



James Ellis
Head of Legal and Democratic Services

MEETING : LICENSING SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 12 OCTOBER 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 M Connolly, G Hill and D Willcocks

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.

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a "first come first served" basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a "first come, first served" basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democraticservices@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

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 - 22 August and 12 September 2023 (Pages 6 - 15)

To approve the Minutes of Previous Sub-Committee meetings:

22 August 2023

12 September 2023

6. Summary of Procedure (Pages 16 - 22)

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

7. Application to vary a premises licence for Budgens (formerly McColls), Baldock Road, Buntingford, Hertfordshire (23/1202/PLV) (Pages 23 - 81)

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 TUESDAY 22 AUGUST 2023,
AT 10.00 AM

PRESENT: Councillor D Willcocks (Chairman)
Councillors S Bull and S Marlow

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

| | |
|-------------------------------|--|
| Adrian Bell | - Premises Licence Holder |
| Police Sergeant Nathan Howson | - Hertfordshire Constabulary |
| James McLaughlin | - Premises Licence Holder and Designated Premises Supervisor |

Saab Minichiello - Hertfordshire
Constabulary
Senior Licensing
Officer

24 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Bull and seconded by Councillor Marlow that Councillor Willcocks be appointed Chairman for the meeting. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

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

25 APOLOGIES

There were no apologies.

26 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded those present to use the microphones when addressing the meeting.

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the main agenda pack at pages 6 – 12.

29 EXCLUSION OF PRESS AND PUBLIC

Councillor Willcocks proposed, and Councillor Bull seconded, a motion to exclude the press and public during the discussion of the next item, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

1. Information relating to an individual.

After being put to the Sub-Committee and a vote taken, the motion was declared CARRIED.

RESOLVED – that pursuant to Section 100 (A) (4) of the Local Government Act 1972 as amended, the press and public be excluded during consideration of the business referred to in Minute 30 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

1. Information relating to an individual.

30 APPLICATION FOR A SUMMARY REVIEW AT THE HORN AT THE HALF MOON, 31 NORTH STREET, BISHOP'S STORTFORD, CM23 2LD (23/1101/PLR)

Full details in the restricted minutes.

31 URGENT BUSINESS

There was no urgent business.

The meeting closed at 3.55 pm

Chairman

Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 12 SEPTEMBER
2023, AT 10.00 AM

PRESENT:

Councillors T Deffley, J Dunlop and
S Marlow

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

| | |
|-------------|-------------|
| Henry Jacob | - Applicant |
|-------------|-------------|

32 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Marlow and seconded by Councillor Dunlop that Councillor Deffley be appointed Chairman for the meeting. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Deffley be

appointed Chairman for the meeting.

33 APOLOGIES

There were no apologies.

34 CHAIRMAN'S ANNOUNCEMENTS

The Chairman apologised that the Chamber microphones were not working, and that therefore the meeting would not be webcast. He asked that everyone spoke up and advised the Panel to say if they could not hear what was being said.

35 DECLARATIONS OF INTEREST

There we no declarations of interest.

36 MINUTES - 14 AUGUST 2023

It was moved by Councillor Dunlop and seconded by Councillor Marlow that the Minutes of the Sub-Committee meeting held on 14 August 2023 be confirmed as correct 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 Sub-Committee meetings held on 14 August 2023 be signed by the Chairman.

37 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the

Summary of Procedure which was included in the main agenda pack at pages 15 – 20.

38 APPLICATION FOR A NEW PREMISES LICENCE FOR THE LOUNGE, UNIT 25, THE MALTINGS BUSINESS CENTRE, ROYDON ROAD, STANSTEAD ABBOTTS, WARE, HERTFORDSHIRE, SG12 8HG (23/0804/PL)

The Senior Licensing and Enforcement Officer presented his report and summarised the application. There were no questions from the applicant or the Sub-Committee.

The Applicant presented the application and answered questions from the Sub-Committee. There were no questions from officers.

In line with procedure, there being no closing statements, the Sub-Committee retired to consider the evidence presented to the hearing by the Senior Licensing and Enforcement Officer and the Applicant. 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.

The Chairman said that the Licensing Sub-Committee had considered the application for a new premises Licence for The Lounge, Unit 25 The Maltings Business Centre, Roydon Road, Stanstead Abbots, Ware, Hertfordshire, SG12 8HG (23/0804/PL) which has included the application, the report, the representations from Interested Parties and Applicant,

the conditions agreed between the Applicant and Hertfordshire Constabulary. In addition, the Licensing Sub Committee had listened to the comments of the Senior Licensing and Enforcement Officer and the Applicant. He said that the Interested Parties had not attended.

The Chairman said that in determining this matter the Sub-Committee had noted the Applicant had amended the application:

- a) to remove the licensable activity from the outdoor area;
- b) to restrict the sale of alcohol on and off the premises to 18:00 each day except for 35 event days per year when the hours will be as requested in the application (Sun – Thurs 12:00 – 23:00 and Fri – Sat 12:00 – 00:00). The Police and Licensing Authority to be notified a minimum of 24 hours in advance of event days and a log of events is to be kept at the premises;
- c) No more than 6 people will be allowed to smoke outside at any given time which will be managed by a host.

The Chairman said that Members had determined to grant the application subject to conditions 1-12 and 16 as agreed between the Applicant and Hertfordshire Constabulary. Members had amended conditions 13, 14 and 15 to read:

- No open vessels to be taken outside the

premises.

- No more than six (6) people to use the designated outside area for smoking at any one time.
- The designated outside area for smoking shall be agreed with Hertfordshire Constabulary Licensing Team and appended to the licence.

The Chairman said that in coming to its decision, the Sub-Committee was mindful to strike a healthy balance between residents' interests and supporting the local economy. He said that Members were mindful of the concerns addressed by the Interested parties and were pleased that the Applicant had taken time to engage with them, which had resulted in the Applicant having amended the application to allay their representations. He said that Members noted the Applicant had withdrawn the use of the outside area from any licensable activity which would further negate any noise nuisance from these premises and Members had further addressed these concerns by removing the capability for patrons to take open vessels outside of the premises.

The Chairman said that Members were satisfied that the conditions agreed with Hertfordshire Constabulary and amendments to these conditions were appropriate to promote the licensing objectives and would address many of the representations received.

The Chairman said that the decision would be sent out

in writing and there was the right of appeal within 21 days to the magistrate’s court.

RESOLVED – that the application for a New Premises for the Lounge, Unit 25, The Maltings Business Centre, Roydon Road, Stanstead Abbots, Ware, Hertfordshire, SG12 8HG (23/0804/PL), be granted.

