



**MEETING** : LICENSING SUB-COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : THURSDAY 27 APRIL 2023  
**TIME** : 10.00 AM

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

**MEMBERS OF THE SUB-COMMITTEE**

Councillors R Bolton, J Jones and C Redfern

**COMMITTEE OFFICER:**  
**PETER MANNINGS**  
[peter.mannings@eastherts.gov.uk](mailto: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 - 19 October 2022 (Pages 6 - 9)

To approve the Minutes of Previous Sub-Committee meetings:

19 October 2022

6. Summary of Procedure (Pages 10 - 16)

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

7. Application for a new premises licence for WH Smith, Bishops Stortford Railway Station, Station Road, Bishops Stortford, Hertfordshire, CM23 3BL (23/0300/PL) (Pages 17 - 63)

An application for a new premises licence has been received from WH Smith Retail Holdings Limited. 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 Where representations are received against an application, and not withdrawn, there must be a Licensing Sub-Committee meeting to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. This report is to inform that decision.

8. Urgent Business

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

# Agenda Item 5

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MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 19 OCTOBER  
2022, AT 10.00 AM

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PRESENT: Councillor R Bolton (Chairman)  
Councillors S Reed and C Redfern

ALSO PRESENT:

Councillors D Andrews and R Townsend

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE

Daniel Ayres	- Applicant
Alexandra Borrett	- Legal Representative for the Applicant
Dr Ali Pashazadeh	- Interested Party
Michelle Pashazadeh	- Interested Party

32 APPOINTMENT OF CHAIRMAN

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

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

33 APOLOGIES

There were no apologies for absence.

34 CHAIRMAN'S ANNOUNCEMENTS

The Chairman pointed out the location of the fire exits and the toilet facilities. She also reminded participants to use their microphones when speaking as the hearing was being webcasted.

35 DECLARATIONS OF INTEREST

There were no declarations of interest.

36 MINUTES - 20 SEPTEMBER 2022

It was moved by Councillor Bolton and seconded by Councillor Redfern that the Minutes of the meeting held on 20 September 2022 be confirmed as a correct record and signed by the Chairman. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

**RESOLVED** - that the minutes of the meeting held on 20 September 2022 be confirmed as a correct record and signed by the Chairman.

37 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the agenda pack at pages 11 – 17.

38 APPLICATION FOR A NEW PREMISES LICENCE FOR ADNAMS, 10 HIGH STREET, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 2LT (22/1189/PL)

The Sub-Committee received a report on the application for a New Premises Licence for Adnams PLC at 10 High Street, Bishop's Stortford, Hertfordshire, CM23 2LT.

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

In line with procedure, Sub-Committee retired to consider the case. They were accompanied by the Democratic Services Officer and the Litigation and Advisory Lawyer.

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



**RESOLVED** – that the licence for a New Premises Licence for Adnams PLC, at 10 High Street, Bishop’s Stortford, Hertfordshire, CM23 2LT be granted subject to the conditions agreed between the Applicant and Hertfordshire Constabulary and the following new conditions:

- No deliveries may be made to the premises between 18:00 hours and 09:30 hours
- No rubbish, including bottles, shall be disposed of in outside receptacles or outside areas between 18:00 and 09:30 hours
- No staff are to be permitted to smoke on the premises or the courtyard of the premises.

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

39 URGENT BUSINESS

There was no urgent business.

The meeting closed at 12.25 pm

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

# Agenda Item 6

## LICENSING SUB-COMMITTEE

### EXTRACT FROM RULES OF PROCEDURE

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

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

#### **8.0 Procedure at hearing**

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

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

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

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

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

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

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

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

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

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

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

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

## **9.0 Determination of applications**

9.1 The Sub-Committee shall give appropriate weight to:

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

9.2 The Sub-Committee shall make its determination:

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

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

## **10.0 Role of Legal Adviser**

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

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

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

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

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

## **11.0 Role of Democratic Services Officer**

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

## **12.0 Role of Licensing**

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

## **13.0 Failure of parties to attend the hearing**

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

## **14.0 Adjournments**

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

## **15.0 Right of Appeal**

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

## Definitions

<b>Term</b>	<b>Meaning</b>
<b>Applicant</b>	<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>
<b>Interest</b>	A Disclosable Pecuniary Interest as defined in the Council's Members' Code of Conduct.
<b>Other parties</b>	Any persons making relevant representations or any person who is representing such persons.
<b>Licensing Authority</b>	East Hertfordshire District Council
<b>Parties to the Hearing</b>	The applicant and any parties that have made relevant representations or submitted a valid objection notice.
<b>Relevant Representations</b>	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.
<b>Responsible Authority</b>	The bodies that must be consulted regarding certain applications and that are entitled to make representations to the Licensing Authority.



## East Herts Council Report

### Licensing Sub-Committee

**Date of Meeting:** 27 April 2023

**Report By:** Jonathan Geall, Head of Housing and Health

**Report Title:** Application for a new premises licence for WH Smith, Bishop's Stortford Railway Station, Station Road, Bishop's Stortford, Hertfordshire, CM23 3BL (23/0300/PL)

**Ward(s) affected:** Bishop's Stortford Central

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### Summary

- An application for a new premises licence has been received from WH Smith Retail Holdings Limited. 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. This 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 WH Smith Retail Holdings 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 Statement of Licensing Policy (herein 'the 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 WH Smith Retail Holdings Limited on 2<sup>nd</sup> March 2023. 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.

