



Public Document Pack

James Ellis
Head of Legal and Democratic Services

MEETING : LICENSING SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : MONDAY 8 APRIL 2024
TIME : 10.00 AM

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<https://www.youtube.com/user/EastHertsDistrict>

MEMBERS OF THE SUB-COMMITTEE

Councillors M Connolly, T Deffley and V Smith

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

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AGENDA

1. Appointment of Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Summary of Procedure (Pages 5 - 11)

A summary of the procedure to be followed during consideration of item 6 is attached.

6. Application for a variation of the premises licence for The Old Bell, 38 Bell Street, Sawbridgeworth, Hertfordshire (24/0207/PLV)
(Pages 12 - 54)

An application to vary the premises licence for The Old Bell has been received from Admiral Taverns Limited. A representation against the application has been made by an interested party. Where a representation is received against an application, and not withdrawn, there must be a Licensing Sub-Committee meeting to decide that application. This report is to inform the decision of the Licensing Sub-Committee.

7. 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.

LICENSING SUB-COMMITTEE

EXTRACT FROM RULES OF PROCEDURE

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

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

8.0 Procedure at hearing

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

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

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

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

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

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

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

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

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

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

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

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

9.0 Determination of applications

9.1 The Sub-Committee shall give appropriate weight to:

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

9.2 The Sub-Committee shall make its determination:

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

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

10.0 Role of Legal Adviser

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

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

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

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

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

11.0 Role of Democratic Services Officer

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

12.0 Role of Licensing

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

13.0 Failure of parties to attend the hearing

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

14.0 Adjournments

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

15.0 Right of Appeal

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

Definitions

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

Agenda Item 6

East Herts Council Report

Licensing Sub-Committee

Date of Meeting: 8th April 2024

Report by: Jonathan Geall, Head of Housing and Health

Report title: Application for a variation of the premises licence for The Old Bell, 38 Bell Street, Sawbridgeworth, Hertfordshire (24/0207/PLV)

Ward(s) affected: Sawbridgeworth

Summary

- An application to vary the premises licence for The Old Bell has been received from Admiral Taverns Limited. A representation against the application has been made by an interested party. Where a representation is received against an application, and not withdrawn, there must be a Licensing Sub-Committee meeting to decide that application. This report is to inform the decision of the Licensing Sub-Committee.

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 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 Admiral Taverns Limited was validated on 15th February 2024. The applicant describes the nature of the variation as:

This is an application to extend the licensable area shown on the submitted plan to include the external area. This is to allow the use of a mobile bar in the external area within the current hours for licensable activities.

All conditions, hours and activities currently permitted by the licence are to remain unchanged.

3.2 The licensing authority contacted the applicant's representative for clarity regarding exactly what was being requested as part of the application and the response is below:

In line with the condition sale of alcohol will only be needed until 23:00 outside and inside hours to remain unchanged, apologies this wasn't added onto the licensing application there is already a condition on the planning where the outside area will not be used after 23:00.

Licensable Activity	Day	Hours applied for
Supply of alcohol (for consumption ON & OFF the premises) OUTSIDE	Monday – Saturday	10:00 – 23:00
	Sunday	12:00 – 23:00

- 3.3 The condition referenced above is Annex 3, condition 10 which states:

No use of the outside area except for smoking in the rear garden after 23:00 hours.

- 3.4 A redacted copy of the application form for a new premises licence is attached as **Appendix 'A'** and the revised plan that accompanied the application is **Appendix 'B'**. The current premises licence (23/0472/PLDPS) is attached at **Appendix 'C'** and plan attached to the current premises licence (23/0472/PLDPS) is attached for reference as **Appendix 'D'**.
- 3.5 During the 28-day statutory public consultation period one representation was received against the application from a from a local couple. The representation is attached as **Appendix 'E'**.
- 3.6 The representation suggests that the Prevention of Public Nuisance Licensing Objective would be undermined if the application is granted as requested. Reference is made to the likelihood of an increase to the level of disturbances experienced by the interested party.
- 3.7 A plan of the area in which the premises are located is attached at **Appendix 'F'**. This can be used to illustrate the location of the premises in relation to residents and other businesses.

