



James Ellis  
Head of Legal and Democratic Services

**MEETING** : LICENSING SUB-COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 28 NOVEMBER 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, T Deffley and S Marlow

**COMMITTEE OFFICER:**  
**MICHELE AVES**  
**01279 502177**  
**[michele.aves@eastherts.gov.uk](mailto:michele.aves@eastherts.gov.uk)**

## **Disclosable Pecuniary Interests**

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

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

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## AGENDA

1. Appointment of Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Minutes - 12 October 2023 (Pages 6 - 13)

To approve the Minutes of Previous Sub-Committee meetings:

12 October 2023

6. Summary of Procedure (Pages 14 - 20)

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

7. Application for a new premises licence for Ermines Café and Stores, 39 Ermine Street, Thundridge, Hertfordshire (23/1450/PL) (Pages 21 - 76)

An application for a new premises licence has been received from Ermines Café and Stores Ltd. Representations against the application have been made by interested parties. Where representations are received against an application, and not withdrawn, there must be a Licensing Sub-Committee meeting to decide that application. This report is to inform that decision.

## 8. Urgent Business

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

# Agenda Item 5

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

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PRESENT: Councillor D Willcocks (Chairman)  
Councillors M Connolly and G Hill

ALSO PRESENT:

Councillors S Nicholls

OFFICERS IN ATTENDANCE:

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

## 40 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Connolly and seconded by Councillor Hill 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.

41 APOLOGIES

There were no apologies.

42 CHAIRMAN'S ANNOUNCEMENTS

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

43 DECLARATIONS OF INTEREST

There were no declarations of interest.

44 MINUTES - 22 AUGUST AND 12 SEPTEMBER 2023

It was moved by Councillor Connolly and seconded by Councillor Hill that the Minutes of the Sub-Committee meetings held on 22 August and 12 September 2023 be confirmed as correct records and signed by the Chairman. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the Sub-Committee meetings held on 22 August and 12 September 2023 be confirmed as correct records and signed by the Chairman.

45 SUMMARY OF PROCEDURE

The Chairman drew the hearing's attention to the Summary of Procedure which was included in the main agenda pack at pages 16 – 22.

46 APPLICATION TO VARY A PREMISES LICENCE FOR BUDGENS (FORMERLY MCCOLLS), BALDOCK ROAD, BUNTINGFORD, HERTFORDSHIRE (23/1202/PLV)

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The Senior Licensing and Enforcement Officer presented his report and summarised the application. He answered questions from the Sub-Committee, the applicant's legal representative, the applicant, the police as a responsible authority and the interested parties.

The Applicant's legal representative said that amended conditions had been sent to the council on Tuesday 10 October and these superseded those initially submitted at Section 16 of the application. He said that these conditions had been submitted following a meeting held with the Police on Friday 6 October.

The Sub-Committee was advised by Sergeant Nathan Howson that whilst the Police agreed to the conditions, they still opposed the 24-hour licence application. After it was established that none of the Interested Parties had been sent these amended conditions, Councillor Willcocks proposed and Councillor Hill seconded, a motion that the hearing be adjourned for 5 minutes to allow the amended conditions to be circulated.



After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the meeting be adjourned for 5 minutes to allow the amended conditions to be circulated.

The meeting reconvened and the Applicant and his legal representative presented the application and explained why they had applied to vary the premises licence. The Sub-Committee was advised why full consultation had not been carried out by the applicant.

The applicant answered questions from the Sub-Committee, the police as a responsible authority and the interested parties.

Police Sergeant Howson made a submission on behalf of Hertfordshire Constabulary as a responsible authority. He responded to questions from the Sub-Committee, the applicant and his legal representative and the interested parties.

Councillor Duncan Wallace, on behalf of Buntingford Town Council, addressed the Sub-Committee in respect of his written submission. He answered questions from the Sub-Committee, the police and the applicant's legal representative.

Councillor Willcocks proposed and Councillor Hill seconded, a motion that the hearing be adjourned to allow the Sub-Committee, the applicant, police and the interested parties time to consider the content of an email from Buntingford Town Council. This had been

supplied to the licensing authority within time but had not been passed to all parties as this email was mixed within other correspondence received.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the meeting be adjourned to allow the Sub-Committee, the applicant, police and the interested parties time to consider the content of an email from Buntingford Town Council.

The meeting reconvened and Councillor Sue Nicholls, ward councillor for Buntingford addressed the Sub-Committee regarding her written submission. She answered questions from the Sub-Committee, the police and the applicant's legal representative.

In line with procedure, following the closing statements from the applicant, the police as responsible authority and the interested parties, the Sub-Committee retired to consider the evidence presented to the hearing. 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 determined to:

- (a) Refuse the application for the extended hours for the sale of alcohol of alcohol for

consumption off the premises;

- (b) Refuse the application for the provision of late-night refreshments between 23:00hrs and 05:00 daily; and
- (c) Remove the restrictions to the sale of alcohol and opening hours on Good Friday and Christmas Day.

Following the decision of the Licensing Sub Committee, the Applicant's legal representative invited the Sub-Committee Members to consider the following application:

- (a) An application for the sale of alcohol for consumption off the premises from 06:00 – 00:00 Monday to Sunday;
- (b) Late night refreshments to sell hot drinks only; and
- (c) To replace the conditions listed in Annex 2 and 3 of the current licence with the amended conditions agreed between the Applicant and the Police.

The applicant and his legal representative, the police as responsible authority and the interested party addressed the Sub-Committee in respect of the revised variation application. At the conclusion of these submissions, the Sub-Committee retired to consider the application. They were accompanied by the Democratic Services Officer and the Litigation and

Advisory Lawyer. The Sub-Committee reconvened to give its decision.

**RESOLVED** – that the application for the variation of a premises licence for Budgens (formerly McColls), Baldock Road, Buntingford, Hertfordshire, (23/1202/PLV), be granted, for the following:

- The supply of alcohol for consumption off the premises  
Monday to Sunday 06:00 – 00:00
- Late night refreshments  
Monday to Sunday 23:00 – 00:00

The Sub-Committee agreed to:

- (a) To remove conditions listed in annex 2 and 3 of the current licence to be replaced with conditions agreed between the Applicant and Hertfordshire Constabulary as at 6<sup>th</sup> October 2023 subject to amendments to the following conditions:
  - (i) Condition 4 – Two Members of staff to be present on the premises from 18:00 until 00:00 every day;
  - (ii) Condition 13 – to remove as will not apply to a licensable activity; and
  - (iii) Condition 15 – insert a year from today's date.