<b>Licensable Activity</b>	<b>Day</b>	<b>Hours originally applied for</b>
Supply of alcohol (for consumption on and off the premises)	Monday – Sunday	08:00 – 21:00
Opening times	Monday – Sunday	08:00 – 21:00

- 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 representations were received from three individuals as interested parties. All the representations are attached as **Appendix 'B'**.
- 3.6 Between them the representations detail that all four of the Licensing Objectives; Protection of children from harm, Prevention of public nuisance, Public Safety and Prevention of Crime and Disorder would be undermined should the application be granted as applied for.
- 3.7 A plan of the area in which the premises are located is attached as **Appendix 'C'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.
- 3.8 Following receipt of the representations the representative of WH Smith forwarded a reply which was sent to each interested party. This response is **Appendix 'D'**.

3.9 The applicant subsequently amended the requested hours for the sale of alcohol, so that they finish earlier than originally requested, and offered three additional conditions. The correspondence to the interested parties regarding the amendment is **Appendix 'E'**.

<b>Licensable Activity</b>	<b>Day</b>	<b>Hours originally applied for</b>
Supply of alcohol (for consumption on and off the premises)	Monday – Friday	08:00 – 19:00
	Saturday	08:00 – 18:00
	Sunday	08:00 – 16:00
Opening times	Monday – Sunday	08:00 – 21:00

The three additional conditions offered are:

- No 1 litre bottles of beer/cider/wine to be sold (being products that may appeal to street drinkers)
- Contact telephone number or email to be provided to the local residents
- The premises licence holder will become part of any community safety initiatives coordinated by the Police and/or Licensing Authority in so far as they relate to the four licensing objectives

3.10 As a result of the amendments two of the three interested parties withdrew their representations.

**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 WH Smith would be 'Off-licence'.

3.12 The proposed premises are within the area designated as a 'Town Centre' in section 7.0 of the Policy.

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 **midnight**.*

3.14 Section 8 of the Policy states that:

8.1 The Licensing Authority must carry out its functions with a view to promoting the four Licensing Objectives, each of which has equal importance:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

8.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with all stakeholders and partners towards the promotion of the Licensing Objectives.

3.15 Paragraphs 8.6 to 8.39 of the Policy contain information on

how the council considers applications in respect of each of the Licensing Objectives.

3.16 The Home Office issued '**Guidance issued under section 182 of the Licensing Act 2003**' (herein 'the Guidance') states at paragraph 9.37 and 9.38 that:

*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. 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.*

*9.38 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.*

3.17 Paragraphs 9.42-9.44 of the Guidance deal with how to determine actions that are appropriate for the promotion of the Licensing Objectives.

3.18 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 the East Herts '**Pool of Model Conditions**'.

### **Officer observations**

- 3.19 The hours applied for on the application are well within those detailed in East Herts own Licensing Policy as they finish at 19:00.
- 3.20 The interested party does not live within the vicinity of the station, so it is safe to assume that they are a station user rather than a concerned local resident. This representation references all four of the licensing objectives so we will deal with each in turn.
- 3.21 Protection of children from harm – Concern is raised that school age children will be able to purchase alcohol posing a risk to their safety on the train station. There are several offences related to the sale of alcohol to minors and the applicant, as a national retailer will be aware of these, and has offered conditions such as 'Challenge 25' to mitigate concerns about underage sales. Should this occur it would risk the applicant's licence and they would face possible prosecution for each offence.
- 3.22 Reference is also made that the licence would put children in the presence of alcohol daily that they otherwise would not have seen. Little weight should be attached to this comment as the Guidance, *states* at para 2.22:
- 3.23 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms

associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

- 3.24 Simply opening a premises which retails alcohol for consumption off the premises does not create a risk to children 'from moral, psychological and physical harm'. If this were the case, then similar licence applications would be refused nationally.
- 3.25 Public nuisance – This part of the representation references the amenities in the area and that 'alcohol encourages people to linger and drink the alcohol in quiet out of the way places' and 'the sale of alcohol poses a risk of disruption, noise and alcohol induced antisocial behaviour'. The Sub-Committee may wish to ask the interested party to explain further why they believe that the granting of a premises licence to WH Smith for off sales of alcohol would lead to these issues?
- 3.26 Public safety – The interested party has detailed the location of the proposed licensed premises and amenities in the vicinity, but this is then linked back to antisocial behaviour which is better dealt with under the objective of 'Prevention of Crime and Disorder'. The Guidance states at para 2.7 that Public safety is concerned with:
- 3.27 ... the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Therefore, the public safety objective is not engaged.



