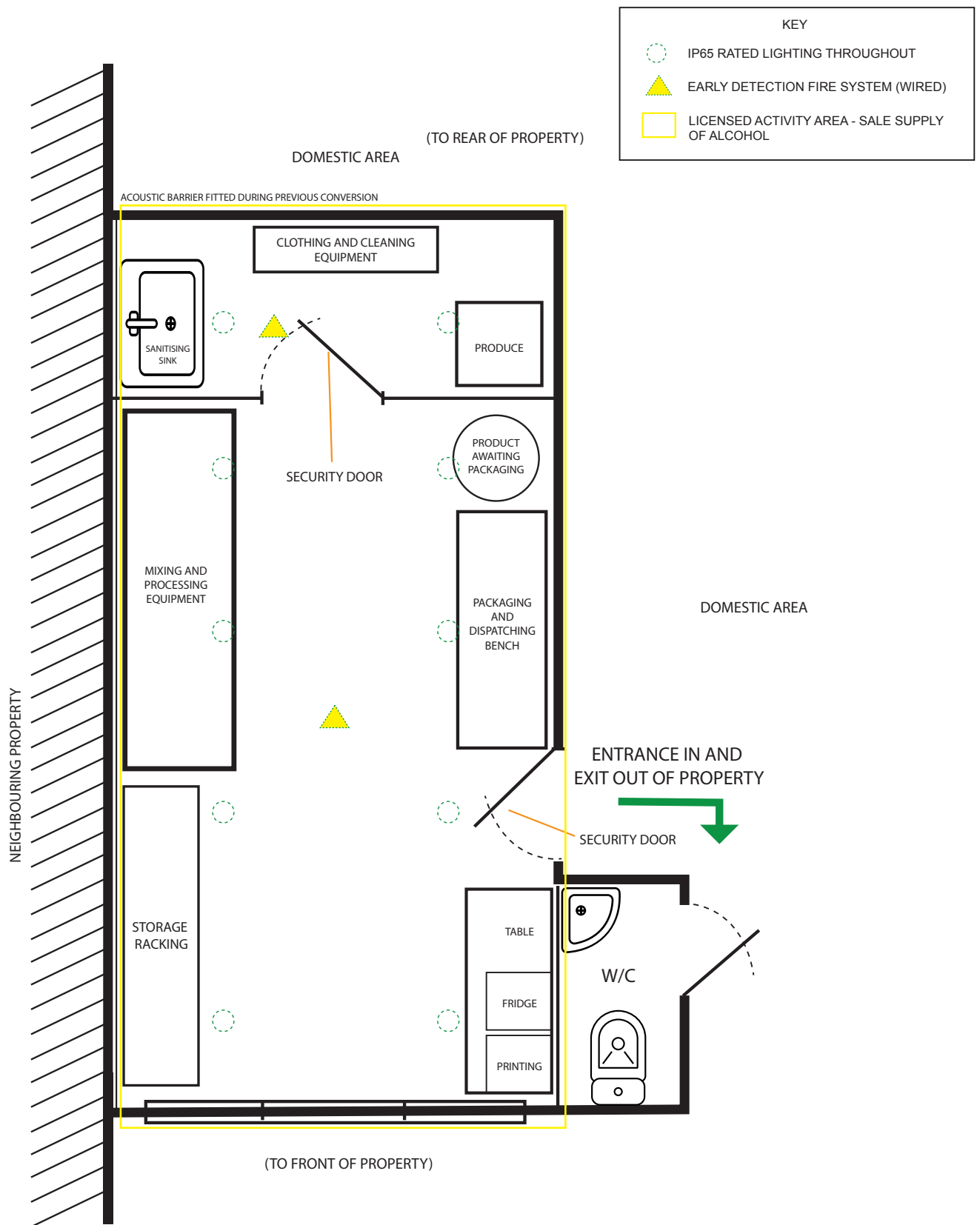


Name (please print)

ANDREW BROWN

Date

23/07/2022



PREMISE PLAN OF EXISTING
CONVERTED GARAGE FOR USE AS
HOME BASED BUSINESS - PREMISE
LICENCE REQUIREMENT TO SELL
ALCOHOL

ADDRESS:
48 THE ELMS
HERTFORD
SG13 7UX



Page 53
DRAWING V1.0
DATE: 22-07-2022




PREMISE FIRE RISK ASSESSMENT

Table of Contents

<i>DETAILS.....</i>	<i>3</i>
<i>RISK ASSESSMENT</i>	<i>3</i>
<i>PHOTOS.....</i>	<i>6</i>
<i>DETERMINED LEVEL OF FIRE RISK : NORMAL.....</i>	<i>7</i>
<i>FIRE SAFETY ACTION PLAN.....</i>	<i>8</i>
<i>PREMISE PLAN.....</i>	<i>9</i>

DETAILS

RA completed by:	Andrew Brown	Signature:		Date:	22 November 2021
RA reference number:	ADX-FRA	Company Name:	Audex Business Services Ltd		
Address:	48 The Elms, Hertford, SG13 7UX	Responsible Person:	Andrew Brown		
Use of Premise:	Primary use domestic with home-based business operating during a minority of hours within any 24hr period. Producing and dispatching alcoholic beverages, desk or administrative functions.	Position of Responsible Person:	Director / Owner		
Occupancy and business use:	Premise is residential use with some shared use of some areas within the property. During a limited number of hours each day (Mon-Fri 17:00-23:00hrs, exception Wed 12:00-23:00hrs, Sat/Sun 09:00-23:00hrs) the converted space (primarily) will also be used for producing alcoholic beverages.				
Approx. size of area used for business purpose:	Property remains residential use however the business aspect will use some facilities from time to time. The residential property is occupied by four persons.				