47 URGENT BUSINESS

There was no urgent business.

The meeting closed at 15:15

Chairman .....

Date .....

# Agenda Item 6

## LICENSING SUB-COMMITTEE

### EXTRACT FROM RULES OF PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **9.0 Determination of applications**

9.1 The Sub-Committee shall give appropriate weight to:

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

9.2 The Sub-Committee shall make its determination:



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

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

## **10.0 Role of Legal Adviser**

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

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

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

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

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

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

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

## **12.0 Role of Licensing**

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

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

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

## **14.0 Adjournments**

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

## **15.0 Right of Appeal**

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

## Definitions

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

## East Herts Council Report

### Licensing Sub-Committee

**Date of Meeting:** 28<sup>th</sup> November 2023

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

**Report title:** Application for a new premises licence for Ermines Café and Stores, 39 Ermine Street, Thundridge, Hertfordshire (23/1450/PL)

**Ward(s) affected:** Ware Rural

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### Summary

- An application for a new premises licence has been received from Ermines Café and Stores Ltd. Representations against the application have been made by interested parties. Where representations are received against an application, and not withdrawn, there must be a Licensing Sub-Committee meeting to decide that application. This report is to inform that decision.

### RECOMMENDATIONS FOR LICENSING SUB-COMMITTEE

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

#### **1.0 Proposal(s)**

1.1 Members of the Licensing Sub-Committee should determine the application for a new premises licence made by Ermines Café and Stores Ltd 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 Ermines Café and Stores Ltd was submitted on 6th October 2023.

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

<b>Licensable Activity</b>	<b>Day</b>	<b>Hours applied for</b>
Supply of alcohol (for consumption ON and OFF the premises)	Monday – Sunday	09:00 – 20:00
	During 12 events per year	09:00 – 00:00
Live and Recorded Music (Indoors only)	During 12 events per year	23:00 – 00:00
Premises open to the public	Monday – Sunday	09:00 – 20:30
	During 12 events per year	09:00 – 00:00

- 3.3 A redacted copy of the application form for a new premises licence is attached as **Appendix 'A'** and the plan to be attached to the premises licence is **Appendix 'B'**.
- 3.4 Section 18 of the application form asks the applicant to describe any additional steps they intend to take to promote the four Licensing Objectives as a result of the application.
- 3.5 During the 28-day statutory public consultation period 17 representations were received; Fourteen objecting to the application (13 local resident and a Ward Councillor), two in support of the application (one local resident and one from customers of the premises) and one neither objecting to nor supporting the application (from the Parish Council). All the representations are attached as **Appendix 'C'**.
- 3.6 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; or
  - Public safety.

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

### **Policy and Guidance**

- 3.8 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 Councilors*
- *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.*

- 3.9 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 Ermines Café and Stores would be classed as an both 'Café' and 'Off-licence'.

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

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

- In relation to a 'Café' located in an 'Other Area', it states:

*Will generally be granted alcohol sales no later than **20:00**.*

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

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

3.12 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.*

3.13 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.*

3.14 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', paragraphs 8.14 to 8.09 deal with the Licensing Objective of 'Public safety' 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.

3.15 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.

3.16 The Home Office-issued (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.*

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

3.18 If members are minded to impose conditions to mitigate concerns regarding the undermining of the Licensing Objectives, then Chapter 10 of the Guidance deals with conditions attached to premises licences. The Guidance should be considered along with the East Herts [‘Pool of Model](#)

[Conditions](#)<sup>1</sup>.

## **Officer observations**

- 3.19 Whilst the hours and activities applied for are inside those suggested for a cafe, except that for the 12 event days, within East Herts 'Statement of Licensing Policy' this is the starting point for this type of premises and does not fetter the Sub-Committee's ability to decide on shorter or longer hours, or even on refusal, if they believe this is more appropriate in the circumstances of the 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.
- 3.20 Of the 14 representations objecting to the application, twelve are from local residents, one is from an individual who visits Ermine Street to care for a resident and one is from a Ward Councillor.
- 3.21 The main areas for concern raised within representations objecting to the application are:
- noise nuisance from patrons, live and recorded music
  - issues related to the sale and consumption of alcohol
  - parking.
- 3.22 Looking at the issue of noise nuisance first four of the representations detail that there are already issues that have arisen linked to the premises and the use of the outside area, as well as from patrons of the premises. There is concern that the granting of a licence to allow live and recorded music until midnight twelve times a year will make this worse. The issue of

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<sup>1</sup> Conditions with a letter 'C' or marked 'All' are relevant to 'Cafes' and those marked '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.

noise from patrons once they have consumed alcohol is also raised.

3.23 Some of the interested parties not only live in the same street as the premises but have properties on the boundary of the premises. Members may wish to ask these interested parties to describe the issues they currently experience so that they can better assess the likely impact of granting the application. The applicant could be invited to explain if they are aware of the issues and to offer any measures in mitigation.

3.24 The biggest area for concern in relation to noise nuisance from music noise appears to be in relation to the proposal to have 12 events per year until midnight. These activities are only requested for indoors and the applicant has offered some conditions they believe would uphold the Licensing Objectives if the application is granted, these are:

- the premises is located in a rural village area and will close early evening apart from 12 optional planned evening events per year until 00:00 hours. Themed events will be in keeping with village life, such as cheese and wine nights.
- signage will be displayed to remind customers of the need to respect neighbours and leave quietly
- windows and doors closed during evening events to prevent noise traveling/disturbance
- garden/seating area will be closed at 20.00 hours except for smokers during late closes, smokers will be permitted outside in the seating area to smoke but no drinks will be permitted outside to avoid unnecessary time spent out there.

- no open vessels to be taken outside during evening events after 22:00 hours.
- 3.25 The first bullet point is more of an informative rather than a clear, enforceable condition. Members may wish to ask the applicant if they would like to offer a condition detailing the types of events which they are proposing to hold; if this was conditioned on the licence an application would be required to add other types of event. Clarity would benefit the interested parties and might mitigate their concerns as, say, a wine and cheese event is very different to 'an individual singer or DJ' as detailed on page 10 of the application.
- 3.26 The second bullet point is a standard condition found on many premises licences but members may wish to seek clarity on the wording of the sign and its size and location. This detail could be added to the condition if it was considered necessary and appropriate.
- 3.27 The third bullet point, relating to live and recorded music would only apply after 23:00, as the national deregulation allows music without an authorisation being needed between 08:00-23:00. Before that time doors and windows could remain open making noise nuisance more likely. Members may ask if measures are in place to prevent doors and windows being opened, such as window locks and automatic door closers, should the application be granted.
- 3.28 Bullet points 4 and 5 are slightly contradictory so need some clarification. Point 4 says that '*smokers during late closes*' will be allowed to use the garden area but will not be allowed to take drinks outside but point 5 says '*no open vessels*' to be taken outside after 22:00. This would leave a gap between 20:00 and 22:00 when smokers could take drinks outside. For conditions to be enforceable they need to be clear and unambiguous.