- 3.28 Prevention of Crime and Disorder – This part of the representation references that the area around the shop ‘is a possible magnet to people loitering and drinking alcohol purchased from WH Smiths in unseen areas which tends to lead to unsocial behaviour’. The Sub-Committee may wish to question the interested party as to the reasons for this belief and if they have any evidence to support the assertion?
- 3.29 The representation continues to suggest that the new premises licence would lead to *‘an increased possibility for damage to be done to these belongings’* and again the Sub-Committee may wish to look into this in more detail.
- 3.30 The final paragraph of the representation details planning permission that has been granted in the vicinity of the proposed licensed premises and that for this reason it would be *‘unacceptable and irresponsible for the Council’* to grant a premises licence in this location. The paragraph then goes on to detail that there are other premises in the area selling alcohol already. This paragraph cannot carry any weight, in reaching a decision, as it does not engage a licensing objective and ‘need’ for a particular premise is excluded from being a valid consideration.
- 3.31 When considering the three representations together it appears that, although detailed, the licensing objectives of Protection of children from harm and Public safety have not been engaged. The points raised fall under the licensing objectives of Prevention of Crime and Disorder and Public nuisance so any additional measures the Sub-committee may consider should be in relation to these two objectives.
- 3.32 The Guidance, at para 2.1, states in relation to the Prevention of Crime and Disorder that:
- 3.33 Licensing authorities should look to the police as the main

source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

3.34 The Police did not make a representation against this application and this should be taken into consideration when deciding what weight to attach to the concerns of a potential increase in crime and disorder if the licence is granted.

3.35 The Guidance, at para 2.15 states in relation to Public nuisance:

- The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

3.36 Environmental Health whose area of expertise includes nuisance did not make representation against the application.

3.37 The Sub-Committee should consider whether the operation of the licensed premises would be likely to cause a public nuisance having considered the evidence presented and the location of the premises.

3.38 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.

- 3.39 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 objectives would be undermined.
- 3.40 Whilst the hours and activities applied for are within those detailed in East Herts 'Statement of Licensing Policy' this does not fetter members' ability to decide that shorter hours or a refusal are more appropriate in the circumstances of an individual application. The Policy is a starting point from which decisions can be made but should the Policy be departed from then members should clearly give their reasons for doing this.
- 3.41 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.
- 3.42 If the Sub-Committee believes that granting the application as requested would promote the licensing objectives, then it should be granted as requested.
- 3.43 If the Sub-Committee believe that granting the application as requested would not promote the licensing objectives, then the starting point should be to consider if there are conditions that could be added to mitigate concerns.
- 3.44 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.
- 3.45 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.

- 3.46 Aside from adding conditions, it is open to members to limit the hours of operation further but clear reasons for this step would need to be given.
- 3.47 However, if adding conditions and/or limiting the hours beyond those requested does not mitigate members' concerns regarding the promotion of the licensing objectives *then the* application should be refused.
- 3.48 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 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 – Bishop’s Stortford - Central.

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

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022) - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1125660/Revised\\_guidan](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidan)

[ce issued under section 182 of the Licensing Act 2003 December 2022.pdf](#)

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

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

- 7.3 **Appendix 'A'** – Application for a New Premise Licence (redacted).
- 7.4 **Appendix 'B'** – Plan showing location of the premises.
- 7.5 **Appendix 'C'** – Representations against the application.
- 7.6 **Appendix 'D'** – Applicant's response to interested parties.
- 7.7 **Appendix 'E'** – Applicant's letter of amendment to interested parties.

**Contact Member** Councillor Jan Goodeve – Executive Member for Planning and Growth  
[jan.goodeve@eastherts.gov.uk](mailto:jan.goodeve@eastherts.gov.uk)

**Contact Officer** Jonathan Geall – Head of Housing and Health  
Tel: 01992 531594  
[jonathan.geall@eastherts.gov.uk](mailto:jonathan.geall@eastherts.gov.uk)

**Report Author**

Brad Wheeler – Senior Licensing and  
Enforcement Officer

Tel: 01992 531520

[brad.wheeler@eastherts.gov.uk](mailto:brad.wheeler@eastherts.gov.uk)



**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** WH Smith Retail Holdings Limited

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description WH Smith Bishop Stortford Railway Station Station Road			
<b>Post town</b>	Bishop Stortford	<b>Postcode</b>	CM23 3BL

Telephone number at premises (if any)	<b>n/a</b>
Non-domestic rateable value of premises	<b>£57,000 (Band C)</b>

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as appropriate

Please tick as

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> over		I am 18 years old or <input type="checkbox"/> Please tick yes			
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

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

Name WH Smith Retail Holdings Limited
Address Greenbridge Road Swindon SN3 3RX
Registered number (where applicable) 00471941
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY			
A	S	A	P		

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY			

Please give a general description of the premises (please read guidance note 1)  
Retail store within Bishops Stortford Railway Station.