Key									
L: Likelihood	5	5	10	15	20	25	High risk: 15-25	High-risk activities should cease immediately. Further effective control measures to mitigate risks must be introduced.	
	4	4	8	12	16	20			
	3	3	6	9	12	15	Medium risk: 8-12	Medium risks should only be tolerated for the short term and only whilst further control measures to mitigate the risks are being planned and introduced.	
	2	2	4	6	8	10			
	1	1	2	3	4	5	Low risk: 1-6	Low risks are largely acceptable. Where it is reasonable to do so, efforts should be made to reduce risks further.	
		1	2	3	4	5			
S: Severity							DR: Degree of risk		RR: Residual risk
Guidance.	1. Identify the persons at risk and the significant hazards. 2. Calculate an initial RR for the activity. 3. Identify risk control measures that reduce the risks to an acceptable level. 4. Calculate a revised RR - assuming the control measures are followed. (Consider changing both the likelihood (L) and the severity (S) ratings.)								

RISK ASSESSMENT

Activity	Persons at risk	Significant hazards	Initial			Risk control measures in place	Residual		
			L	S	DR		L	S	RR
General: Cooking, warming or heating Sources of ignition	Occupants, authorised visitors	Naked Flames Portable heaters Electrical Equipment	3	4	12	<ul style="list-style-type: none"> No naked flames are permitted within same room as any work processes. Premise uses central heating system throughout it is envisaged that additional heating is not required although show it be, it will be oil filled radiator. Electrical equipment responsibly procured, CE/UKCA certificated where required. Frequently checks for condition as recommended by the Health & Safety Executive or competent person. Mains installation used by the business is installed by Qualified Electrician and periodically recertified every 5 years. Lighting in distillation area is fire rated. 	1	3	3

Risk assessment									
Activity	Persons at risk	Significant hazards	Initial			Risk control measures	Residual		
			L	S	DR		L	S	RR
Cooking, warming or heating Sources of ignition	Occupants, authorised visitors	Cooking Equipment Work Processes	3	4	12	<ul style="list-style-type: none"> Hob used for heating is induction type for safety. All cooking equipment responsibly sourced and commercial grade. No gas flame heating permitted, all cooking equipment is electric Cook equipment made from food grade materials suitable for their intended uses. Distillate collected in small quantity in receptacles made from non-combustible material, glass or stainless steel. Distillate (alcohols) collected is immediately diluted with water. Gaskets used in stills checked before use Mains electrical installation uses correct wiring and fused for potential load. Room area where distillation occurs is naturally ventilated. No spirits waiting for distillation will be kept in quantities greater than immediately required for the process. Distillation process will always be monitored by person being present. 	1	3	3
Security	Occupants, authorised visitors	Arson	3	3	9	<ul style="list-style-type: none"> The address of company is not published/publicised or advertised. Company uses PO Box address for correspondence. The property will not advertise on or change the exterior of the property, maintaining the domestic or residential appearance. No members of the public will be permitted to visit the property for business reasons. No waste or combustibles will be stored outside the premise for any time greater than required for their waste collection. Property is not prominent from the public highway. Exterior lighting is maintained and used Audio/visual recording to cloud services. Cameras cover internal areas, front and rear of property. Fire hydrant adjacent to property within 15 metres Frontage capable of being access by firefighting appliances. 	2	3	6

Firefighting, preventing fire spreading Building Structure	Occupants, authorised visitors	Injury may occur is appropriate fire detection and firefighting, escape arrangements are not in place	3	4	12	<ul style="list-style-type: none"> Wired and connected smoke detection system fitted. Detector heads located on each floor of the property. Heat rise detector fitted in residential kitchen used on occasion. CO2 extinguisher available Fire blanket fitted to wall adjacent to highest risk Small burns kit available Electrical Isolation switch fitted to the main still 1hr fire resistant doors fitted throughout the property – closed at night. Exit from the property rear and front doors or escape windows. Distillation area within what was originally a vehicle garage. Solid block built and lined with plaster. Area not used for sleeping – adequate protection from all sides and above. The property does not have open voids or ductwork which may assist fire to spread. Fire door to distillation area is fitted with intumescent strips 	1	4	4
Servicing equipment or inspections completed by external persons (contractor)	Occupants, authorised visitors	Injury may occur is contractors are not competent or equipment brought with them presents a fire risk	3	3	9	<ul style="list-style-type: none"> Contractors to be vetted for competency before undertaking any servicing or repair work. Drink preparations not to occur whilst contractor or authorised visitor is on the property. Public and Product liability insurances to be obtained prior to any work. 	1	3	3
Housekeeping	Occupants, authorised visitors	Sources of fuel and oxygen	3	4	12	<ul style="list-style-type: none"> Packaging, cardboard, labels etc., to be kept to minimum and not within 1metre of any heating process. Stock awaiting dispatch will be stored on glass bottles and sealed. Carpet replaced with lino / non-combustible easily cleanable type. Any flammable liquids of any volatility to be kept in sufficient quantity only to complete the process for which it is needed and stored in suitable noncorrosive container, glass, or stainless steel SS316. Multi use rooms – clear segregation between areas within same room adhered to. 	1	3	3

Occupancy	Occupants, authorised visitors	Identifying people at risk	2	4	8	<ul style="list-style-type: none"> No occupants with sensory risk (visual or hearing impairment) No occupants considered mobility risk (physical impairments) Familiarity risk (unfamiliar with layout) – no members of the public permitted, contractors and authorised visitors such as regulatory services will be accompanied by appointment only. Numbers risk – there are no large numbers of people of the premise at times of work processes nor small numbers of disabled persons. No work processes occur overnight or without direct monitoring. 	1	2	2
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PHOTOS



Wall hung CO2 Fire Extinguisher



Fire rated door, hinges and intumescent strip in frame



Wired smoke detection



Heat Rise detector wired into system with battery backup



Fire Blanket wall mounted

DETERMINED LEVEL OF FIRE RISK : **NORMAL**

In premises where there is a likelihood of a fire starting and spreading quickly, or a fire could start and grow undetected, and affecting the escape routes before people can use them, then the level of risk should normally be regarded at 'higher'. Such premises might include those where significant quantities of flammable materials are used or stored; ready sources of ignition are present, e.g. heat producing machinery and processes; premises where significant numbers of the people are present and might move slowly or be unable to move without assistance; and premises where the construction provides hidden voids or flues through which a fire could quickly spread.