39 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.29 am

| |
|----------------|
| Chairman |
| Date |

Agenda Item 6

LICENSING SUB-COMMITTEE

EXTRACT FROM RULES OF PROCEDURE

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

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

8.0 Procedure at hearing

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

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

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

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

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

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

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

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

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

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

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

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

9.0 Determination of applications

9.1 The Sub-Committee shall give appropriate weight to:

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

9.2 The Sub-Committee shall make its determination:

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

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

10.0 Role of Legal Adviser

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

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

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

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

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

11.0 Role of Democratic Services Officer

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

12.0 Role of Licensing

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

13.0 Failure of parties to attend the hearing

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

14.0 Adjournments

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

15.0 Right of Appeal

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

Definitions

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

East Herts Council Report

Licensing Sub-Committee

Date of Meeting: 12 October 2023

Report by: Jonathan Geall, Head of Housing and Health

Report title: Application to vary a premises licence for Budgens (formerly McColls), Baldock Road, Buntingford, Hertfordshire (23/1202/PLV)

Ward(s) affected: Buntingford

Summary

- An application to vary the premises licence has been received from Samy Limited. Representations against the application have been made by Hertfordshire Constabulary, Buntingford Town Council, a local councillor and nine interested parties. Where representations are received against an application, and not withdrawn, there must be a Licensing Sub-Committee meeting to determine that application. This report is to inform that decision.

RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

(A) The application to vary a premises licence be decided.

1.0 Proposal(s)

1.1 Members of the Licensing Sub-Committee should determine the application to vary the premises licence for Samy 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 by Samy Limited was submitted on 25th August 2023.

3.2 The application requested to vary the licensable activities, hours and conditions attached to the licence. The applicant describes the variation as seeking to do the following:

1. To extend the hours for the sale of alcohol to 24hrs daily.

2. To allow the provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove the conditions listed under Annex 2 and 3.
4. To include in Annex 2 the conditions in Section 16 of the application.
5. To remove the restrictions to the sale of alcohol and opening hours on Good Friday and Christmas Day.

3.3 The licensable activities and hours requested in the variation application are shown in the table below.

| Licensable Activity | Day | Hours applied for |
|---|-----------------|--------------------------|
| Provision of late night refreshment (both indoors and outdoors) | Monday - Sunday | 23:00 – 05:00 |
| Supply of alcohol (for consumption OFF the premises) | Monday - Sunday | 00:00 – 24:00 |
| Premises open to the public | Monday - Sunday | 00:00 – 24:00 |

3.4 The premises licence the applicant is seeking to vary, showing the currently permitted licensable activities and hours, is attached at **Appendix 'A'**. The plan of the premises attached to the premises licence is **Appendix 'B'**. A redacted copy of the application form to vary a premises licence is attached as **Appendix 'C'**.

3.5 On the application form it asks applicants to 'Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation

you are seeking'. The applicant states that they wish to remove the conditions listed in Annex 2 and Annex 3 of the existing licence. Annex 2 contains conditions consistent with the operating schedule, so those offered in a previous application, and annex 3 contains conditions attached after a hearing by the licensing authority. Both annexes can be seen on the current premises licence at Appendix 'A'

- 3.6 Section 16 of the application form (Licensing Objectives) asks the applicant to describe the steps they intend to take to promote the four Licensing Objectives. In this section the applicant has detailed 15 points which can potentially be converted into conditions and attached to any granted premises licence.
- 3.7 During the 28-day statutory public consultation period twelve representations were received against the application from interested parties: one from Hertfordshire Constabulary, one from Buntingford Town Council, one from a Local Councillor and nine from local residents. All of the representations are attached at **Appendix 'D'**.
- 3.8 Between them, the representations suggest that the following Licensing Objectives would be undermined if the application is granted as requested:
- Prevention of Public Nuisance;
 - Prevention of Crime and Disorder; and
 - Public safety.
- 3.9 Representation 1 – Police (Responsible Authority)
Hertfordshire Constabulary have sent in a representation based on the potential for the following Licensing Objectives to be undermined if the application is granted as applied for:
- Prevention of Crime and Disorder;

- Prevention of Public Nuisance; and
 - Public Safety.
- 3.10 The Police's state is that licensable activity should cease at 23:00 and that having alcohol available 24/7 increases the probability of anti-social behaviour. Reference is made to crime data which indicates that across East Herts crime figures escalate after 22:00 on Friday and Saturday nights. They raise that there is the potential for people to congregate at the premises due to the availability of alcohol, food and cigarettes.
- 3.11 The Police have detailed several conditions they would like to see attached to the premises licence. The first 14 appear to be applicable if the premises is granted additional hours to midnight with the remaining conditions being required necessary if hours are granted beyond midnight.
- 3.12 Representation 2 – Buntingford Town Council
This representation references that other premises have restricted hours on the grounds of crime and disorder, but this is not relevant as each application must be considered on its own merits. There is mention of people already congregating outside the premises in the evening and members may wish to ask for more details around this. The representation highlights that the premises is in close proximity to residents including living above the premises.
- 3.13 Representation 3 – Local resident
This representation again highlights the residential nature of the area but then references there being 'no need' for the premises. Need or not for a particular premises is specifically excluded from being a consideration in relation to licensing matters.
- 3.14 The interested party goes onto state that if the licence is granted the premises will *'will only attract antisocial, drunk and*

aggressive behaviour, to the area and an increase of litter, noise and late night traffic'. Members may wish to ask the interested party why they believe this will be the case and if they can provide any evidence to support this assertion.

- 3.15 Reference is made to other licensed premises, but this application must be considered on its own merits. The interested party then asks for the hours to be restricted to those already granted and for the variation application to be refused.
- 3.16 Representation 4 – Local resident
The interested party believes that the licence, if granted would cause more noise and rowdiness but attributes this to other licensed premises and not the applicant's premises. They go on to state that it could 'possibly cause crime and vandalism' so members may wish to ask why the interested party believes this.
- 3.17 Representation 5 – Local resident
The interested party states that the 24 hour alcohol licence would cause anti-social behaviour and unnecessary noise 24/7. Reference is made to elderly ladies who are nervous about the proposal but without these individuals making representations or being officially represented by the interested party this comment should carry no weight. 'Need' for the premises is questioned but as stated above this isn't a relevant consideration in this matter.
- 3.18 Representation 6 – Local resident
Reference is made to daytime noise already existing, but this is not relevant to the variation application. Again, the potential for noise and anti-social behaviour is raised and linked to issues caused by premises allowed to sell alcohol for consumption on the premises. Members may wish to ask the interested party to elaborate on how they believe this

particular premises and application would lead to the undermining of the licensing objectives.

3.19 Representation 7 – Local Resident

This representation references children with special needs living in the vicinity of the premises but does not appear to be directly from one of the families of the children. They state that it is inevitable that if granted the premises would cause disruption including *'lewd behaviour, copious noise, increased crime and damage to property'*. Again, members may wish to ask the interested party to further explain why they believe that granting the variation would have these impacts.