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

N/A
-----

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- |   |                            |
|---|----------------------------|
| Provision of regulated entertainment (please read guidance note 2)  | Please tick all that apply |
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>   |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>   |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>   |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>   |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>   |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>   |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>   |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>   |

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>						
				Outdoors	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)								
Mon											
Tue											
Wed						<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)					
Thur											
Fri									<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat											
Sun											



E

Live music Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)					
			Indoors	<input type="checkbox"/>				
			Outdoors	<input type="checkbox"/>				
			Both	<input type="checkbox"/>				
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed					<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)			
Thur								
Fri							<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)	
Sat								
Sun								

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon	08:00	21:00						
Tue	08:00	21:00						
Wed	08:00	21:00						
Thur	08:00	21:00				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	08:00	21:00						
Sat	08:00	21:00						
Sun	08:00	21:00						

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name Not yet supplied	
<b>Date of birth</b>	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	21:00	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>
Tue	08:00	21:00	
Wed	08:00	21:00	
Thur	08:00	21:00	
Fri	08:00	21:00	
Sat	08:00	21:00	
Sun	08:00	21:00	

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

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

Please see attached.

**b) The prevention of crime and disorder**

Please see attached.

**c) Public safety**

Please see attached.

**d) The prevention of public nuisance**

Please see attached.

**e) The protection of children from harm**

Please see attached.



**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. – paid online
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

**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.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [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).</li><li>• 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)</li></ul>
--------------------	---

Signature	
	for TLT Solicitors
Date	2 <sup>nd</sup> March 2023
Capacity	Solicitor for Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
TLT Solicitors One Redcliff Street			
Post town	Bristol	Postcode	BS1 6TP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**WH Smith**  
**Bishop Stortford Railway Station**  
**Station Road**  
**Bishop Stortford**  
**Hertfordshire**  
**CM23 3BL**

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**Proposed Opening Hours and Operating Schedule**

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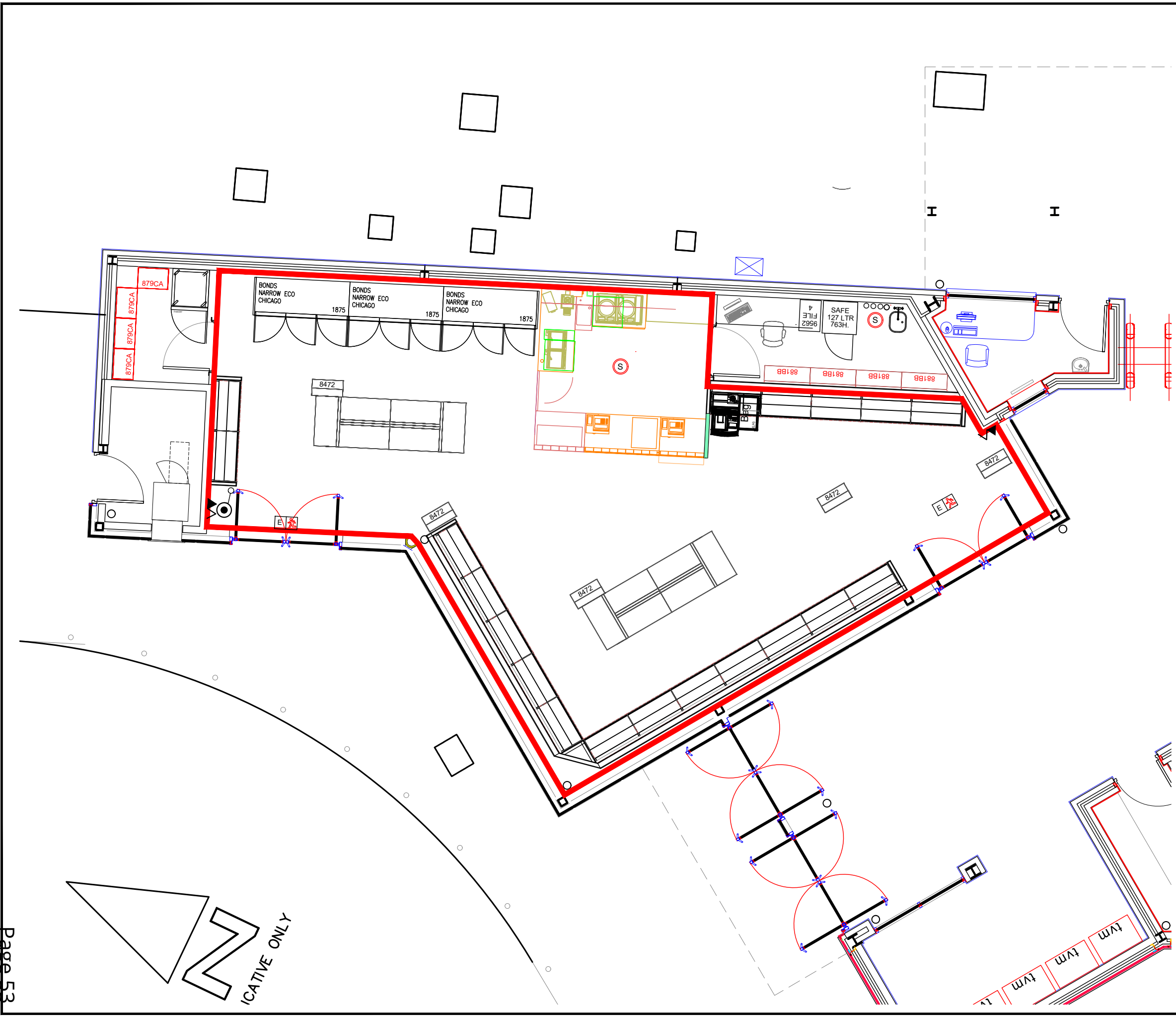
**Opening Hours and Hours for the sale of alcohol (off sales only)**