In premises where there is a low occupancy level and all the occupants are able bodied and capable of using the means of escape without assistance; very little chance of a fire starting; few if any highly combustible or flammable materials or other fuels for a fire; fire is unlikely to spread quickly; and will be quickly detected so that all people will quickly know that a fire has occurred and can make their escape, then the risk can usually be regarded as 'lower'.

Taking into account both the active and passive fire prevention measures and general fire precautions observed at the time of this fire safety risk assessment, it is considered that the hazard from fire (likelihood of fire) at these premises is:

Low ☐ **Normal** ☒ High ☐

In this context, a definition of the above terms is as follows: -

- Low:** Unusually low likelihood of fire as a result of negligible potential sources of ignition.
- Normal:** Normal fire hazards (e.g. potential ignition sources) for this type of occupancy, with fire hazards generally subject to appropriate controls.
- High:** Lack of adequate controls applied to one or more significant fire hazards, such as to result in significant increase in the likelihood of fire.

Note that, although the purpose of the above is to place the risk fire in context, the approach to fire safety risk assessment is subjective and for guidance only. All hazards and deficiencies identified in this fire safety risk assessment should be addressed by implementing all the recommendations contained in the following action plan.

The fire risk assessment should be reviewed regularly (recommended to be annually).

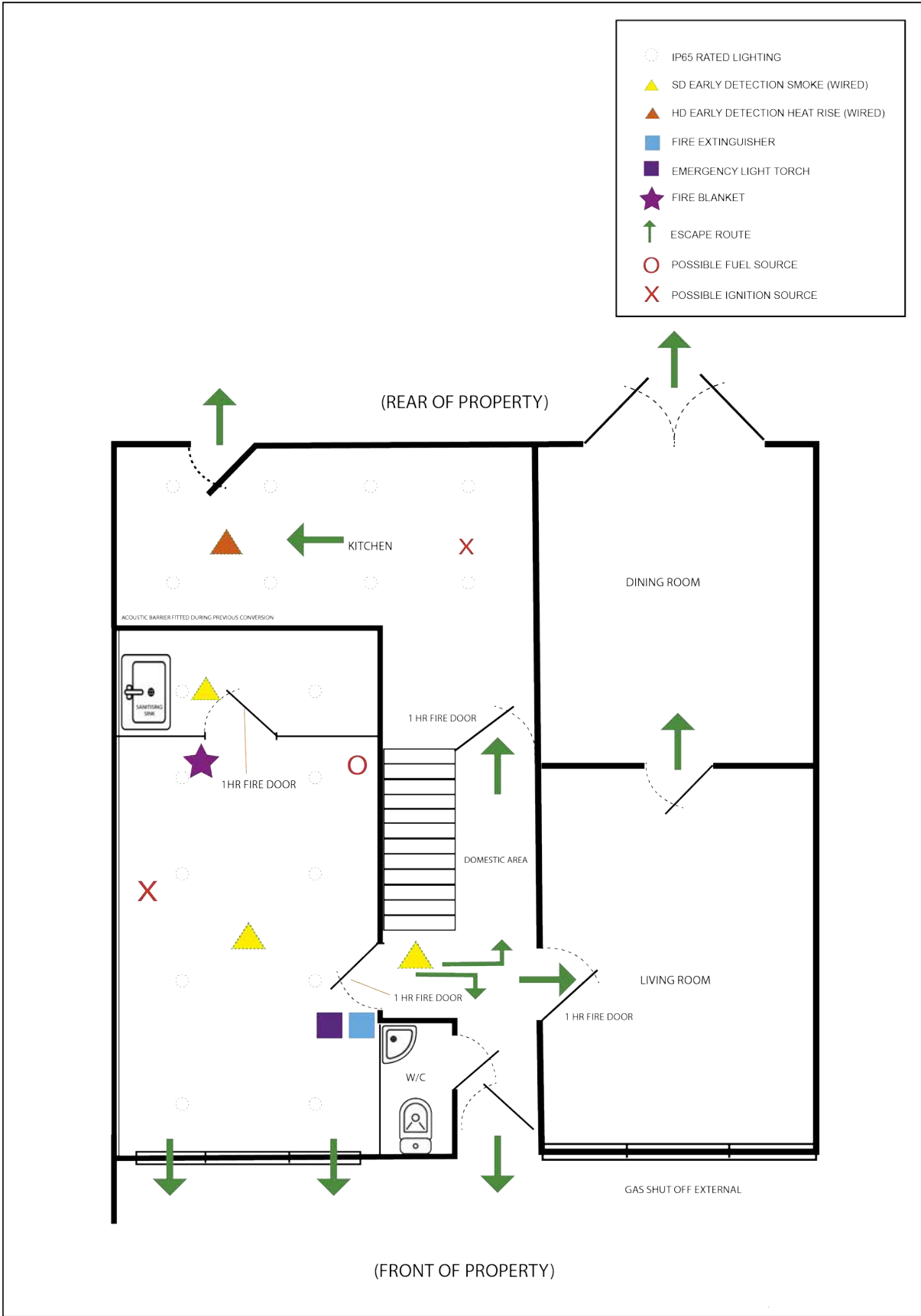
FIRE SAFETY ACTION PLAN

Each item should be allocated a priority as follows: -

Priority 1:	Needs attention immediately
Priority 2:	Needs attention within 1 month
Priority 3:	Needs attention within the next 6 months
Priority 4:	Needs attention within the next 12 months