3.20 Representation 8 – Local Councillor

The question of 'need' is initially raised but as detailed above this is not a relevant consideration in this matter. The likelihood of increased noise and anti-social behaviour in what is described as a mostly residential street is raised in connection with the extended opening hours.

3.21 The potential impact on public health of the availability of alcohol 24 hours per day is raised but the Licensing Act 2003 does not have a health objective, so this is also not relevant to the current application. Public health are a Responsible Authority under the act and have not raised any representation.

3.22 In a follow up email the Councillor clarifies the points made in the first email and states that any extended hours would impact on this residential area.

3.23 Representation 9 – Local Resident

This resident lives close to the premises and is afraid that the extended hours would create anti-social behaviour outside their home which would have them living in fear.

- 3.24 Representation 10 – Local Resident
The interested party raises the issue of public nuisance which disturbs their sleep. They state that currently the town is quiet at night but that this application, if granted, would cause vehicle and people noise. The final point is that the premises are situated in a residential area which is unsuitable for a 24 hour shop.
- 3.25 Representation 11 – Local Resident
The representation indicates that neighbours are already suffering from noise and litter from the premises. The ‘need’ for the premises is raised which has been dealt with earlier in the report and is not a relevant consideration.
- 3.26 Representation 12 – Local Resident
The interested party raises that the premises are in a residential area and that the disturbance from the later hours would be a significant nuisance. The representation mentions that house prices will be affected and that the interested party would not have chosen to buy a house next door to a 24 hour shop. These final points are not relevant to the Licensing Objectives so cannot be considered when reaching a decision.
- 3.27 A plan of the area in which the premises are located is attached at **Appendix ‘E’**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

- 3.12 Section 5 of the East Herts [‘Statement of Licensing Policy’](#) (herein ‘the Policy’) relates to Pre-application advice and engagement. Paragraphs 5.7 and 5.8 state:

5.7 Engagement is an important element of the licensing process. Applicants are expected to have considered the location and

community it is proposing to operate in. An understanding of the concerns to be addressed can be obtained by early engagement with a variety of bodies and individuals including:

- Responsible authorities*
- Ward Councilor's*
- Town councils*
- Parish councils*
- Residents Associations*
- Businesses and residents in the vicinity of the proposed premises.*

5.8 Experience shows that early engagement allows concerns to be addressed in the most timely and cost effective way for all parties. Where concerns cannot be addressed before an application is made resulting in representations the expectation is that the dialogue between the parties continues to try and find common ground.

3.13 Section 6 of 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 alcohol sales by Budgen's (formerly McColls) would be classed as an 'Off-licence' and the late night refreshment element of the operation, depending on how it operates, may fall under 'Take-away (food)'.

3.14 The proposed premises are not within a Town Centre as defined in section 7.0 of the Policy so are designated as 'Other Area'.

3.15 The table at 6.9 of the Policy details the council's approach to hours for licensed premises when it has received relevant representations to an application.

- In relation to 'Off Licences' located in an 'Other Area', it

states:

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

- In relation to 'Take-aways (food)' located in an 'Other Area', it states:

*Will generally be granted licensable activities no later than **midnight**.*

3.16 Paragraph 6.10 of the Policy states:

- *The hours detailed above will not be automatically applied where representations are received, and a Licensing Sub-Committee decides the application. Each application will be considered on its own merits and the most appropriate way to mitigate concerns will be taken.*

3.17 Section 8 of the Policy deals with the Licensing Objectives:

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.

8.3 The Licensing Authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, and the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the Licensing Authority, responsible authorities and other persons who may be affected by the operation of the licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to mitigate any potential adverse impact.

3.18 Paragraphs 8.6 to 8.13 of the Policy contain information on how the council considers applications in respect of the Licensing Objective 'Prevention of Crime and disorder' and paragraphs 8.20 to 8.30 deal with the Licensing Objective of 'Prevention of public nuisance'. These are the Licensing Objectives identified within the representations against this application.

3.19 Section 15, paragraphs 15.1 and 15.2 deal with the 'Operating Schedule'. These paragraphs reflect the information in the Section 182 Guidance issued by the Secretary of state.

3.21 The Home Office-issued ['Guidance issued under section 182 of the Licensing Act 2003'](#) (herein 'the Guidance') states at paragraphs 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.*

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

3.23 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. The Guidance should be considered along with the East Herts [‘Pool of Model Conditions’](#)¹.

Officer observations

3.24 The application seeks to add Late Night Refreshment as a new licensable activity. A licence for Late Night Refreshment is required in order to serve hot food or hot drinks between the hours of 23:00 and 05:00 and this can cover a wide range of services from a simple tea or coffee to a food takeaway such

¹ Conditions with a letter ‘F’ or marked ‘All’ are relevant to ‘Off-licences’ and some or all may be applied where appropriate having considered the merits of the individual application.

as a kebab shop. The potential impact on the Licensing Objectives of permitting Late Night Refreshment will differ depending on what it is proposed will be provided. The applicant has provided no details so members may wish to seek clarity regarding what Late Night Refreshment will be provided from the premises if this part of the application is granted?

3.25 The applicant has indicated that they are proposing to provide Late Night Refreshment both indoors and outdoors and has included the statement:

- *The provision will take place inside the premises but customers may leave the premises with items purchased.*

If this is the case, then the provision only needs to be permitted indoors so members may wish to seek clarity on this point and see if the applicant wishes to voluntarily amend this part of the application. This links to the point raised by the Police in relation to a possible serving hatch at the premises; will there be one?

3.26 As highlighted earlier in the report the operating schedule within the application is a key source of information to help determine if granting the application would undermine, rather than promote, the Licensing Objectives. In this case the applicant has offered 15 points which could be made into conditions on any granted premises licence. In the Police representation they have detailed that they consider these need to be more robust.

3.27 The Licensing Authority considers that some of the conditions are subjective and thus are ambiguous and unenforceable meaning they should not be included on any granted premises licence. The following conditions should not be placed on any issued premises licence in their current wording (subjective

terms underlined for clarity):

- *The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.*
- *There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.*
- *Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.*

3.28 Members may wish to review all 15 suggested conditions from the applicant's operating schedule and reach a decision regarding which would promote the Licensing Objectives. If members feel that a condition is ambiguous or uses subjective terms, they may ask the applicant to explain its purpose before deciding whether to exclude or include it from any granted licence. If members are minded to amend an offered condition, then the revised wording should be put to the applicant for comment before a final decision is made.

3.29 In their representation, the Police have requested some conditions in relation to CCTV, for example, that could be used to replace those offered by the applicant if members believe this is appropriate. If agreement hasn't been reached regarding the conditions before the hearing, then members may wish to ask the applicant to highlight any particular issues they have with them.