On each day of the week – from 0800 to 2100

**Operating Schedule**

1. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
2. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. A CCTV system is installed within the premises. Copies of recordings will be kept for 31 days and made available to the Licensing Authority or Responsible Authorities upon request.
5. Measures will be in place for the safe evacuation of persons with disabilities in case of fire or emergency
6. An Age Challenge Scheme with an Age Challenge of not less than 25 years is to be in force for persons who appear to be less than 25 and who are attempting to purchase alcohol.
7. Staff are trained to ensure that in case of any doubt whether a purchaser is over the age of 18 that they must refuse a sale of alcohol unless valid identification is produced.
8. Valid identification is limited to:
  - a) Passport
  - b) Photo Driving Licence
  - c) PASS Accredited Holographic Proof of Age Card
  - d) National including EU Identity Card
9. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.

10. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
11. Save for spirit mixers, all spirits to be displayed behind checkout areas to which only members of staff have access
12. A till prompt will be installed which will ask for a staff member to confirm they have checked the age for age restricted products.
13. A log shall be kept detailing all refused sales of alcohol in either paper or electronic form.
14. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale.
15. The log shall be available for inspection at the premises by the police or an authorised officer.



	SALES FLOOR
	FIRE EXTINGUISHER
	EMERGENCY EXIT
	EMERGENCY LIGHT
	SMOKE DETECTOR - OPTICAL
	VOID SMOKE DETECTOR
	FIRE ALARM CONTROL PANEL
	PA / VA
	FIRE ALARM SOUNDER
	BREAK GLASS

Business  
**WHSMITH TRAVEL**

---

Site Address  
 Bishop's Strotford  
 Main CTN

---

Drawing Title  
 Area for provision of licensable activities

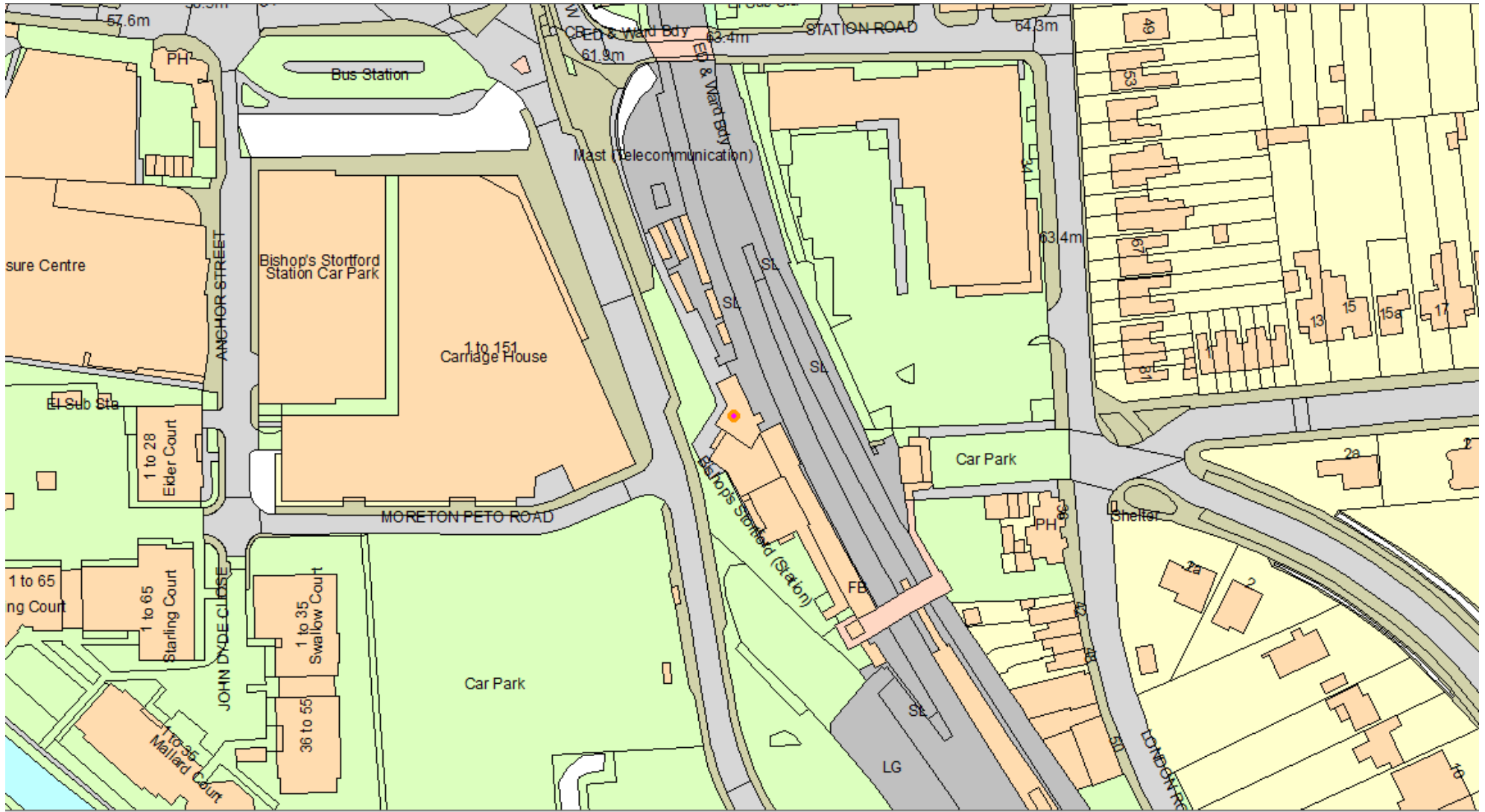
Branch No	Site No	Scale	Sheet Size
1541	00405	1:75	A3
Drawn by	Date	Checked by	Approved by
AB	09.12.2022		