Ref:	Action Required	Priority	Action by Whom	Completion Date
	NONE			

PREMISE PLAN



APPENDIX B: COPPER TODD

PROPOSED CONDITIONS BETWEEN THE APPLICANT AND HERTS POLICE

1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-
 - a. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition
 - b. The CCTV system shall record 10 days of 24/7 footage and retain event footage (noise, person or movement) for 60 days.
 - c. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 60 day period.
 - d. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises whilst the premises is open for licensable activities. At all other times, a member of staff will be on duty within each 24 hour period. 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.
2. The Premises Licence Holder or Designated Premises Supervisor to ensure that all management and staff are fully trained and briefed on the four licensing objectives, Challenge 25, the conditions on this licence, policies referred to in this licence and awareness of vulnerability and duty of care. Every 6 (six) months these staff are to be given refresher training and this is to be documented in such a way that it can be given to an authorised officer on request. Staff should also sign documentation confirming the training has taken place. Dated records to be retained for a period of at least one calendar year from the last date of entry.
3. The age verification policy to be operated will be "Challenge 25". This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID on delivery. Notices advertising that the Company operates a "Challenge 25" scheme shall be displayed in a clear and prominent position on the website, promotional literature, flyers etc.

The only forms of ID that may be accepted at time of delivery shall be:

- a. proof of age card bearing the PASS hologram logo;
- b. Passport;
- c. UK photo driving licence

4. At the time the order is placed a declaration will be required from the person placing the order confirming that they are 18 years and older. Service will be declined to any person who does not confirm the declaration.

5. Prior to accepting the order, the customer is asked to provide the name of the person accepting the delivery and is informed that on delivery an acceptable form of photographic ID proving that they are 18 years of age or over may be required.

The only forms of ID that may be accepted at time of delivery shall be:

- a. Proof of age card bearing the PASS hologram logo;
- b. Passport;
- c. UK photo driving licence

6. DPS/PLH will ensure that any courier company / delivery driver used adopts the following procedures:

- a. The delivery will be refused if the delivery driver believes the recipient to be under the age of 18 or the alcohol is being purchased on behalf of another person aged under 18 years.
- b. The delivery will be refused if the delivery driver believes the recipient to be under the influence of either drugs or alcohol.
- c. All staff, including delivery drivers will receive training with regards to their responsibilities to uphold the Licensing Objectives and requirements of the Licence. All delivery drivers must be 18 years old or over.
- d. Deliveries will not be made to public places such as parks, roadsides or landmarks. Deliveries can only be made to a home or business address given at the time of the order

7. DPS/PLH will ensure that the details of those persons that have been refused sale / delivery will be recorded in a refusals book, which will include date, time, name of persons if known, delivery address and reason for refusal. The refusals book will be made available for inspection upon request within 24 hours for Police and Local Authority Licensing Officers.

8. 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.
9. Business use of the premises will be limited to the storage of stock and the preparation of orders for the delivery of alcohol. No customers will be permitted access to the premises to collect alcohol.
10. Entry by children under 18 years of age to the specified area of the premises is prohibited whilst the following take place: make up, handling and storage and sale of alcoholic beverages.
11. No licensable activities shall be advertised by posters, stickers or banners which are displayed to the public on the licensable area of the premises.
12. Alcohol to be stored overnight in a secure building with a front door that has multi-point locks.

The Elms
Hertford
SG13 7

16th August 2022

Dear Sirs

New Premises Licence

I wish to object to the application for a licence to supply alcohol from house no 48 The Elms, Hertford, SG13 7UX.

This is a few houses beyond mine, and I realise that the traffic past my house would increase as a result. This is a particularly quiet and isolated area of the estate, culminating in two cul-de-sacs, and an expansion of commercial activity would adversely affect the atmosphere of the area, which is residential and domestic.

I am also not clear as to exactly what this commercial undertaking is to be. Is any alcohol to be stored in the house itself? If so, what form does it take? (E.g. bottles? cans? something larger?) Much more needs to be known about what is proposed, and what is being supplied. I am applying for a redacted copy of the application.

And what checks will afterwards be carried out by the responsible authority as to the nature of the business as it proceeds? What if, from a minor business, it should grow, with consequent changing effect on the neighbouring residents? What, if any, are the limitations on, or control of, its enlargement?

Are there any restrictions, if the licence is obtained, on other licensable features on your list being added to the original licence?

I am also not clear as to the significance of the timings. I see that the licence application is for every day of the week, including the weekend, when it would be applicable all day on Saturdays and Sundays. I would like to know what makes this necessary, what actual effect it bestows on the business, and how it might impinge on nearby residents.

All in all, I feel that this particular undertaking is entirely inappropriate for a residential area. It clearly will not add to the prestige of the estate, and I urge you not to approve this application.

Yours faithfully

The Elms,
Hertford,
SG13 7

17th August, 2022

Licensing Authority

Dear Sirs

New Premises Licence

Thank you for the redacted copy of the application for a licence to supply alcohol at 48 The Elms, Hertford.

Further to my letter of yesterday, I would like to add that the application seems to support my fear of increased traffic in the area concerned. If, as seems possible, the alcohol at any time is likely to be in the garage of the residence, transporting it elsewhere is going to involve additional traffic past my house.

It is not clear where the alcohol is manufactured, or what form it takes, but if at any stage it is present at 48 The Elms, then I feel that my objection gains support.

Yours faithfully

From:
Sent: 23 August 2022 15:02
To:
Subject: [External] Re: Notice of Application 22/1061/PL Under the Licencing Act 2003.
Follow Up Flag: Follow up
Flag Status: Flagged
Categories:

The Elms,
Hertford
SG13 7

Re: Notice of Application 22/1061/PL

Dear Sir or Madam,

We have received Notice of Application 22/1061/PL Under the Licencing Act 2003. As you can see from the scan of the notice received (attached no details have been provided on which Proposed licensable activities (A-J) are included in this application. This is residential area and is not suitable for most of these activities.