3.30 Members may wish to ask any of the interested parties that attend the hearing the following questions:

- Have there been any issues since the premises began opening for 24 hours on 8th September 2023?

- Why they believe that the later hours and licensable activities would lead to public nuisance and anti-social behaviour?
- If there is any mitigation that they think the applicant could offer that would address their concerns about the premises opening and providing licensable activity later?
- Is there is any extension to the currently permitted hours, either in the morning, the evening or both, that would be acceptable, that is, in terms of promoting the Licensing Objectives?

3.31 Section 5 of the East Herts 'Statement of Licensing Policy' relates to Pre-application advice and engagement.

5.7 Engagement is an important element of the licensing process. Applicants are expected to have considered the location and community it is proposing to operate in.

3.32 Members may wish to enquire as to what, if any, engagement took place prior to the application being made? How did the applicant gain an understanding of the location and community and is this reflected in the application before members today? Of note, from the application and representations there is no evidence of this happening.

3.33 When a Licensing Enforcement Officer visited to inspect the required notice advertising the application, they noted that the applicant had placed signs on three sides of the premises advertising that it is open 24 hours. The applicant was contacted and confirmed that the premises had been open 24 hours since 8th September 2023. Whilst this contradicts the hours on the current premises licence it does not constitute an offence as premises can be open at any time if they do not provide licensable activity. This can continue even if the variation application is refused.

3.34 Section 8 of East Herts Statement of Licensing Policy says:

8.3 The Licensing Authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, and the nature of the location and the needs of local communities.

3.35 When reading the applicant's operating schedule, it is unclear if the applicant has given regard to any of the matters detailed above. Members may wish to ask the applicant if they had read the Policy before making the application and what consideration, if any, they gave to the matters listed?

3.36 Whilst not having regard to these matters is not grounds for refusal in themselves, where these matters are given serious consideration at an early stage any subsequent application is more likely to promote the Licensing Objectives than one where a generic application is made.

3.37 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.

3.38 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.

3.39 Whilst the hours and activities applied for are longer than those detailed in East Herts' 'Statement of Licensing Policy' this does not fetter the Sub-Committee's ability to decide that the hours applied for are appropriate in the circumstances of this

individual application. The Policy is a starting point from which decisions can be made; should the Policy be departed from then members should clearly give their reasons for doing this.

- 3.40 Members should be conscious of the hours already in place under the existing premises licence. They may be minded granting longer hours, but the hours granted must not be less than under the current licence.
- 3.41 If the Sub-Committee believe that granting the application as requested would promote the Licensing Objectives, then the application should be granted as requested.
- 3.42 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.
- 3.43 In considering additional conditions, members should decide whether these steps would in fact address the concerns raised if the decision was made to grant the hours and activities as requested.
- 3.44 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.
- 3.45 Aside from adding conditions, it is open to members to limit the hours of operation and/or licensable activities further but clear reasons for this step would need to be given.
- 3.46 However, if adding conditions and/or limiting the hours beyond those requested and/or limiting licensable activities does not mitigate members' concerns regarding the

promotion of the Licensing Objectives then the application should be refused.

- 3.47 Put in its simplest terms, what are the minimum measures that can be put in place to address concerns? Refusal of the application should be the last option considered.
- 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.

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.

6.2 The 28-day public consultation commenced on 26th August 2023 and ended on 22nd September 2023.

Community Safety

6.3 The report details the four Licensing Objectives therefore Community Safety will be considered when determining the application.

Data Protection

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

Equalities

6.5 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

6.6 No

Financial

- 6.7 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

- 6.8 No

Human Resources

- 6.9 No

Human Rights

- 6.10 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

- 6.11 All statutory requirements have been considered in preparing this report.

Specific Wards

- 6.12 Yes – Buntingford.

7.0 Background papers, appendices, and other relevant material

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023) - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

- 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'** – Existing premises licence (redacted)
- 7.4 **Appendix 'B'** – Premises plans
- 7.5 **Appendix 'C'** – Application for Variation of a Premise Licence (redacted)
- 7.6 **Appendix 'D'** – Representations (redacted)
- 7.7 **Appendix 'E'** – Location of the premises.

Contact Member

Councillor Vicky Glover-Ward, Executive Member for Planning and Growth. vicky.glover-ward@eastherts.gov.uk

Contact Officer

Jonathan Geall – Head of Housing and Health, Tel: 01992 531594. jonathan.geall@eastherts.gov.uk

Report Author

Oliver Rawlings – Service Manager (Licensing and Enforcement), 01992 531629. oliver.rawlings@eastherts.gov.uk



District of East Hertfordshire Premises Licence Licence No: 23/1194/PLDPS

Licensing Act 2003

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

McColls

Baldock Road, Buntingford, Hertfordshire, SG9 9BL

Telephone:

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

SALE OF ALCOHOL

| | | |
|--------------------|-------|-------|
| Good Friday | 08:00 | 22:30 |
| Monday to Saturday | 08:00 | 23:00 |
| Sunday | 10:00 | 22:30 |
| Christmas Day | 12:00 | 15:00 |
| | 19:00 | 22:30 |

THE OPENING HOURS OF THE PREMISES

| | | |
|--------------------|-------|-------|
| Good Friday | 08:00 | 22:30 |
| Monday to Saturday | 08:00 | 23:00 |
| Sunday | 10:00 | 22:30 |
| Christmas Day | 12:00 | 15:00 |
| | 19:00 | 22:30 |

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

Alcohol is supplied for consumption off the Premises

Part 2

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

Samy Limited
73-75 Corporation Road, Middlesbrough, TS1 1LY

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

07689168

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Mohanapriya Kandasamy

REDACTED

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Personal licence number: REDACTED

Licensing Authority: REDACTED

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

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

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

For the purposes of this condition -

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

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

where -

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

a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 1. Alcohol shall not be sold in an open container or be consumed in the licensed premises

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

- 1. Staff will only accept a Driving Licence Photo Card, Passport or PASS accredited card when checking age and identification of persons believed to be under 25.
- 2. The DPS / Premises Licence Holder will ensure signs are displayed at prominent locations in the premises highlighting the 'Challenge 25' and ID policy.
- 3. The DPS / Premises Licence Holder will ensure that signs are displayed at prominent locations in the premises highlighting that sales of alcohol will not be made to persons under 18 years of age or persons purchasing alcohol on behalf of persons under 18 years of age.
- 4. All signage that is required as a condition of the Premises Licence will be displayed where alcohol is on display, at the sales counter and in the windows of the premises so as to be clearly visible from the outside.
- 5. DPS / Premises Licence Holder will instigate ongoing training for all staff in relation to the legislation governing underage sales, proxy purchasing and the 'Challenge 25' and ID policy.
- 6. DPS / Premises Licence Holder will ensure that written training records relating to staff will be kept and made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Safety Officers, Local Authority Licensing Officers and Trading Standards Officers.