DRAWING NUMBER:	Project No	Sheet No	Rev No	Status
TBC		01	C	FE

**WHSmith PLC**  
 Travel Store Planning  
 Victoria House, 4th Floor  
 37-63 Southampton Row  
 Bloomsbury Square  
 London  
 WC1B 4DA

ICATIVE ONLY

Appendix B – Location Plan



### Representation 1

Date received: 20/03/2023

The easy supply of alcohol to certain train users will likely only attract alcohol fuelled crime and antisocial behaviour.

The interested party was asked to clarify his representation and sent the following response on 23/03/2023:

My objection relates to

Prevention of public nuisance

Public safety

Prevention of crime and disorder

Specifically due to the risk of alcohol fueled antisocial behaviour and public order offences that the selling of alcohol at a train station is likely to contribute to.

You will no doubt be aware that it is also an offence to be drunk on a train, so it seems prudent not to put train users in an easier position to commit an offence.

### Representation 2

Date received: 20/03/2023

I wish to formally object to the application of WHSmith to sell alcohol. I live directly opposite WHSmith in the new apartments and thus overlook the shop. I will be severely affected by this. I believe allowing WHSmith to sell alcohol will cause a public nuisance and will increase crime and decrease safety in the area. There are numerous establishments close by already in the town with a licence to sell alcohol and I don't think we need another.

### Representation 3

Date received: 29/03/2023

I wish to object to the above New Premises Licence and list my detailed reasons below:-

1. protection of children from harm - unaccompanied children pass this retail shop twice a day, once on the way to school and again on the way home. This poses a risk of danger on the station platform due to trains and possible alcohol

fuelled rough play. As this premises also sells sandwiches it will also put children in the presence of alcohol which they would not otherwise be exposed to on a daily basis.

2. public nuisance - due to the fact that this is a busy public wayfare to the station and the taxi rank, as well as the bicycle rack and multistorey carpark and alcohol encourages people to linger and drink the alcohol in quiet out of the way places, which is unsettling to the general public going about their daily business. There are many new build flats across the road from this shop and the sale of alcohol poses a risk of disruption, noise and alcohol induced antisocial behaviour.

3. public safety -the shop is just outside the train station entrance, the taxi rank, the bicycle rack, the entrance and exit from and to the station ticket office, as well as outside the newly built flats and carparks and is likely to encourage antisocial behaviour in these areas and interfere with public safety.

4. crime and disorder - the shop is in a thoroughfare and is frequented by unaccompanied children, the elderly and general public using the station and station property and making their way to the new build flat and pathways leading home, and especially the new multistorey carpark. The out of the way position of the area around the shop is a possible magnet to people loitering and drinking alcohol purchased from WH Smiths in unseen areas which tends to lead to unsocial behaviour. The area around the station is used by the public who pay to leave their bikes and cars unattended for long periods of time and there is an increased possibility for damage to be done to these belongings due to the alcohol being sold if a new premises licence is granted.

The Council has recently granted the permission for the building of flats and housing and new multistorey carpark in the area surrounding the WH Smiths and I object and I find it unacceptable and irresponsible for the Council to therefore grant a New Premises Licence to a shop in the position of WH Smith, especially as there are two public houses at both entrances/exits to the station and three other premises selling alcohol in close proximity to WH Smith. One being Station Off License & Convenience Store on Station Road, Tesco on South Street and Aldi on London Road, all of which have long hours of opening.

I strongly object to this application on the above grounds.

I would further ask that my name and address does not appear with regards to objection of this application and is not made public now or in the future.



Good morning

By way of introduction I am instructed by WH Smith Retail Holdings Limited (WHS)

I have been advised that you have made a representation to the above application and I thought it would be helpful if I were to set out some of the background to the applicant, the application, and the steps that my client will be taking to address your concerns

### **WHS**

WHS operate a large number of premises across the country both on the high street and in travel hubs (both train stations and airports). As customer demands have changed so has the WHS offer.

In so far as their travel business is concerned, WHS operate at over 20 UK airports and over 110 rail locations including some of the busiest train stations in the country.

WHS first started a process of licensing some of their travel premises back in 2012 and at the present time WHS sells alcohol from more than 40 outlets at travel hubs across the country, including at some of the busiest stations across the country.