- 3.29 If members are minded to allow the 12 later events requested then the report author would suggest that there is a need for some additional condition, again to give clarity. The request is for 12 events but there is no detail about when these would be held. Whilst one event a month may not have a huge impact on the premises neighbours without some more detail there is the potential that all 12 events could be held on consecutive days which could increase the potential for nuisance. The applicant also states that they will give 24 hours notice of an event to the Police and Licensing Authority but this is such short notice that it is of no practical use with regards to compliance, particularly if an event is on a Sunday and the authorities are notified on a Saturday. Members may wish to ask the applicant what their intention was when offering this condition and then could suggest an alternative wording for a condition that would deliver what members believe is necessary.
- 3.30 If members have concerns regarding the 12 later events per year and cannot agree on conditions to mitigate those concerns then this part of the application could be refused. The applicant would still be able to have these events using Temporary Event Notices (TEN's) which are designed to allow these sorts of events. The licence holder could apply for each event as little as five days in advance and each application would be scrutinised by the Police and Environmental Health meaning that any issues from previous events could be considered before the events went ahead. Of note, the 12 proposed events is well within the 15 event per calendar year limit allowed for TENs at a premises.
- 3.31 Seven of the objectors directly raise concerns regarding the potential impact of alcohol sales including anti-social behaviour and noise nuisance from customers. Some of the representations objecting to the licence differentiate between the later events and allowing alcohol sales during the normal

operating hours of the premises. This is echoed in one of the representations supporting the application. Members may wish to ask any interested parties in attendance whether removing the 12 additional later events would mitigate their concerns about alcohol sales?

- 3.32 A recurrent theme running through the representations objecting to the application is parking. For parking to be a valid consideration then it must be linked to one or more of the Licensing Objectives. Matters such as residents not having their own drives or not being able to park easily are not valid considerations. Members may wish to ask the interested parties how they know that any current parking issues relate to the operation of this premises and which of the Licensing Objectives they believe this issue impacts? Concerns are raised regarding access for emergency vehicles and it should be noted that whilst both the Police and Fire service were consulted, neither raised this as a concern.
- 3.33 There were two representations in support of the application, one from a local resident living in the same street as the premises and the other is from customers of the premises who live several miles away. Members should attach the weight they believe appropriate to these submissions.
- 3.34 Representation 17 from the Parish Council states that it neither objects to or supports the application but as the points raised do engage the Licensing Objectives the representatin has been included in the report and appendices for completeness.
- 3.35 The applicants operating schedule has been recreated as **Appendix 'E'** and the author has included comments regarding each condition for members to consider. Much of what has been detailed in section 18 of the application cannot be attached to any granted licence as it is ambiguous, unclear



or simply a comment rather than a condition. Members may wish to consider if they want to impose conditions relating to the points raised to help mitigate their concerns. Members may wish to question the applicant regarding the intention of each point before suggesting any revised wording.

- 3.36 The applicant's states that they only provide background music currently. If a premises licence is granted to allow alcohol sales for consumption on the premises then the deregulation of entertainment will mean that they can provide live and recorded music on any day between 08:00 and 23:00. As this would be permitted under the deregulation no conditions can be imposed in relation to live and recorded music between these times.
- 3.37 The Sub-Committee should consider whether the operation of the licensed premises would be likely to cause a public nuisance having considered the evidence presented and the location of the premises.
- 3.38 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.*

- 3.39 Members may wish to enquire with the applicant as to what, if any, engagement the applicant undertook 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? The applicant recognises the benefit of liaison in the operating schedule but there is no evidence of this taking place prior to the application being made.

- 3.40 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.
- 3.41 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.
- 3.42 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. If the Policy is departed from then clear reasons need to be given for this decision.
- 3.43 If the Sub-Committee believes that granting the application as requested would promote the Licensing Objectives, then the application should be granted as requested.
- 3.44 If the Sub-Committee believes 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.
- 3.45 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.
- 3.46 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.

- 3.47 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.
- 3.48 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.
- 3.49 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.
- 3.50 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.
- 3.51 The comments, observations and suggestions contain within the body of the report and associated appendices do not fetter the Sub-Committees discretion to reach the decision they believe is most appropriate when considering all the merits of the individual case.

## **4.0 Options**

- 4.1 The actions open to the Licensing Sub-Committee are:
- grant the application as requested if members 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 if members feel it is necessary to promote the Licensing Objectives; or
- if members believe that there is evidence that shows that there are no steps that can be taken to ensure that the application sought would promote the Licensing Objectives then the application should be refused.

4.2 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.

## **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 7<sup>th</sup> October 2023 and ended on 3<sup>rd</sup> November 2023.

### **Community Safety**

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

### **Data Protection**

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

### **Equalities**

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

### **Environmental Sustainability**

No

### **Financial**

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

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

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

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

## **Legal**

All statutory requirements have been considered in preparing this report.

## **Specific Wards**

Yes – Ware Rural.

### **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>

7.3 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>

7.4 **Appendix 'A'** – Application for a New Premise Licence (redacted).

7.5 **Appendix 'B'** – Representations

7.6 **Appendix 'C'** – Premises plan

7.7 **Appendix 'D'** - Location plan

## 7.8 **Appendix 'E'** – Operating Schedule with analysis

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\* required information

**Section 1 of 21**

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

System reference  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?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

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

**Applicant Business**

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

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

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.  
 Put "none" if you are not registered for VAT.