7. The DPS / Premises Licence Holder will ensure that a Refusals Book is maintained and kept at the premises at all times.
8. The DPS / Premises Licence Holder will ensure that the Refusals Book is used to record attempted underage purchases and proxy purchases of age restricted products. In addition to this a record will be made on each occasion an age check is requested.
9. The Refusals Book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Safety Officers, Local Authority Licensing Officers and Trading Standards Officers.
10. The DPS / Premises Licence Holder will ensure that viewable and un-edited copies of recordings from the CCTV system can be provided to Police no later than 24 hours after request. All recordings will be kept for a minimum of 28 days.
11. The DPS / Premises Licence Holder will ensure that the CCTV system adequately covers the front entrance, customer service point and alcohol display. The coverage will include a clear and unobstructed view of the cashier and customer being served.
12. The DPS / Premises Licence Holder and Designated Premises Supervisor will ensure that the CCTV system is maintained to the satisfaction of Hertfordshire Constabulary.
13. The DPS / Premises Licence Holder shall notify the Police Licensing Department at Stevenage Police Station on any occasion when the CCTV system is to be inoperative for a period in excess of one working day. The notice will include the measures being taken to ensure the system is restored to the standard required by Hertfordshire Constabulary at the earliest opportunity.

ANNEX 4 - PLANS

McColls, Baldock Road
ALC APP-HD-16/06/2016
Date: June 2016



Lockett & Co
Retail, Licensing & Training Consultants






McColl's
McColl's Retail Group Ltd

MCCOLL'S RETAIL GROUP LTD
ASHWELL'S ROAD
BRENTWOOD
ESSEX
CM15 9ST
TEL: 01277 322916
FAX: 01277 322151

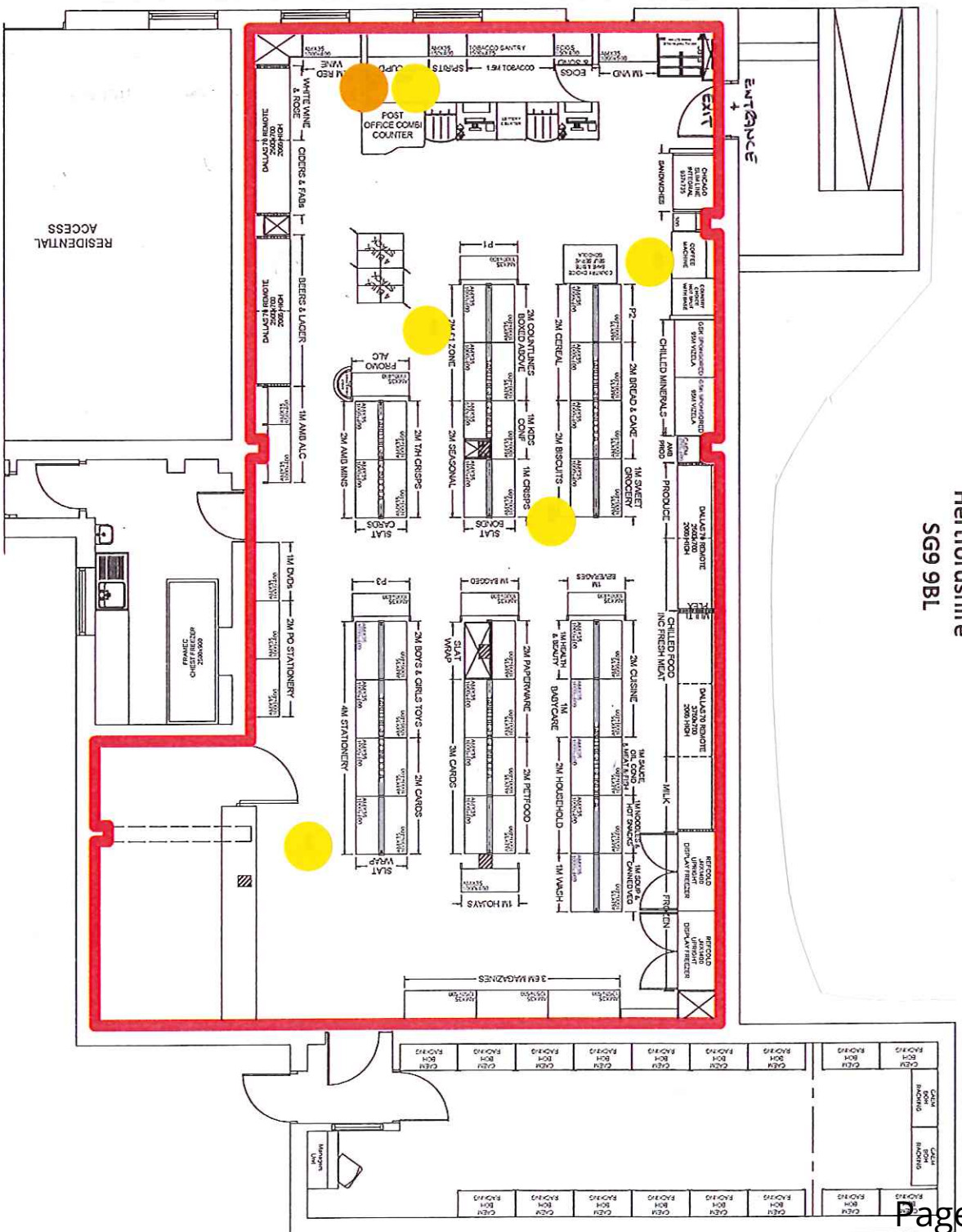
PROJECT TYPE/DETAILS
ALCOHOL LICENCE APPLICATION

| Rev | Revision Details |
|----------------------------|-----------------------|
| A | ALC APP-HD-16/06/2016 |
| DRAWN BY PHILIP THOMNEY | |

Key:

-  - Fire Extinguishers.
-  - CCTV.
-  - Area to be licensed for the sale of alcohol for consumption off the premise.

McColl's
Baldock Road, Buntingford
Hertfordshire
SG9 9BL



Date: June 2016
Scale: 1:100



* required information

Section 1 of 18

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

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

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

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

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

24,750

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

A convenience store located on Baldock Road, Buntingford, SG9 9BL.

The variation is to do the following:

1. To extend the hours for the sale of alcohol to 24hrs daily.
2. To allow the provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove the conditions listed under Annex 2 & 3.
4. To include in Annex 2 the conditions in Section 16 of the application.
5. To remove the restrictions to the sale of alcohol and opening hours on Good Friday & Christmas Day.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

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

Yes

No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

Yes

No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

Yes

No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

Yes

No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

Yes

No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

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

Yes

No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select 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.