Each of their stores sell a range of products including newspapers, magazines, food and drink, health and beauty products and tech/electrical accessories. The alcohol range, where stocked, is in the form of recognised brands (WHS do not have their own brand) and, therefore, is priced accordingly.

Clearly not all customers will purchase alcohol and where alcohol is sold the WHS experience is that alcohol is not purchased in large volumes

All staff receiving training in relation to the sale of alcohol. This training is refreshed every 6 months. The stores are covered by CCTV. The designated premises supervisor of the site will of course also be a personal licence holder and each site is supported by an area manager, regional manager and a range of head office functions as you would expect of an organisation of WHS stature.

### **The Application Premises**

I attach to this email

1. Proposed layout plan
2. Proposed operating schedule

In advance of submitting the application my client carried out pre application consultation with the licensing authority and the responsible authorities (including the police), none of who made any adverse observations to the application

You will see from the attached that the proposed opening hours and hours for the sale of alcohol are limited to 0800 to 2100 on each day of the week. For your information many WHS premises have longer trading hours and hours for the sale of alcohol.

My client has proposed a series of conditions which are appropriate and suitable to the style of operation at his site and are in line with conditions that attach to other WHS premises across the country. These include conditions relating to the following:

- CCTV
- Age verification procedures

- Staff training
- Signage
- Display of alcohol
- Refusals Log

**Next steps**

Whilst my client is sensitive to the concerns that you have raised, their many years of experience, operating licensed premises in similar locations without issue, has shown that these concerns will not be realised

If, on the basis of the above, you now feel able to withdraw your representation then can I please ask that you send an email to the licensing department at East Hertfordshire Council confirming this. If you are able to copy me in to any response you send that would be appreciate.

I am more than happy to discuss this matter with you should you wish – my contact details are below.

I look forward to hearing from you.

With best wishes

Ewen Macgregor

Partner

For TLT LLP

**WH Smith**  
**Bishop Stortford Railway Station**  
**Station Road**  
**Bishop Stortford**  
**Hertfordshire**  
**CM23 3BL**

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### **Proposed Opening Hours and Operating Schedule**

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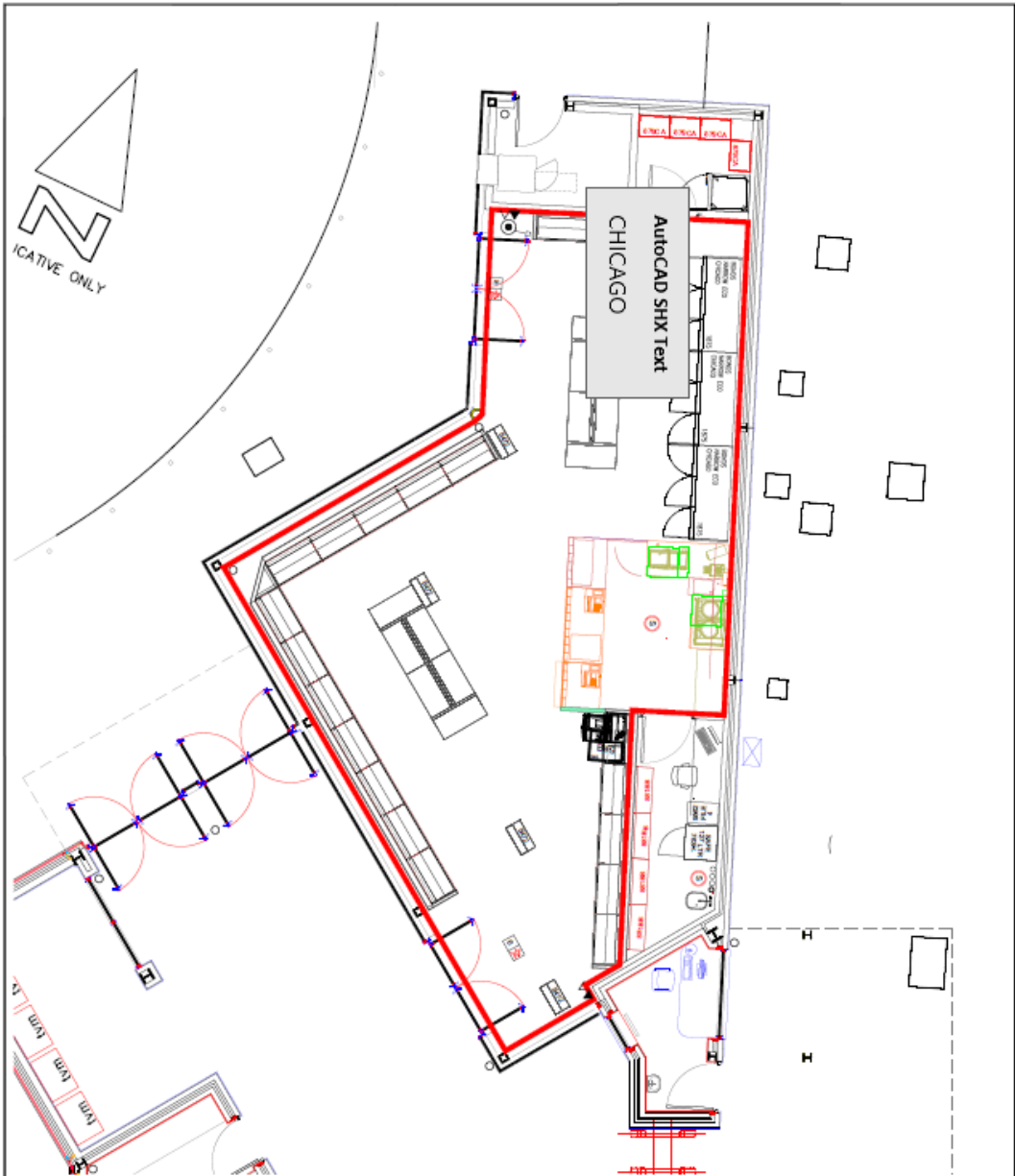
#### **Opening Hours and Hours for the sale of alcohol (off sales only)**