It has been suggested by our neighbours that there is a proposal to distil alcohol (Gin) on the residential premises that is 48 The Elms and to sell the alcohol thus produced.
If this is correct, please provide:

(1) Full details of the risk assessment that has been approved, to control the risks posed by the use and storage of flammable liquids for the gin distillation process, in a residential area.

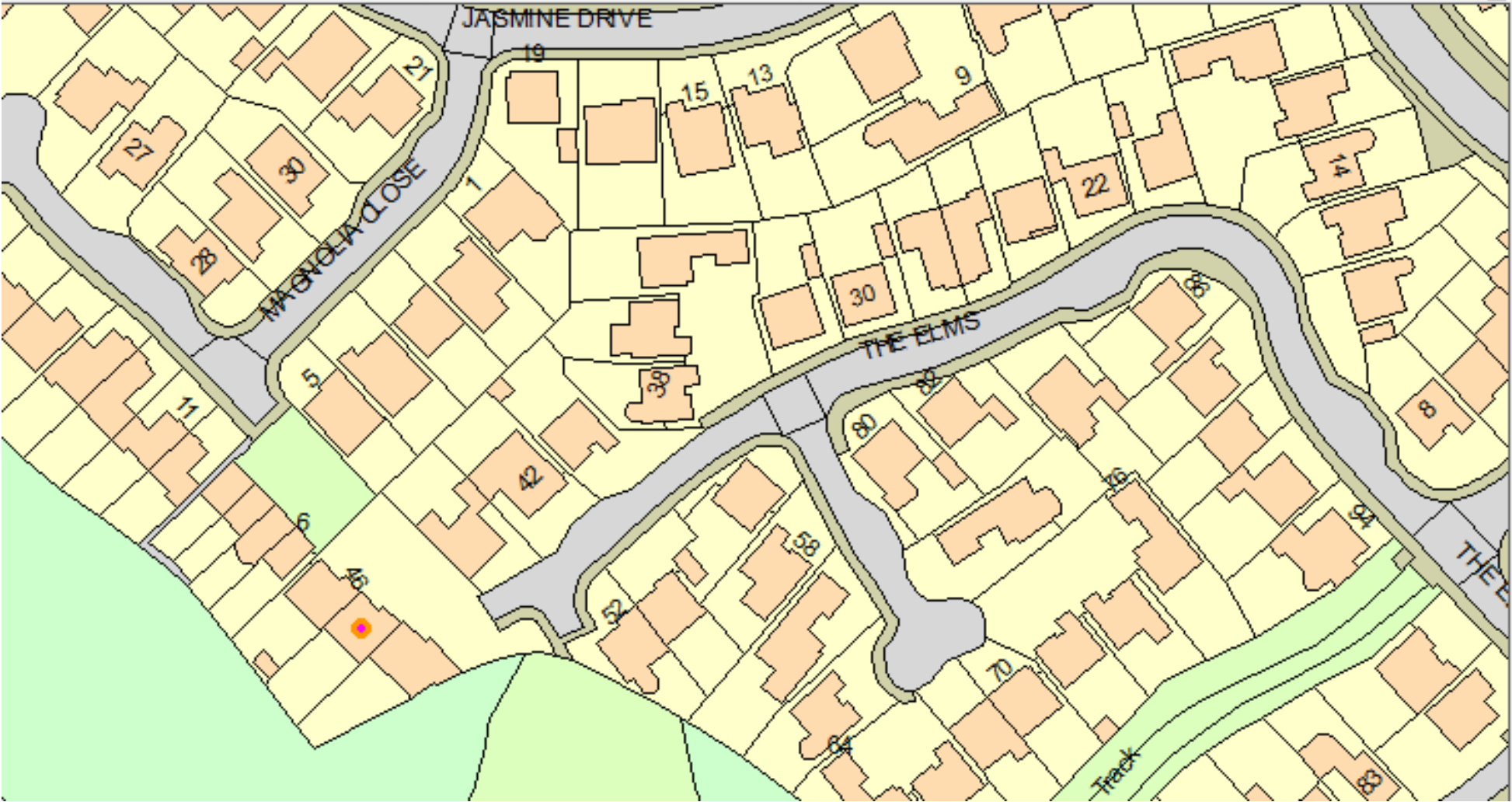
and

(2) Details of the maximum scale (Volume, size) of any distillation or storage of flammable liquids at 48 The Elms, proposed under Application 22/1061/PL

We object to this proposal on the grounds that insufficient information has been provided to ensure safety of our residential property/ cul-de-sac.

We look forward your reply with the above information.

Yours faithfully,



Agenda Item 8

East Herts Council Report

Licensing Sub-Committee

Date of Meeting: 20 September 2022

Report By: Jonathan Geall, Head of Housing and Health

Report Title: Application for a new premises licence for Brad and Dills, 14 Market Place, Hertford, Hertfordshire, SG14 1DQ (22/1109/PL)

Ward(s) affected: Hertford Castle

Summary

- An application for a new premises licence has been received from Brad and Dills Limited for premises at 14 Market Place, Hertford, Hertfordshire, SG14 1DQ. A representation against the application has been made by an Interested Party. Where representations are received against an application and not withdrawn there must be a Licensing Sub-Committee meeting to decide that application. The report is to inform that decision.

RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

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

1.0 Proposal(s)

- 1.1 Members of the Licensing Sub-Committee should determine the application to grant a premises licence to Brad and Dills Limited 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 new premises licence was submitted by Brad and Dills Limited on 3rd August 2022. The application has been correctly advertised and consulted upon as required by legislation and regulations.

3.2 The application requests the supply of alcohol for consumption on the premises and recorded music during the following times.