Continued from previous page...

The provision will take place inside the premises but customers may leave the premises with items purchased.

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 provision of late night refreshment at different times from those listed above, list below.

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

Section 13 of 18

SUPPLY OF ALCOHOL

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

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.

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

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

Section 14 of 18

ADULT ENTERTAINMENT

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

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

NA

Continued from previous page...

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

Continued from previous page...

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

The conditions listed under Annex 2 & 3.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium. Images shall be provided to the police or to an authorised officer of the licensing authority within 24 hours of request.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. An incident book/register shall be maintained to record:

Continued from previous page...

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

c) Public safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

1. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

3. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales.

Induction training must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

4. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request.

5. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Fees for all Licensing Act 2003 permissions have been set by central government. Variation fees are based on the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

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

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

Continued from previous page...

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

| | |
|-------------|---|
| * Full name | <input type="text" value="Winckworth Sherwood LLP"/> |
| * Capacity | <input type="text" value="Agent"/> |
| * Date | <input type="text" value="25"/> / <input type="text" value="08"/> / <input type="text" value="2023"/> dd mm yyyy |

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

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

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

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

OFFICE USE ONLY

| | |
|----------------------------|---|
| Applicant reference number | <input type="text" value="AGS/34256/30"/> |
| Fee paid | <input type="text"/> |
| Payment provider reference | <input type="text"/> |
| ELMS Payment Reference | <input type="text"/> |
| Payment status | <input type="text"/> |
| Payment authorisation code | <input type="text"/> |
| Payment authorisation date | <input type="text"/> |
| Date and time submitted | <input type="text"/> |
| Approval deadline | <input type="text"/> |
| Error message | <input type="text"/> |
| Is Digitally signed | <input type="checkbox"/> |

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

Representation 1

The governing principles of the Licensing Act are the four Licensing Objectives. All organisations and individuals involved in the running of Licensed Premises must do so with a view to promoting these Objectives:

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

The Protection of Children from Harm

This objection is carried out in regard to the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety.

1 The Application and the Premise

The application was received on 29th August 2023 from Winckworth Sherwood LLP who are the acting Agent in relation to Samy Ltd with regards to Baldock Road, Buntingford SG9 9BL.

The premise currently has a licence authorising off sales of alcohol Monday to Saturday from 08:00 hours until 23:00 hours and Sunday from 10:00 hours until 22:30 hours. The application applies to extend the licensable hours for the supply of alcohol 24 hours daily and to allow the provision of late-night refreshment between 23:00 hours and 05:00 hours daily. To remove current conditions and to be replaced with conditions supplied in the application form which is attached. To remove the restrictions to the sale of alcohol and opening hours on Good Friday and Christmas Day.

The premise is situated off the High Street and is surrounded by residential properties including above the premises and to the side of the premises. The close proximity of these residential properties can only be appreciated fully with a visit to the site.

The town does not have a strong night time economy, with two small supermarkets open until 22:00 hours and one which closes 16:00 hours on a Sunday.

I contacted the Agent on several occasions during the consultation period requesting they re-consider the 24 hour licensable activities. The Statement of Licensing Policy advises alcohol sales generally no later than 23:00 hours for a premises outside of the town centre. The premises is close to the town centre which is a quiet town centre without a significant night time economy, I recommended 23:00 hours for licensable activities to cease. The town centre guidance for licensable activity is a 00:00 end to licensable activity.

I also asked whether a serving hatch will be available and I was advised it is being considered but I have not received confirmation.

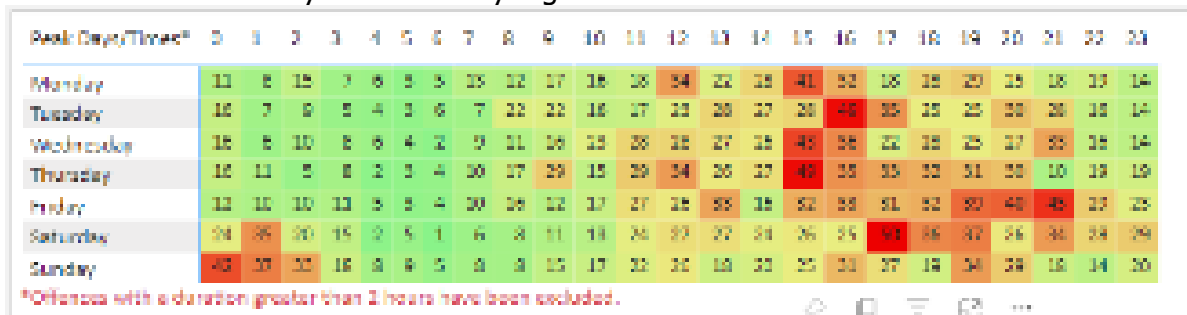
The conditions provided on the application form are limited, subjective and unenforceable. I requested more robust conditions to be provided but I did not receive any further update. I contacted Agent again and I was advised to provide the Agent with Police recommended conditions for them to present to their client. This is disconcerting as DPS has had no forethought to instruct the Agent to include reasonable steps to show their knowledge of the Licensing Objectives or their responsibility to promote them.

As I still had not receive any further information on Monday 18th September 2023, I supplied the Agent with proposed Police conditions. The Agent advised he will not be able to review these conditions prior to the application deadline, this is another example of no forward thinking in how the premises was going to uphold the licensing objectives.

2 The impact of having alcohol available through off sales at this location 24 hours

The staff will have no control of those who make purchases once they have left the shop. This is the key difference between premises that have on licence sales and those who have off sales. Having alcohol available 24/7 in close proximity to residential area increases the probability of people being anti-social in and around people’s homes in the early hours when people are sleeping. For example it allows house parties to continue as alcohol can be restocked easily. It also enables people on their way home from a night out to purchase alcohol which is then likely to be consumed while walking home meaning that street drinking and the anti-social behaviour associated with it increases. (Crime and Disorder, Public Nuisance and Public Safety).

The crime data for the entirety of East Herts from 1st January 2023 until 21st September 2023 shows that the crime figures already escalate in line with venues opening past 2200 hours on a Friday and Saturday night.



The other potential issue that is likely to arise is in relation to people congregating at the front of the premise late at night and into the early hours. After a certain time of night, when venues close people will often congregate in groups in public places especially young adults. As alcohol, food and cigarettes will be readily available this will be an ideal location for them to congregate. This type of behaviour is very difficult to deal with from a Police perspective as often criminal

offences are not committed. However, the behaviour will impact on residents in the area due to the noise and anti-social behaviour. There are residential flats above and to the side of the premises that would be significantly affected by this issue. (Public Nuisance)

There will undoubtedly be situations when customers have to be refused the sale of alcohol in the early hours due to them being drunk. Those under the influence are more likely to get frustrated, angry and aggressive if they are refused when they know alcohol can be sold. The risk of criminal offences occurring and assaults on staff are high (Crime and Disorder and Public Safety).