**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

**Continued from previous page...**

Ermines Café & Stores is a private limited company and has 2 directors, Stacey Wray & Neil Howard

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

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

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

The premises is a village café/tea room and store that also provides essential provisions to the local community. It is often described as the hub of the community and also offers a perfect pit-stop for walkers and cyclists that visit from surrounding villages and towns. Local workers and builders frequent the premises for breakfast and lunches. Ermines is a detached property which adjoins a residential home, which is the proprietors main dwelling. The premises is located on the corner and top end of Ermine street, which is a very picturesque/residential village street and runs parallel to Cambridge rd. The

*Continued from previous page...*

property has seating area located at the back of the premises (quaint tearoom area) and some tables at the front of the shop. The serving counter and food preparation area is located in the central part of the shop, which provides staff with a good overview of the inside of the premises. A public WC is accessed at the back of the premises, a few steps leads down to a lower level from the tearoom where the WC is located and also a private door leading into the proprietors house. The shop premises also has a basement, which is used as storage and stores a commercial bread/pastry oven. Directly and parallel to the right-hand side of the building is an outdoor seating area, which customers use during warmer weather months. This outdoor seating area is within the premises boundary line (pavement license not required) and provides a pleasant sitting outdoor/garden environment. It has 2 picnic style benches and several bistro style tables and chairs.

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

#### Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

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

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

We currently play recorded amplified music at a comfortable sound level and may consider having a singer and/or DJ during planned events. We are a small premises so wouldn't have capacity/space to have a band or DJ with lots of equipment. It would literally be an individual singer or DJ that could plug into our sound system.

State any seasonal variations for the performance of live music

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

Continued from previous page...

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

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

12 events per year between 23:00 - 00:00

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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

- Indoors       Outdoors       Both

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

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

We currently have a PPL license, which we obtained when we first opened. This music is amplified and played at a reasonable background noise level, which allows people to talk/hear over it. Our customers vary in age, from families with young children to right across the age spectrum to elderly folk. We are mindful of the need to play music, which is appropriate and suitable to our clientele and often check in with our customers to ensure it is at the right and comfortable sound level.

State any seasonal variations for playing recorded music

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

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

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

12 events per year between 23:00 - 00:00hrs. 24hr notice will be given to the police and licensing authority.

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes       No

### Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes       No

### Section 14 of 21

#### LATE NIGHT REFRESHMENT

*Continued from previous page...*

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

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.



**Continued from previous page...**

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

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

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

A total of 12 optional annual themed event nights, such as cheese and wine nights until 23:00 hours. The Premise Licence Holder to notify licensing and police 24hrs in advance.

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

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

- Electronically, by the proposed designated premises supervisor

**Continued from previous page...**

As an attachment to this application

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

N/A

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

**Continued from previous page...**

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

A total of 12 optional annual themed event nights, such as cheese and wine nights until 00:00 hours. The Premise Licence Holder to notify licensing and police 24hrs in advance.

## Section 18 of 21

### LICENSING OBJECTIVES

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

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

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

Staff induction/training to be provided on the licensing objectives  
H&S policy in place - staff to read and be made aware of its location

Daily checks that CCTV is in working order

Record keeping of ID checks and alcohol sales refusals

Fire extinguisher and fire alarm checks

b) The prevention of crime and disorder

A digital closed-circuit television (CCTV) system to be installed internally ensuring the following:-

1. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
2. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
3. 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.
4. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested a Police or authorised office recent data or footage with the absolute minimum of delay when requested.

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

**Continued from previous page...**

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:

1. proof of age card bearing the PASS hologram logo
2. Passport
3. UK photo driving licence

Off sales alcohol available to customers - will be displayed close to serving counter and within easy view of staff. If we decide to sell spirits, they will be located out of reach and not easily accessible - Customers will be required to ask if they wish to purchase spirits.

The community is small and staff are familiar with local residence including those that are vulnerable to alcohol abuse/dependency - if need be, management will impose a ban of alcohol sales and possibly the premises to individuals that are known to be problematic.

The nature of the business is a café and general store and alcohol sales is not a predominant feature of the premises. The offerings of light meals and refreshments will be included in alcohol sale consumed on the premises.

Proprietors live on the premises and have 2 resident dogs, dogs alert any late night disturbances.

Liaise with neighborhood watch, community police, licensing police regarding any criminal activity in the local community

**c) Public safety**

Overcrowding - during busy periods and to avoid overcrowding/congested areas and potentially hazardous situations occurring, customers will be encouraged to order and pay for their purchases and find a table.

Cycle racks are provided for cyclists to avoid potentially congested/trip hazard bike issues outside

Prioritize cleaning of reported spillages and glass breakages.

Correct disposal of glass waste and no disposal of glass in outside bins after 21.00hrs. Staff will dispose the following morning to avoid noise nuisance.

Closed bottle sales only for off site sales

Adequate lighting inside and exiting the premise

No smoking inside - outside seating area will be available for those that wish to smoke.

**d) The prevention of public nuisance**

The premises is located in a rural village area and will close early evening apart from 12 optional planned evening events per year until 00:00 hours. Themed events will be in keeping with village life, such as cheese and wine nights.

Signage will be displayed to remind customers of the need to respect neighbors and leave quietly

Windows and doors closed during evening events to prevent noise traveling/disturbance

Garden/seating area will be closed at 20.00 hours except for smokers during late closes, smokers will be permitted outside in the seating area to smoke but no drinks will be permitted outside to avoid unnecessary time spent out there.

No open vessels to be taken outside during evening events after 22:00 hours

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

Children under the age of 10 visiting the premises to eat/drink will need to be accompanied by an adult. As we also provide essential groceries to the local community, we would not want to exclude children that pop into buy sweets independently

**Continued from previous page...**

or run grocery shopping errands for parents, which often local children from around 8 yrs onwards do to develop their independence skills.

No children under the age of 13 will be permitted to late close evening events after 20.00hrs.

Challenge 25 policy in place

Alcohol sales displayed close to serving counter to prevent children shoplifting alcohol.

## **Section 19 of 21**

### **NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

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

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

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

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

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

#### **Documents which demonstrate entitlement to work in the UK**

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

**Continued from previous page...**

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

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

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

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

***Continued from previous page...***

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

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

**Home Office online right to work checking service**

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

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

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

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

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

**Continued from previous page...**

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

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



**Continued from previous page...**

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

**Section 21 of 21**

**PAYMENT DETAILS**

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

Fees for all Licensing Act 2003 permissions have been set by central government. The fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands: band a NDRV £0 - £4300, fee = £100 band b NDRV £4,301 - £33,000, fee = £190 band c NDRV £33,001 - £87,000, fee = £315 band d NDRV £87,000 - £125,000, fee = £450 band e NDRV £125,001 and over, fee = £635

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

Continued from previous page...