Licensable Activity	Day	Hours applied for
Supply of alcohol (for consumption on the premises)	Monday – Tuesday Wednesday - Sunday	16:00 – 23:00 12:00 – 23:00
Recorded Music	Monday – Sunday	
Opening times	Monday – Sunday	12:00 – 23:00 07:00 – 23:00

- 3.3 A redacted copy of the application form for a new premises licence is attached as **Appendix 'A'**.
- 3.4 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.
- 3.5 During the 28 day statutory public consultation period the applicant agreed conditions with Hertfordshire Police. These conditions are attached as **Appendix 'B'**
- 3.6 During the 28 day statutory public consultation period one valid representation was received from an Interested Party. This representation is attached as **Appendix 'C'**.
- 3.7 This representation was from Hertford Town Council with concerns regarding the potential level of noise to the residential flats above and whether the premises are adequately soundproofed. This therefore engages the prevention of public nuisance Licensing Objective.

- 3.8 A plan of the area in which the premises are located is attached as **Appendix 'D'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

- 3.9 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 Brad & Dills best fit would be 'Café-bar'.
- 3.10 The proposed premises are in a Town Centre location so are classed as being in 'Town Centre'.
- 3.11 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 'Café-bar' in this type of location when valid and relevant representations have been received:

*Will generally be granted alcohol sales for consumption on the premises no later than **midnight** and no later than **22:30** on Sunday.*

- 3.12 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.

3.13 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.

3.14 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.

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

3.16 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 selection B of the East Herts Pool of conditions.

Officer Observations

- 3.17 Looking at the application and the licensable activities the applicant has stated that the recorded music is from a small set of speakers, music will complement the shop's vibe, offering "nothing loud" and this will be monitored by managers on shift. Members may wish to add the following conditions:
- noise or vibration shall not emanate from the premises which could cause a nuisance to nearby properties
 - except ingress and egress through the entrance, doors and windows shall be kept closed (but not locked) whilst regulated entertainment is taking place.
- 3.18 There have been no objections from any responsible authority.
- 3.19 With regard to the requested hours for Sunday being longer than recommended within the Policy by 30 minutes, members should seek to:
- understand the applicant's reasons for, having made an application within the context of the council's published Statement of Licensing Policy, applying to operate until 23:00
 - consider whether the applicant has taken all reasonable steps to mitigate any public nuisance.
- 3.20 If Members believe that the application would not undermine any of the Licensing Objectives then the application should be granted as requested.
- 3.21 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.

- 3.22 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.
- 3.23 Put in its simplest terms, what are the minimum measures that can be put in place to address the concerns? Refusal of the application should be the last option considered.
- 3.24 In considering additional conditions, Members should decide whether these steps would in fact address their concerns if the decision was made to grant the hours requested.
- 3.25 For conditions to be enforceable they need to be clear, unambiguous and free from subjective terms. If a condition cannot be enforced then it should not be placed on any granted licence.
- 3.26 Aside from adding conditions, it is open to 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.
- 3.27 When the Licensing Sub-Committee gives its decision to those in attendance it should be made clear to all parties how much weight has been attached to each submission and why and what evidence Members' have relied upon when reaching their decision.

4.0 Options

4.1 The 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%2022.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 by Hertfordshire Police agreed with

the applicant.

7.5 **Appendix 'C'** – Representation against the application.

7.6 **Appendix 'D'** – 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 21

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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="14 Market Place, Hertford"/>	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.
<input type="radio"/> Yes <input checked="" type="radio"/> No		

Applicant Details

* First name	<input type="text"/>	
* Family name	<input type="text"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> 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?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="13011072"/>	
Business name	<input type="text" value="Brad & Dills Limited"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="GB 386218474"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

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 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

company

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Contact Details

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text"/> Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?	<input type="text"/> / <input type="text"/> / <input type="text"/>
	dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end	<input type="text"/> / <input type="text"/> / <input type="text"/>
	dd mm yyyy

Provide a general description of the premises

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

The premises is a small cottage like shop in the heart of Hertford, situated next to a pub. The premises has 2 rooms and a basement, one of the rooms is used for a kitchen and the other two rooms of the shop are where customers will consume their drinks/food. We are going to be doing a day time and a night time offering. The day time will be coffee and bagels/brunch and the evening will be more of a speciality cocktail bar serving high end cocktails and possibly a small snack tapas style food. The shop will have possibly 10 - 15 tables in side. It is going to be a very chilled and premium offering for those

Continued from previous page...

looking for a quiet drink or London quality cocktail. We do not intend this to be a late night offering, this is something we would like to do to enhance our offering to help with the increase of costs of running a hospitality business.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Give 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

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

a set of small speakers to give a nice ambiance for customers so that the space does not feel awkward and quiet. Music that
will compliment the shop's vibe and offering. Nothing loud and this will be monitored by managers on shift.

State any seasonal variations for playing recorded music

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

none

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

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

Christmas Eve and possibly Boxing day but these should still fall in the same times as started above should alcohol be on sale.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

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.

none

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

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

none

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known) t

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☒ Electronically, by the proposed designated premises supervisor
- ☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

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

Give 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.

n/a

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

Start

End

End

Give 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

Start

End

End

WEDNESDAY

Start

Start

End

End

THURSDAY

Start

Start

End

End

FRIDAY

Start

Start

End

End

SATURDAY

Start

Start

End

End

SUNDAY

Start

Start

End

End

State any seasonal variations

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

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

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

Continued from previous page...

Section 18 of 21

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.