The sale of glass bottles for consumption off the premises is a concern due to the potential for glass bottles to be used as weapons. All on licence premises have policies to prevent people leaving with glass bottles or glasses. An unacceptable risk will be created if glass bottles are sold for consumption off the premise at a high risk time (Crime and Disorder and Public Safety).

Having alcohol available 24 hours on display will result in increased thefts and potential for further assaults on staff (Crime and Disorder).

It is well known and documented that there is a link between alcohol consumption and crime especially in relation to violent crime. Alcohol is a dis-inhibitor that also impairs judgement. National statistics suggest that nearly 50% of all violent crime involves alcohol and nearly 40% of all domestic violence incidents are linked to drunkenness.

Summary of Concerns

Hertfordshire Constabulary's concerns are summarised as follows;

Increased risk of assaults and public order offences at the premise specifically where staff are likely to be victims.

No control over where alcohol is consumed once purchased.

The consumption of high volume alcohol in public places.

The availability of alcohol, especially in relation to high volume alcohol, near to residential houses at unsociable times.

The public safety risk of having bottles within public areas at high risk times.

The impact of having alcohol available 24 hours in this specific area which will increase crime and disorder locally.

The risk of anti-social behaviour at the location and the impact this will have on the local residents causing a public nuisance and a greater risk of crime and disorder.

In summary the hours being requested are excessive. The sale of alcohol in this area will impact negatively on crime and disorder and public nuisance and cause a risk to public safety. Unnecessary high risks will be present should this application be granted. The Licensing Sub Committee is asked to refuse this application for the reasons stated in regard to the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety.

Sarbjit Minichiello

Senior Licensing Officer

East Herts Community Safety Unit 22nd September 2023

Mail: Hertford Police Station, Hale Road, Hertfordshire, SG13 8F

SAMY LIMITED/MCCOLLS 23/1202/PLV

PROPOSED CONDITIONS

1. A digital closed circuit television (CCTV) system to be installed internally ensuring the following:-
 - a. All faults with the CCTV system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place without the agreement of East Herts Police Licensing Unit and the licensing authority until the fault is rectified.
 - b. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
 - c. CCTV camera to be placed outside the premises to enable to enable street view.
 - d. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
 - e. The CCTV shall clearly cover any area where alcohol is on display.
 - f. 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. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show a Police officer or an authorised officer of the licensing authority data or footage upon request within 24 hours.
 - g. The system will display, on any recording, the correct time and date of recording.
2. 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;
 - a. Passport
 - b. UK photo driving licence; or
 - c. Military Card ID

3. The Premises Licence Holder or Designated Premises Supervisor to ensure that all management and staff who are not personal licence holders are fully trained and briefed on the four licensing objectives and Challenge 25, operating procedures, drugs policies and child sexual exploitation policies. Every 6 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 and document confirming the training has taken place and the date.
4. A personal licence holder must be present at the premises when licensable activities are taking place, to supervise all sales of alcohol.
5. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above and no Liquor over 40% shall be sold at the premises after 00:00 hours.
6. Alcohol only to be sold by Staff who are to be aged 18 and over and any staff under the age of 18 are not left on the premises on their own.
7. No alcohol is to be displayed within 3 metres of any customer entrance / exit.
8. Not to sell miniature or quarter bottles of spirits of any kind to anyone who is under the age of 21 years old.
9. All spirits are to be displayed behind the counter and not in an area of the shop where people can help themselves.
10. A written record of all refused sales shall be kept on the premises. Detailing as a minimum the time and date that the sale was refused, the staff member who refused the sale and the reason why. The record shall be made available to Police and / or local authority immediately upon request and shall be kept for at least one year from the date of last entry.
11. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature and be available for inspection at all reasonable times by an authorised officer of relevant responsible authority, it should record the following details:-
 - Time and date and nature of the incident,
 - People involved
 - Action taken
 - Details of the person responsible for the management of the premises at the time of the incident.
12. Customers shall not be permitted to remove from the premises, any open bottle for consumption or disposal outside the premises.
13. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
14. The premise licence holder or Designated Premises Supervisor to ensure groups of people will not be allowed to gather/loiter outside the premises.

Conditions if premises are operating licensable activities after 00:00 hours – hours of licensable activities not yet confirmed.

15. On Friday and Saturday nights and any other night when the premises provide licensable activity beyond 00:00, there must be one SIA registered staff member from 23:00 hours to xxxx hours minimum.
16. Two members of staff to be present on the premises from 18:00 hours until the premises closes Sunday to Thursday. Three members of staff to be present on Friday and Saturday from 18:00 hours until 23:00 hours two members of staff after 23:00 hours when a SIA registered staff member is on duty.
17. When a SIA registered door supervisor is used at the premises:
- a) a record must be kept of their SIA registration numbers and the dates and times when they are on duty.
 - b) they must wear high visibility arm bands or jackets when engaged outside the entrance to the premises.

Prepared by Sarb Minichiello 18/9/2023

Representation 2

Sent: 19 September 2023 11:00

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Licence application 23/1202/PLV

Dear Sir,

Re Licence application 23/1202/PLV Samy Ltd, Baldock Road, Buntingford, SG9 9BL.

The above application to vary a Premises Licence has been brought to our attention.

Buntingford Town Council objects to the variation on trading hours on the following grounds:

Crime and Disorder

Other premises within the town have restricted hours on the grounds of preventing crime and disorder. People already congregate outside of the premises in the evening and extended hours would further encourage this.

Public Nuisance

The premises is in close proximity of residential dwellings including above the premises. The noise and disturbance from people visiting the premises at late/early hours would cause nuisance to neighbours of the establishment.

The trading hours should be in line with other premises within the centre of the town.

Yours faithfully

Jill Jones PSLCC, Cert HE. Town Clerk

Buntingford Town Council, The Manor House, Buntingford, SG9 9AB.

www.buntingford-tc.gov.uk

Representation 3

Sent: 15 September 2023 19:34

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Objection to 23/1202/PLV

Name of applicant : Samy Ltd

Address: Baldock Road, Buntingford, SG99BL (Formerly McColls)

Type of application : Premises Licence Variation

- 1) To extend the hours for the sale of alcohol to 24 hours daily
- 2) To allow the provision of late night refreshment between 23.00 hours and 0500 hours daily.

Comment.

This application is totally unsuited to a store situated in a store that is in the centre of our small market town and a highly residential area. There is no need for this store to be able to sell alcohol 24 hours a day, 365 days a year. It will only attract antisocial, drunk and aggressive behaviour, to the area and an increase of litter, noise and late night traffic.