On each day of the week – from 0800 to 2100

#### **Operating Schedule**

1. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
2. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. A CCTV system is installed within the premises. Copies of recordings will be kept for 31 days and made available to the Licensing Authority or Responsible Authorities upon request.
5. Measures will be in place for the safe evacuation of persons with disabilities in case of fire or emergency
6. An Age Challenge Scheme with an Age Challenge of not less than 25 years is to be in force for persons who appear to be less than 25 and who are attempting to purchase alcohol.
7. Staff are trained to ensure that in case of any doubt whether a purchaser is over the age of 18 that they must refuse a sale of alcohol unless valid identification is produced.
8. Valid identification is limited to:
  - a) Passport
  - b) Photo Driving Licence
  - c) PASS Accredited Holographic Proof of Age Card
  - d) National including EU Identity Card
9. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.
10. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

11. Save for spirit mixers, all spirits to be displayed behind checkout areas to which only members of staff have access
12. A till prompt will be installed which will ask for a staff member to confirm they have checked the age for age restricted products.
13. A log shall be kept detailing all refused sales of alcohol in either paper or electronic form.
14. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale.
15. The log shall be available for inspection at the premises by the police or an authorised officer.



	SALES FLOOR
	FIRE EXTINGUISHER
	EMERGENCY EXIT
	EMERGENCY LIGHT
	SMOKE DETECTOR - OPTICAL
	VOID SMOKE DETECTOR
	FIRE ALARM CONTROL PANEL
	PA / V/A
	FIRE ALARM SOUNDER
	BREAK GLASS

**WHSMITH TRAVEL**

Bishop's Street  
Main CTN

Area for provision of licensable activities

Project No:	554	Scale:	1:75	Sheet Size:	A3
Client No:	00465	Drawn by:	Approved by:		
Date:	08.12.2022				
Drawn by:	TBC	Checked by:	01	C	FE

**WHSmith**  
PLC

Travel Store Planning  
Wholesale Store, 4th Floor  
25 Abchurch Lane  
London EC4N 3JF  
020 7546 2000

Good afternoon

I refer to my earlier email in connection with the above

Without repeating all that has been said before these are small premises offering a limited range of alcohol in an environment (train station forecourt) that my client has over 10 years of operating in without issue or concern.

I have been discussing this matter with my client and in consideration of the comments you have made they are willing to make the following changes to the application for the grant of the premises licence

### Hours for the sale of alcohol

That the terminal hour for the sale of alcohol shall be as follows

- Monday to Friday 1900
- Saturday 1800
- Sunday 1600

These hours are in line with the closing time of the premises and are, on any assessment, modest. They are also well within the hours for the sale of alcohol for other premises in the locality (Tesco, South Street; Aldi, London Road and Station Off Licence, Station Road all have licences for significantly longer hours for the sale of alcohol)

### Conditions

My client has already offered, and the responsible authorities have accepted, a suite of conditions presented with the application.

Whilst you have not requested any further additional conditions in the hope that these will provide you with greater comfort about the way that the premises will operate they would be willing to offer the following further conditions to be added to the licence:

- No 1 litre bottles of beer/cider/wine to be sold (being products that may appeal to street drinkers)
- Contact telephone number or email to be provided to the local residents
- The premises licence holder will become part of any community safety initiatives coordinated by the Police and/or Licensing Authority in so far as they relate to the four licensing objectives

My client remains committed to engaging with you and if there are any other conditions that you would like my client to consider they are of course willing to do so but with the reduced hours, conditions already offered and these added to the operating schedule above they believe that these conditions are appropriate and necessary for maintaining the licensing objectives.

I hope that on the basis of the above, this will give you the confidence that these premises will not bring about the concerns that you have expressed. If you feel able to now withdraw your representation can I please ask that you let the licensing office at the council know - [community.protection@eastherts.gov.uk](mailto:community.protection@eastherts.gov.uk) - copying in both myself and Oliver Rawlings [Oliver.Rawlings@eastherts.gov.uk](mailto:Oliver.Rawlings@eastherts.gov.uk)

I look forward to hearing from you.

With best wishes

Ewen Macgregor  
Partner  
For TLT LLP

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