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

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

**DECLARATION**

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

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

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

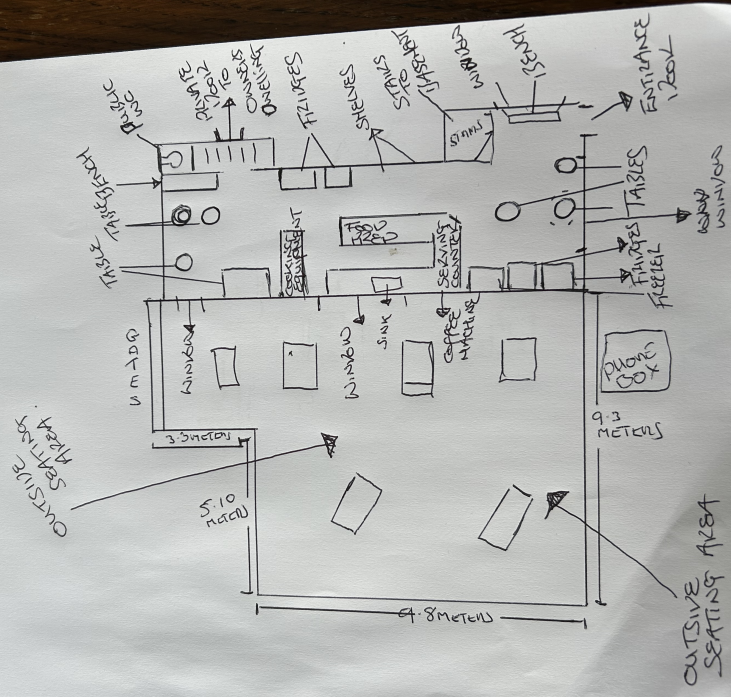
1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-hertfordshire/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

*Continued from previous page...*

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

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

ERMINES CAFÉ & STORES  
 THUNYKINGE. S912 054



**Representation 1**

Comments: 26/10/2023 2:19 PM

I have lived in this house for 31 years. Our garden wall separates us from 'Ermines'. When we moved here it was for the peace and tranquility of a rural village. No.39 was a village shop with a duck pond in the garden. In recent years it was converted to a shop/cafe with 2 picnic tables outside on the grass area next to No.37. This area has now been covered with stone and there are a large number of tables and chairs. Already this can get quite noisy, especially in the Summer. This application would change the use again, with extended opening hours, alcohol consumption and live music until midnight. The property is not a suitable music venue. Ermine Street is a residential conservation area. The facilities being applied for are perfectly served by the Feathers PH and Maltons Bar/Restaurant, both a couple of hundred yards either side of Ermines Cafe. Both have large indoor and outdoor seating areas and their own car parks. Ermines does not have a car park. All residents of Ermine Street are blighted by the lack of parking space in the Street for themselves and their visitors. Most properties not having off street parking, to the extent that many have to park in the school yard overnight. There is no public car park in the village. Where would additional customers park? If live music were played in the venue, even with the doors and windows closed,(unlikely in the Summer months) the noise would reverberate between our garden walls, causing a lack of enjoyment to our property and garden. People leaving the venue late at night, passing under our open bedroom windows, would also be a noise nuisance. For these reasons I totally object to this application.

**Representation 2**

Comments: 26/10/2023 4:15 PM

I should like to express my views on the application.  
I broadly support the principle of allowing our rural venues a degree of flexibility, however I do not think the timings here are conducive to avoiding a Public Nuisance.  
I should like to reserve the option of presenting to the Lic Sub Committee on this.

**Representation 3**

Comments: 26/10/2023 5:00 PM

Impossible to park anywhere in Ermine Street from 5pm until 8 am.  
There are mostly terrace houses with no off-road parking, therefore the road is very narrow.

Music would be a problem for the residence of Ermine Street especially at night. Vehicles will need to reverse into Old Church Lane which is very dark in order to exit towards Ware.

There will be a noise problem with vehicles and people driving to and exiting from Ermines Cafe.

#### **Representation 4**

Comments: 27/10/2023 4:24 PM

As residents of Ermine Street we object to the sale of alcohol and music proposals. The associated late night noise and inconvenience would to us be unacceptable. Clearly any noise in the dip of a valley travels and the parking in an already limited parking area would be wholly unfair on residents. There are many older people living in the village who deserve some respect, peace and quiet in their advanced years including my mother in law who is 91 and visually impaired. Her bedroom is overlooking the back of Ermines. There are also people in our village with long term illnesses as well as young families with babies and young children who will be disturbed at that time of night not to mention the effect on pets who will be aggravated by late night noise and will thereby be adding to it!

The shop has clearly been a lifeline to the village and it's community but this proposal of live music and recorded music 12 times a year is detrimental to the Ermine Street community.

We don't have a problem with domestic party arrangements but this commercial venture is fraught with problems.

We ask that all of this is taken into consideration before making any decisions

#### **Representation 5**

Comments: 27/10/2023 4:32 PM

As residents of Ermine Street we object to the sale of alcohol and music proposals. The associated late night noise and inconvenience would to us be unacceptable. Clearly any noise in the dip of a valley travels and the parking in an already limited parking area would be wholly unfair on residents. There are many older people living in the village who deserve some respect, peace and quiet in their advanced years including my mother who is 91 and visually impaired. Her bedroom is overlooking the back of Ermines. There are also people in our village with long term illnesses as well as young families with babies and young children who will be disturbed at that time of night not to mention the effect on pets who will be aggravated by late night noise and will thereby be adding to it!

The shop has clearly been a lifeline to the village and its community but this proposal of live music and recorded music 12 times a year is detrimental to the Ermine Street community.

We don't have a problem with domestic party arrangements but this commercial venture is fraught with problems.

We ask that all of this is taken into consideration before making any decisions

**Representation 6** (no contact details included)

27/10/2023 8:48 PM

I am a carer who visits Ermine street regularly and a outside venue with music and alcohol would severely disrupt the lives of many elderly people in the street. Antisocial behaviour, keeping residents awake and the lack of parking which exists already will only compound the situation with cars double parking making access for emergency vehicles impossible. I sincerely hope this application is rejected as not in keeping with a quiet residential street. Thank you

**Representation 7**

Comments: 28/10/2023 11:35 AM

I live at **REDACTED** Ermine Street, which shares a boundary with Ermine's Café. Although I have no particular objections to them selling alcohol, I do have major concerns about the grant of a late night music licence and lack of parking in the Street as Ermine's do not have a car park and there are no car parks in the village. We have, on many occasions, been unable to access/leave our driveway due to inconsiderate parking by their customers. I hope this will be taken into consideration. I therefore object to this application.