Buntingford is already served well by 3 public houses and 2 supermarkets who all abide by their relevant licensing regulations. This store's licence should be restricted to the same conditions as the other supermarkets as it has been while it traded as McColls.

THIS APPLICATION SHOULD BE REFUSED

Representation 4

Sent: 08 September 2023 11:57

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Re: OBJECTION TO 23/1202/PLV

Dear sirs..

I object to this application .

I am on the footpath from the local pub to the shop, also opposite a zebra crossing.
It will causes more noise, and rowdery , when pub is open its enough of a
problem, possibly crime and vandalism , the front of my house is often used as a urinal and
cans left there and also in the car park.

I have my grandchildren staying sometimes and really don't want them to hear extra noise which
this will cause, surely they can get drinks in the daytime !!!!

Representation 5

Sent: 08 September 2023 10:07

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Objection to 23/1202/PLV

Dear Sirs

I am writing to you to object to a 24 hours alcohol licence at the Budgens store on Baldock Road

Ref: 23/1202/PLV

I live almost REDACTED.

If this plan goes ahead there will be anti social behaviour and unnecessary noise 24/7 I know of at least 3 elderly single ladies living just 3 doors away and they are very nervous about this proposal.

This is supposed to be a sleepy peaceful town. There just isn't any need for a 24 hour alcohol license.

The 2 petrol stations in the town already have a 24 hour service, why do we need a 3rd

Kind Regards

Representation 6

Sent: 07 September 2023 11:23

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Objection to 23/1202/PLV

Dear Sir/Madam

In the above application I strongly object to:

1. To extend the hours for the sale of alcohol to 24hrs daily.
2. To allow the provision of late-night refreshment between the hours of 2300 and 0500 daily.

This is a residential street and can already be noisy during th daytime with cars and people. To be allowing the sale of alcohol and opening hours generally 24hrs will means it will bring noise and anti social behaviour to a street which is already plagued at times when the pubs close at around 11/12pm with people walking down the street shouting.

This is not needed by the community nor welcomed by those that will have to put up with the negative side. This isn't a big town that requires a 24hr shop and 24hr off licence so please reject this silly request by the new owners of the shop.

Yours faithfully,

Representation 7

Comments Details

Neighbour

Customer objects to the Licensing Application

05/09/2023 7:14 PM To whom it may concern, the reason for my objection is that there are several severely special needs children living within 300m of the shop on Baldock Road and selling alcohol 24 hours a day would inevitably cause disruption including lewd behaviour, copious noise, increased crime and damage to property. If this shop intends to be open 24 hours a day for alcohol it will worsen the quality of life for all the people of Buntingford not just the neighbours/residence. Thank you for hearing my concerns and I implore you to not grant the application.

Representation 8

Comments Details

Commenter Type: Councillor

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 07/09/2023 3:30 PM I would question the need and demand for a 24 hour licence in a small rural town such as Buntingford. I would also have concerns about anti social behaviour considering the premises location on a mostly residential road and the potential for late night noise and nuisance (including extra late night traffic) to nearby houses associated with extended opening hours. There are potential public health concerns associated with the ability to purchase alcohol at any time of the day or night in such a rural location.

Sent: 20 September 2023 13:29

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: Re: Comments for Licensing Application 23/1202/PLV

Dear Oliver

Thanks for your email. Apologies if I haven't been clear about which objectives I am objecting under - this is the first response I have made to a licencing application.

Noise and antisocial behaviour concerns: from potential increased traffic levels and footfall from customers visiting the premises to purchase alcohol in the extended period being applied for - 23.00 to 7.00 (Monday to Saturday) and 22.30 and 10.00 (Sundays). Also, potential noise and antisocial behaviour associated with the purchase of alcohol from these premises and consumption nearby.

I don't see that extending the period that the premises are open beyond the current opening times but for a shorter period than 24 hours would address my concerns as the main concern is that potential disturbance would take place late at night and early in the morning in a residential area.

I hope that helps to clarify my objection - thank you for giving me the opportunity to amend my objection.

Best wishes

Representation 9

Sent: 06 September 2023 19:07

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Objection to 23/1202/PIV

I strongly object to this 24h licence, I live REDACTED doors away am severely sign impaired this would create a anti social behaviour outside my home which would scare me, Please don't let this happen I moved close to a shop for independence not to live in fear.

Representation 10

Sent: 06 September 2023 13:29

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Re: Budgens in Buntingford opening hours. 23/1202/N

Hi my objectives will be noise nuisance. As the shop is intending to sell for 24 hours a day. I live above and the noise of customers would go all through the night when I'm sleeping I do call your offices and they told me to send an email to the protection dept. But the email does not work. Is there anyway you can forward onto the correct team. I was told I'm in my tights to object to later ipeneing times for the shop because I live direct above. Many thank

Sent: 06 September 2023 18:49

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Late night licences 23/1202/PLV

I would like to put in an objection to the following. Application: 23:1293/PVL Name of application: Samy Limited. address: Baldock Road Buntingford SG9 9BL Type of application : Premises Licence Variation. Proposed licence activities : late night refreshment of alcohol. Date of application 25/08/2023. Closing date : 22/09/2023.

I would like to keep my personal details private. My objection is to the requested application to be able to keep the shop open 24/7. I live in REDACTED. I have no objection to opening to 9pm. But anything later than that would be too much of a disturbance. The town is quiet at night so the extra noise of cars pulling up and people gathering outside would be a public nuisance. People need their sleep to get up for work the next day and I fear the noise would disturbed our sleep. . I have spoken to neighbours who object as well. I hope this matter is taken serious and the disturbance taken into account. We have two petrol stations near by that offer this service. But to have this licence where the shop is based amongst living residential homes would bring disturbance.

Representation 11

Sent: 08 September 2023 19:25

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Objection to 23/1202/PLV

I live at REDACTED Rowland Hill Court. It is a small block of flats that share the courtyard beside the post office and general stores. Within the block we are all elderly and already have to cope with the noise and litter that emanates from our neighbour.

Besides all the well known problems that are generated from the sale of alcohol, I just cannot comprehend the need to sell it 24 hours a day.

I also cannot believe that the shop is considering opening 24 hours a day ????

Please register my objection.

Representation 12

Sent: 22 September 2023 21:35

To: Housing & Health Services - Community Protection <Community.Protection@eastherts.gov.uk>

Subject: [External] Objection to 23/1202/PLV

Hello,

Registering my objection to this Premises Licence Variation application including 24 hour alcohol sales.

This is a residential area, with many houses in very close proximity. The disturbance will be a significant nuisance, and impact house prices. I wouldn't have purchased this house next to a 24 hour shop.

This is also completely unnecessary given there are two 24 hour petrol stations and shops in Buntingford already.

Appendix E: Location Plan