The license holder of this venue will ensure that all staff are trained and equipped to fulfill licensable activities at all times. There will be sufficient amount of staff on t keep the premises in control and to prevent any disorderly behavior and or crime.

b) The prevention of crime and disorder

The premises will install CCTV to make sure that any crime or disorder is recorded and stored on the cloud and easily accessible when requested. Signage will be displayed to say cctv in operation. Staff will be trained to deal with any crime or disorder.

c) Public safety

Appropriate fire safety procedures will be in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, smoke detectors and emergency lighting.

d) The prevention of public nuisance

All customers will be asked to leave quietly and respect our neighbors. We will be closing a lot earlier than the pubs next door as we do not wish to attract the wrong crowd. Our target audience is a more civilized, high end/older customer.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID for proof of age. All staff will be trained for underage sales on a regular basis. A register of refused sales will be kept and maintained.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

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 21 of 21

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. The fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands: band a NDRV £0 - £4300, fee = £100 band b NDRV £4,301 - £33,000, fee = £190 band c NDRV £33,001 - £87,000, fee = £315 band d NDRV £87,000 - £125,000, fee = £450 band e NDRV £125,001 and over, fee = £635

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

There is an exemption from the payment of fees in relation to the provision of regulated entertainment only at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event 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 (£)

190.00

Continued from previous page...

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)

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

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

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

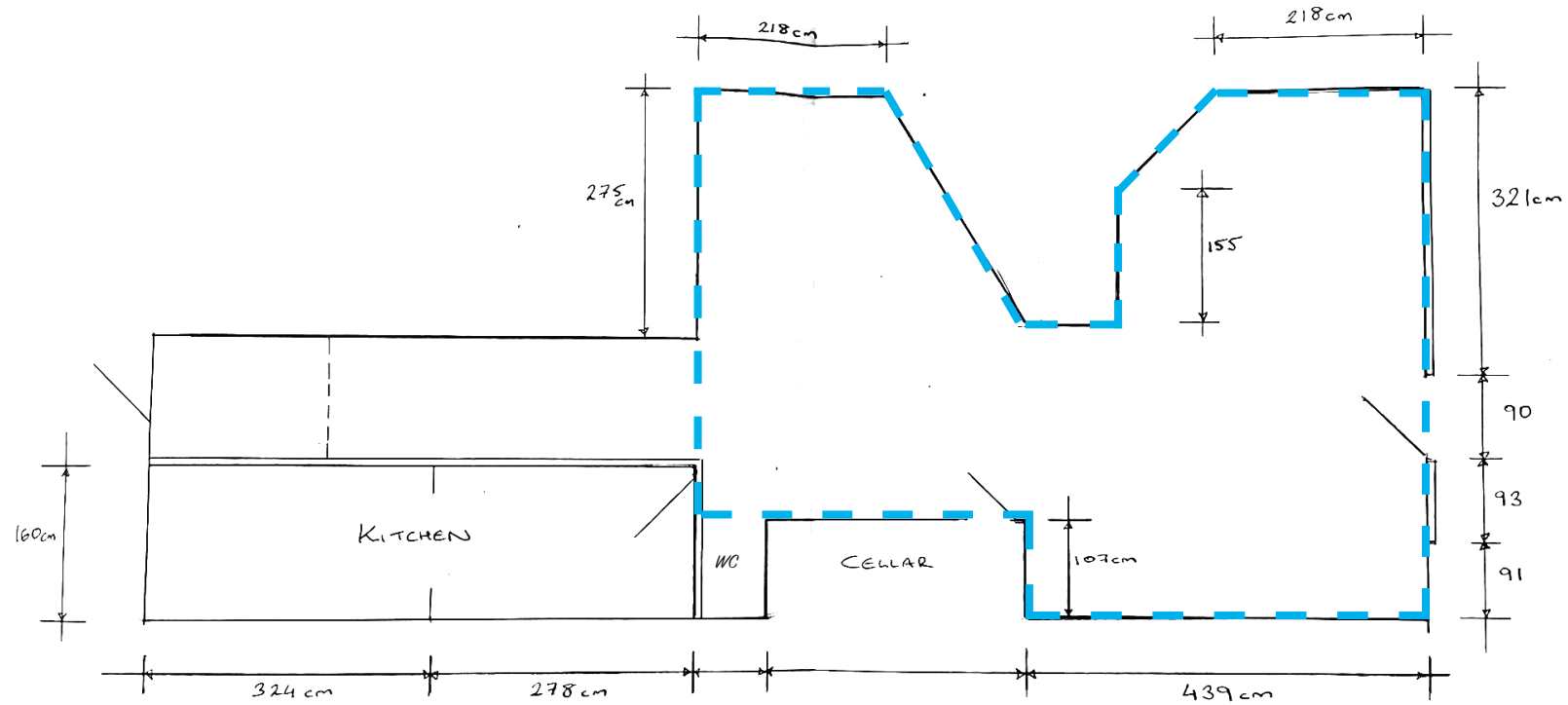
Don't forget to make sure you have all your supporting documentation to hand.