**Representation 8**

Comments: 28/10/2023 11:51 AM

I am 36 years of age and, due to disability, I have to live at my family home at **REDACTED** Ermine Street, which borders Ermine's Café.

I have Asperger's Syndrome, which is on the Autistic Spectrum, and I have severe Epilepsy, which is uncontrolled by medication. My seizures can be triggered by many things including stress, anxiety, and lack of sleep amongst other things. I am worried that late night activities outside my bedroom will be disturbing. My bedroom is only a few metres away from Ermine's building. I object to this application.

**Representation 9**

Comments: 28/10/2023 5:56 PM

Public Nuisance: The application to play live and recorded music and the increased opening hours will prevent Ermine Street residents from the quiet enjoyment of their own properties and gardens.

Parking: There is little off road parking, and no car park at Ermines Cafe. At busy times it will be impossible for residents to park near their home. Older, vulnerable people will need to walk some distance.

Public Safety: It is not appropriate to grant a PL in the heart of a quiet , residential community with several families with young children.

Anti social behaviour is likely as drinking alcohol can lead to aggressive behaviour.

Only one toilet is available to customers, some may relieve themselves in the street.

Does Ermines cafe have an emergency exit?

It is valuable for the community to have a local shop and cafe open during the daytime. My objection is to the threat to the well being of local residents if a Premises Licence is granted.

## **Representation 10**

Comments: 29/10/2023 10:44 AM Public Nuisance

The shop seating area is directly in front of our house, seats less are than 1m from our window, customers can see directly into our garden and kitchen, which they frequently peer into. It is not uncommon for there to be 20-25 people outside, a huge increase from the 8 indoor seats in the original planning.

The noise is already loud, we cannot have doors or windows open in the summer, we can only use the garden in the evenings when the shop is shut due to the level of noise, negatively impacting our wellbeing.

The proposal to extend hours to 8.30pm 7 days/week, with a further 12xper year extended to 12am, with live/recorded music playing will inevitably cause further public nuisance & noise will escalate further.

Majority of seats are outside, & therefore the majority of the patrons are outside; this inevitably means the majority of the consumption of alcohol, any live or recorded music would also be outside drastically increasing the public nuisance late into the night, potentially 7 days per week. This would impact ALL local residents, but particularly those who live closest.

We already experience frequent littering; ice cream & sweet wrappers are thrown into our garden.

The newsletter notice doesn't convey the full extent of the application only references the application for premises license, not mentioning the proposal for extended hrs or recorded/live music.



There has been no engagement with next door neighbours.

When the current seating was created outside, assurances were given by the owners that they would take measures to minimise the impact on us by parking their cars next to the fence, ensuring there were no seats outside our home. We have not experienced this & they immediately put tables where they said cars would be parked. If any such assurances were given about how this license would be operated, we could not have any faith that the owners would abide by any self imposed restrictions.

### **Representation 11**

Comments: 30/10/2023 12:07 PM

We wish to register our objection to the application by Ermines Cafe for:  
Premises Licence

Extended opening hours 7 days per week + addition 12 x per year events until Midnight to include live/recorded music and alcohol. As residents of Ermine Street **REDACTED** for 30 years, 3 areas concern us regarding the above.

Parking. Already an issue due to the increase in visitors going to Ermines for coffees, visitor dog walkers increased during & post covid and the daily school run. Parking on pavements, restricting access for emergency services + residents. No off street parking for the majority of residents and Ermine's has no car park for patrons. Extending Ermine's hours will mean the above is magnified further throughout the whole day and into the evening, restricting residents parking in the day and on return from work.

Noise. Living close to Ermines at lower end of the street, noise from the music will be heard by residents as is already the case when they use their garden. It is unclear what live music is planned, whether this to be a band and where this will be set up? If in their garden outside this will be a concern, we already hear live music coming from The Feathers in the summer, they being several hundred metres away, Ermines is surrounded by residents and therefore the sound will be magnified bouncing off the surrounding premises. The footprint of Ermines does not lend itself to a music venue. How many patrons does it intend selling tickets for their evening events?

This could be a safety issue if a fire broke out as the shop only has one exit. Anti social behaviour through patrons leaving at midnight, car doors banging, engines revving and noise of people leaving, plus, we already get abuse from visitors challenged when they park on the pavements they believe it is their right as they pay tax. We have many elderly residents + a number of families with very small children that could get woken/disturbed.

## **Representation 12**

Sent: 02 November 2023 15:35

To: Housing & Health Services - Community Protection

<Community.Protection@eastherts.gov.uk>

Subject: Ermines Objections to application for 23/ 1450/PL

Ermines a successful small cafe and store gaining a licence to sell alcohol will be popular

Extending opening hours however raises concerns

Ermine Street, designated a conservation area , is narrow and parking is an issue. Residents particularly in the Grade 2 listed terraced houses have no off road parking. Evening opening of Ermines will add to the problems for residents trying to park near their homes. Access for emergency vehicles is an on going concern.

Extending hours to midnight with live music and alcohol sales at times during the year raises noise disturbance issues for neighbours.

The venue is very small, customers are likely to spill out onto the limited outside space.

Residents have chosen to live in this quiet village , the shop and village hall contribute to its popularity. Nearby Feathers Inn and Maltons restaurant already provide evening venues both with ample parking and outside space.

## **Representation 13**

With regard to the application for a licence at Ermines, 39 Ermine Street, Thundridge I wish to object to the sale of alcohol in the evening or for event nights due to its proximity to residential housing. It will exacerbate the parking problems for residents and I am concerned about noise if events are held outside.

## **Representation 14**

Comments: 03/11/2023 10:26 AM

I have concerns about the impact these proposed changes will have on the residents living near Ermines cafe/shop and object to this application.

The street is of historical significance due to the number of listed buildings on it, and it is in a conservation area. There is already limited parking on Ermine Street as the majority of houses are small cottages with no front gardens, and only on street parking available to them. Since the cafe expanded its floorspace by offering outdoor dining, (after removing a tree and covering one of the only green spaces we had with gravel without any consultation), the increase in cars parking in the street and blocking access has increased hugely. On numerous

occasions I have had to move my car fully on to the pavement to allow delivery lorries going to the shop to manoeuvre their lorries around the cars of the patrons of the shop, which have been parked in such a way as to block access. The increased traffic from the shop makes the formerly quiet and safe street very unsafe for our children and those who attend the village school. The residents observe the speed limits and drive carefully, whilst the non-residents often speed up the street when leaving.