Policy and Guidance

- 3.8 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

operation of the Old Bell would be classed as a *'Public House, wine bar, Café-bar or other drinking establishment'*.

3.9 The proposed premises are within a Town Centre as defined in section 7.0 of the Policy.

3.10 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 *'Public House, wine bar, Café-bar or other drinking establishment'* located in a *'Town Centre'*, it states:

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

3.11 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.

3.12 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.

3.13 Paragraphs 8.20 to 8.30 deal with the Licensing Objective of 'Prevention of public nuisance'. This is the Licensing Objective identified within the representation against this application.

3.14 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.

3.15 The Home Office-issued '[Guidance issued under section 182 of the Licensing Act 2003](#)' (herein 'the Guidance') states at paragraphs 9.37 and 9.38 that:

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular Licensing Objective or Objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the Licensing Objectives in the overall interests of the local community, the Licensing Sub-Committee must give appropriate weight to:

- *the steps that are appropriate to promote the Licensing Objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy.*

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

3.17 Paragraph 9.45 of the Guidance deals with the consideration of cases where licensing and planning applications are made simultaneously and states:

Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

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’](#)¹.

Officer observations

3.19 Whilst the hours and activity applied for from Monday to Saturday are inside those hours suggested for this type of premises within the Policy, the Sunday hours go beyond 22:30. The existing premises licence allows alcohol sales inside the premises to continue until midnight on a Sunday. Simply requesting hours which are within those detailed in the Policy does not fetter the Sub-Committee’s discretion to decide on shorter hours, or even

¹ Conditions with a letter ‘B’ or marked ‘All’ are relevant to ‘Public House, wine bar, Café-bar or other drinking establishment’ located in a ‘Town Centre’ and some or all may be applied where appropriate having considered the merits of the individual application.

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 In the representation that has been received, the interested party has given details of issues with planning applications. Members understand that planning and licensing are two separate regimes that do not directly influence each other, what is issued as part of one decision does not have to be replicated by the other regime. It is important to focus on the Licensing Objectives and not get drawn into discussions about planning.
- 3.21 However, the Guidance does suggest that where there are simultaneous applications under both regimes, Licensing officers and their Planning counterparts should consider discussing what hours would be acceptable with regards to the proposed operations.
- 3.22 As Planning have not made representations against the application it would not be appropriate for them to speak at the Licensing Sub-Committee. Discussions have taken place at an officer level between the Licensing Authority and Planning. Planning have confirmed that there is a current planning application in relation to the Old Bell and that this will not be concluded before the Licensing Sub-Committee hearing. Therefore, any comments they make are not binding and do not fetter planning's discretion to reach a different decision after consultation.
- 3.23 Planning have stated that should planning permission be forthcoming, it is likely to be similar to the planning permission granted in January 2022 (ref. 3/21/1323/FUL). This included a condition which stated:

There shall be no use of the canopy area hereby approved after 23:00 hours on any day, and there shall be no live or recorded entertainment permitted in the rear garden area said area after 21:00 hours on any day.

3.24 The reason given for this condition was:

In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

3.25 The interested party has submitted that they are extremely concerned that if accepted, the variation would "*lead to yet another increase in the disturbances we have experienced*". However, no details of the current issues have been included.

3.26 Both the Licensing Authority and Environmental Health have previously had contact from the interested party regarding disturbance from the Old Bell but none of the issues have been evidenced and therefore no action has been taken against the premises. Environmental Health has not made representations against this application; they are the responsible authority with the best knowledge of nuisance.

3.27 The representation does not give details of the types of disturbance suffered but does link these to the use of the outside areas. Members may wish to ask the interested party to expand on the details of the type of disturbance alleged and why they believe, if granted, this application would undermine the prevention of public nuisance licensing objective. The applicant could then have an opportunity to respond.

3.28 The interested party raises concerns about the use of a mobile bar in the outside area. A question is raised about what hours this will be for and that is answered in paragraph 3.2, it will cease at 23:00 when the use of the outside area ends.