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

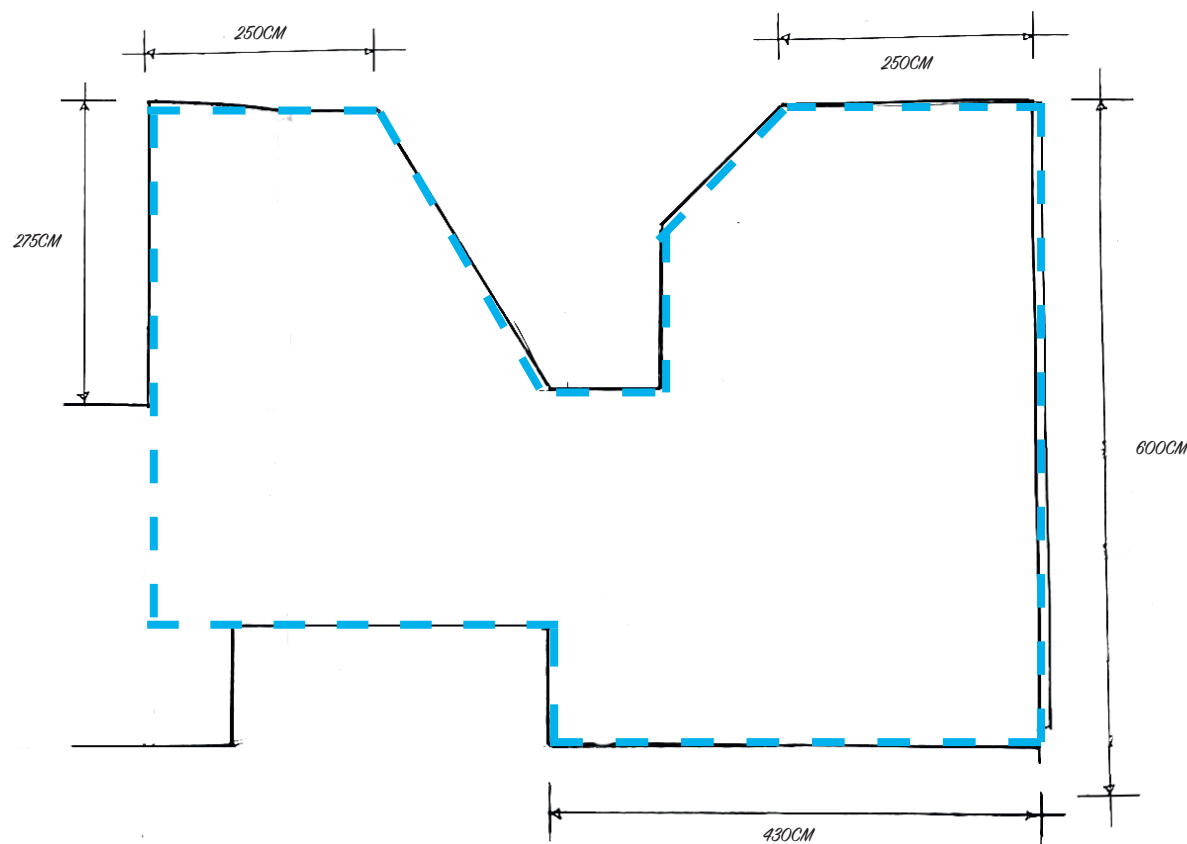
OFFICE USE ONLY

Applicant reference number	14 Market Place, Hertford
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>



AREA LOCATION
 GROUND FLOOR
 — LICENSED ACTIVITY AREA

BRAD & DILLS
 PREMISES LICENSE APPLICATION
 PREMISES PLAN



APPENDIX B: BRAD & DILL'S

PROPOSED CONDITIONS AGREED WITH HERTS POLICE

1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-
 - a. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
 - d. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises when the premises are open to the public. At all other times, a member of staff will be on duty within each 24 hour period. 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.
2. The Premises Licence Holder or Designated Premises Supervisor to ensure that all management and staff are fully trained and briefed on the four licensing objectives, Challenge 25, the conditions on this licence, policies referred to in this licence and awareness of vulnerability and duty of care. Every 6 (six) months these staff are to be given refresher training and this is to be documented in such a way that it can be given to an authorised officer on request. Staff should also sign documentation confirming the training has taken place. Dated records to be retained for a period of at least one calendar year from the last date of entry.
3. The age verification policy operated at the premises shall be "Challenge 25". This means that whilst alcohol may be sold to persons aged 18 years or over, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. Notices advertising that the premises operate a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises

entrance(s)/and inside at the premises serving area. The only forms of ID that may be accepted shall be

- a. Proof of age card bearing the PASS hologram logo
- b. Passport; or
- c. UK photo driving licence

4. An incident book shall be maintained to record any activity related to drugs or of a violent, criminal or anti-social nature and be available for inspection at all times (when the premises is open) by an authorised officer of relevant responsible authority, it should record the following details:-

- a) Time and date and nature of the incident,
- b) People involved
- c) Action taken
- d) Details of the person responsible for the management of the premises at the time of the incident.

5. A written record of all refused sales shall be kept on the premises. It must include details of the member of staff who refused service, time and date it occurred and the reason for refusal. The record shall be made available to Police and/or local authority immediately upon request and shall be kept for a least one year from the date of last entry.

6. Staff to actively seek to prevent customers from exiting the premise onto Market Place with drink glasses, bottles, cans or any other vessel whether containing alcohol or not.

7. A4 size white notices in size 50 black Arial stating "Please respect our neighbours and leave the area quietly" need to be displayed at all entry / exit points.

8. The Licence Holder shall actively participate in the PubWatch Scheme, including attending the meetings and supporting the PubWatch banning systems, including keeping records and sharing information with the police.

9. The premises licence holder will ensure that a soft closure procedure is followed at the end of the evening, 30 minutes before the time the premises are due to close. This must include lowering any music,

informing people of the approaching closing time, not selling excessive amount of drinks to people within this time period, encourage sensible drinking and ensuring people have time to finish the drinks they have prior to closure.

10. The premise licence holder or Designated Premises Supervisor to take reasonable steps to ensure groups of people will not be allowed to gather/loiter outside the premises.
11. No children aged under 18 years to be on the premises unless accompanied by an adult, after 19:00 hours. No children aged under 18 years to be on the premises after 21:30 hours until closing, if alcohol is being served, unless attending a pre-booked function.
12. SIA registered door supervisors shall be employed at the premises on occasions as deemed necessary by the Designated Premises Supervisor and/or premises management following a risk assessment and on occasions following consultation with the Police.

Subject: [External] Comments from Hertford Town Council on Licensing Applications

Please see the comments below on the recent applications:

22/1109/PL	Brad & Dills Limited 14 Market Place Hertford SG14 1DQ United Kingdom	New Premises Licence Sale of Alcohol (for consumption on the premises only) Mon – Tue 16:00 – 23:00 Wed - Sun 12:00 – 23:00
Objection: Committee objected to this application on public nuisance grounds. There were concerns regarding the potential level of noise to the residential flats above this premises and whether there would be adequate soundproofing in an old building.		