Due to the layout of these old buildings, my bedroom window overlooks the garden and side/back of the cafe where their seating area is, noise from live music will directly negatively affect me.

The increased litter and noise from the customers, particularly during the summer months, disrupts the residents enjoyment of our quiet little village. Allowing the shop/cafe to serve alcohol, be open until 8.30pm, and to have live music until midnight 12 times a year will have a hugely negative impact on residents due to the extra noise, littering, anti social behaviour, and the increased parking and traffic in an area that cannot accommodate it.

These changes are wholly inappropriate for the location and setting of the premises.

## **Representations in support of the application**

### **Representation 15**

Comments: 26/10/2023 8:18 PM

Ermines is a huge asset for our village. We believe this will only enhance the service they provide and allow further opportunity for social events that bring our community together.

### **Representation 16**

Sent: 31 October 2023 15:03

To: Housing & Health Services - Community Protection

<Community.Protection@eastherts.gov.uk>

Subject: [External] Drinks licence SUPPORT

To whom it may concern

I write regarding the application for a drinks licence and music licence at Ermines Cafe Thundridge SG12 0SY

My wife and I regularly walk our dogs or ride our bikes from Wareside to Ermines Cafe for coffee and cake or lunch More often than not we bump into friends there or arrange to meet friends there.

We would love to be able to have a glass of Prosecco or a cold beer - it would be the icing on the cake!

We understand they would like to have a guitarist indoors occasionally in the evening which sounds perfect and would get such great support

The cafe has become a great hub for us locals - it's so lovely to see people of all ages enjoying the friendly atmosphere both indoors and on warmer days in their little garden Although the Feathers pub is along the road - and is very good - it attracts a different customer and has a very different atmosphere We really hope both licence's are granted

## **Representations neither objecting or supporting the Licensing Application**

### **Representation 17**

Stance: Customer made comments neither objecting to or supporting the Licensing Application

Comments: 30/10/2023 3:51 PM

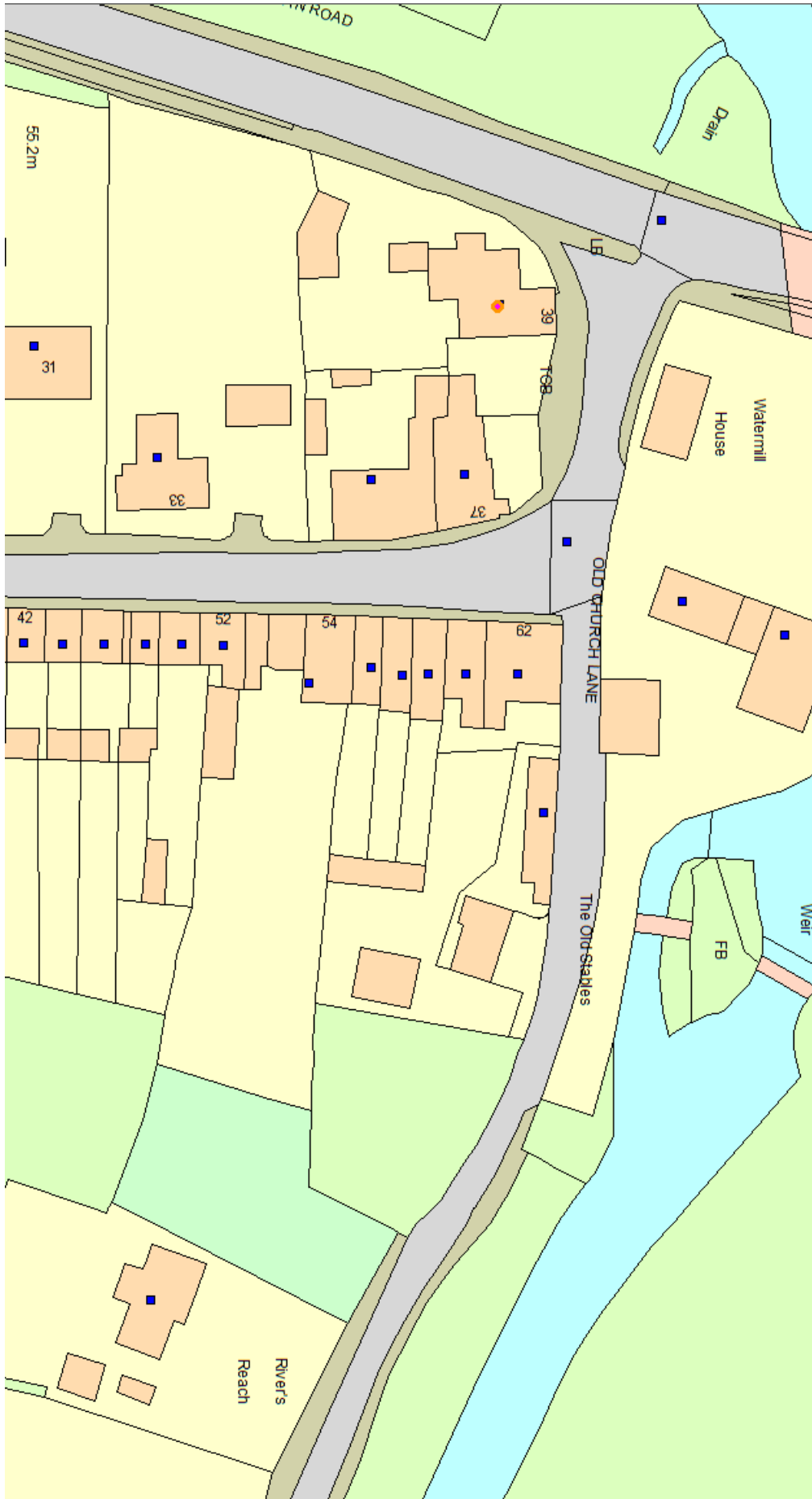
The Parish Council considered the application and had concerns on the following grounds

The application to play live and recorded music and the increased opening hours may have a detrimental effect on local residents.

Parking: There is little off road parking, additional opening hours may make the situation worse

Anti social behaviour, late opening hours may cause anti social behaviour with noise and banging of car doors late a night when leaving the premises.

The Parish Council values the shop and community Cafe and wishes it to thrive, and appreciate some diversity may be required, but this should not be at the detriment of local inhabitants.



List here steps you will take to promote all four licensing objectives together.<sup>1</sup>

1. **Staff induction/training to be provided on the licensing objectives.**

*(This can be included but contains no detail about content, how training will be recorded, or when refresher training might be given)<sup>2</sup>*

2. **H&S policy in place - staff to read and be made aware of its location**

*(H&S is covered by other legislation so whilst this is useful information it should not be included as a condition)*

3. **Daily checks that CCTV is in working order**

*(This should be reworded so that it is clearer, for example, 'The premises licence holder, designated premises supervisor or other person nominated in writing shall carry out a daily a daily check that the CCTV system is operational and shall keep a record of the checks')*

4. **Record keeping of ID checks and alcohol sales refusals**

(This should be reworded, for example, 'A written record of all ID checks and refused sales shall be kept on the premises. Records to detail as a minimum the time and date that the sale was refused or ID checked, the staff member who refused the sale or checked the ID 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'.)

5. **Fire extinguisher and fire alarm checks**

*(Fire safety and its requirements are covered by other legislation so this should not be attached as a condition)*

6. **A digital closed-circuit television (CCTV) system to be installed internally ensuring the following:-**

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<sup>1</sup> Text in **bold** is take from the application.

<sup>2</sup> Text in *italics* are the report author's comments.

- 1. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.**
- 2. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.**
- 3. 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.**
- 4. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and this staff member must be able to show and supply if requested a Police or authorised office recent data or footage with the absolute minimum of delay when requested.**

*(This condition will appear on any granted premises licence)*

- 7. 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:
  - 1. proof of age card bearing the PASS hologram logo**
  - 2. Passport**
  - 3. UK photo driving licence****

*(This condition will appear on any granted premises licence)*

- 8. Off sales alcohol available to customers - will be displayed close to serving counter and within easy view of staff. If we decide to sell spirits, they will be located out of reach and not easily accessible - Customers will be required to ask if they wish to purchase spirits.**



*(This needs to be reworded, for example, 'All alcohol displays will be close to the serving counter and in easy view of any staff member at the counter. Spirits will be located where they are only accessible to staff.)*

9. **The community is small and staff are familiar with local residence including those that are vulnerable to alcohol abuse/dependency - if need be, management will impose a ban of alcohol sales and possibly the premises to individuals that are known to be problematic.**

*(This is more of a comment than a condition that could be added to a premises licence. Member may wish to clarify the intention of this statement and then find appropriate wording to achieve that aim.)*

10. **The nature of the business is a café and general store and alcohol sales is not a predominant feature of the premises. The offerings of light meals and refreshments will be included in alcohol sale consumed on the premises.**

*(Is the intention of this statement that on sales of alcohol will only be allowed to those ordering food at the premises? If that is the case then the wording needs to be made clearer, for example, 'Alcohol for consumption on the premises will only be sold to customers taking a table meal'.)*

11. **Proprietors live on the premises and have 2 resident dogs, dogs alert any late night disturbances.**

*(This is a statement and should not be a condition on any granted licence.)*

12. **Liaise with neighborhood watch, community police, licensing police regarding any criminal activity in the local community.**

*(What is the intention behind this statement? What is the purpose of the liaison, how will it happen and when?)*

13. **Overcrowding - during busy periods and to avoid overcrowding/congested areas and potentially hazardous situations occurring, customers will be encouraged to order and pay for their purchases and find a table.**

*(The purpose of this statement is unclear as the premises licence holder has an obligation to avoid overcrowding so should take action if this occurs. The word 'encourage' is subjective so should not be used.)*

**14. Cycle racks are provided for cyclists to avoid potentially congested/trip hazard bike issues outside**

*(This statement appears to relate more to health and safety than the licensing objectives so Members may wish to ask why the applicant has included this statement?)*

**15. Prioritize cleaning of reported spillages and glass breakages.**

*(Again this is practice rather than something that addresses the licensing objectives. Health and safety legislation requires hazards to be addressed.)*

**16. Correct disposal of glass waste and no disposal of glass in outside bins after 21.00hrs. Staff will dispose the following morning to avoid noise nuisance.**

*(This suggested condition aims to address any concerns regarding noise from disposal of glass, which is appropriate. However, it would also be prudent to limit how early this disposal can be done in the morning.)*

**17. Closed bottle sales only for off site sales**

*(Off sales of alcohol have to be in a closed container so this should not be included.)*

**18. Adequate lighting inside and exiting the premise**

*(This relates to Health & Safety so should not appear on any granted licence.)*

**19. No smoking inside - outside seating area will be available for those that wish to smoke.**

*(It is illegal to smoke inside the premises so this won't appear on any granted premises licence)*

20. **The premises is located in a rural village area and will close early evening apart from 12 optional planned evening events per year until 00:00 hours. Themed events will be in keeping with village life, such as cheese and wine nights.**

*(Covered in paragraph 3.25 of the report)*

21. **Signage will be displayed to remind customers of the need to respect neighbours and leave quietly**

*(Covered in paragraph 3.26 of the report)*

22. **Windows and doors closed during evening events to prevent noise traveling/disturbance**

*(Covered in paragraph 3.27 of the report)*

23. **Garden/seating area will be closed at 20.00 hours except for smokers during late closes, smokers will be permitted outside in the seating area to smoke but no drinks will be permitted outside to avoid unnecessary time spent out there.**

*(Covered in paragraph 3.28 of the report)*

24. **No open vessels to be taken outside during evening events after 22:00 hours.**

*(Covered in paragraph 3.28 of the report)*

25. **Children under the age of 10 visiting the premises to eat/drink will need to be accompanied by an adult. As we also provide essential groceries to the local community, we would not want to exclude children that pop into buy sweets independently or run grocery shopping errands for parents, which often local children from around 8 yrs onwards do to develop their independence skills.**

*(This should be reworded into an enforceable condition, for example, 'Children under the age of 10 years old eating at the premises must be accompanied by an adult'.)*

26. No children under the age of 13 will be permitted to late close evening events after 20.00hrs.

*(Needs rewording to be clearer and only applies if the 12 later events are permitted, for example, 'No children under the age of 13 years old will be permitted to remain on the premises after 20:00'.)*

27. **Challenge 25 policy in place**

*(This is covered by condition 7 above so will not appear on any granted premises licence.)*

28. **Alcohol sales displayed close to serving counter to prevent children shoplifting alcohol.**

*(This is covered by condition 8 above so will not appear on any granted premises licence.)*