3.29 The question of where the mobile bar can be located is also raised. Members may wish to question the applicant about this so that some clarity is gained before seeking the interested party's opinion. If the Sub-Committee believed it appropriate, a condition could be attached limiting where any temporary/mobile bar could be located.

3.30 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.

- 3.31 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.
- 3.32 Members should consider if they believe the applicant has provided evidence that the licence, if granted, would promote, and not undermine, the Licensing Objectives. This evidence should be balanced against the evidence given by those making representations that the Licensing Objective of prevention of public nuisance would be undermined.
- 3.33 Whilst the hours and activity applied for on a Sunday 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.
- 3.34 If the Sub-Committee believes that granting the application as requested would promote the Licensing Objectives, then the application should be granted as requested.
- 3.35 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.
- 3.36 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.
- 3.37 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.

- 3.38 Aside from adding conditions, it is open to members to limit the hours of operation and/or area further but clear reasons for this step would need to be given.
- 3.39 However, if adding conditions and/or limiting the hours or area beyond those requested does not mitigate members' concerns regarding the promotion of the Licensing Objectives then the application should be refused.
- 3.40 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.
- 3.41 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.
- 3.42 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 15th February 2024 and ended on 14th March 2024.

Community Safety

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

Data Protection

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

Equalities

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

Environmental Sustainability

- 6.6 No

Financial

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

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

Health and Safety

- 6.8 No

Human Resources

- 6.9 No

Human Rights

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

Legal

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

Specific Wards

- 6.12 Yes – Sawbridgeworth.

7.0 Background papers, appendices, and other relevant material

- 7.1 Revised Guidance issued under section 182 of the Licensing Act 2003 (December 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%202022.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
- 7.5 **Appendix 'B'** – Premises plan proposed
- 7.6 **Appendix 'C'** – Current premises licence
- 7.7 **Appendix 'D'** – Currant premises plan
- 7.8 **Appendix 'E'** – Representation
- 7.9 **Appendix 'F'** - Location plan

Contact Member

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

Contact Officer

Jonathan Geall – Head of Housing and Health, Tel: 01992 531594.
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Report Author

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01992 531629. oliver.rawlings@eastherts.gov.uk

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Admiral Taverns Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 23/0472/PLDPS

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description			
The Old Bell 38 Bells Street Sawbridgeworth			
Post town	Hertfordshire	Postcode	CM21 9AN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£32,000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Milton Gate 60 Chiswell Street		
Post town	London	Postcode	EC1Y 4AG

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to extend the licensable area shown on the submitted plan to include the external area. This is to allow the use of a mobile bar in the external area within the current hours for licensable activities.

All conditions, hours and activities currently permitted by the licence are to remain unchanged.

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

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors <u>or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)					
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Thur			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>	
				Off the premises	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)			
Mon						
Tue						
Wed						
Thur						<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri						
Sat						
Sun						
			As per the existing premises licence.			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
Copy attached.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

No change.

b) The prevention of crime and disorder

No change.

c) Public safety

No change.

d) The prevention of public nuisance

No change.

e) The protection of children from harm

No change.

Checklist:



District of East Hertfordshire Premises Licence Licence No: 23/0472/PLDPS

Licensing Act 2003

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION			
The Old Bell	Telephone: 01279 836003		
38 Bell Street, Sawbridgeworth, Hertfordshire, CM21 9AN			
WHERE THE LICENCE IS TIME LIMITED THE DATES			
Not applicable			
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
SALE OF ALCOHOL			
Friday and Saturday		10:00	01:00
Monday to Thursday		10:00	00:00
Sunday		12:00	00:00
LIVE MUSIC (BOTH)			
August Bank Holiday	(Garden Area)	12:00	18:00
Easter Monday	(Garden Area)	12:00	18:00
Friday and Saturday	(Indoors)	10:00	23:30
May Day	(Garden Area)	12:00	18:00
Monday to Thursday	(Indoors)	10:00	23:00
Sunday	(Indoors)	12:00	23:00
Whitsun BH Weekend	(Garden Area)	12:00	18:00
LATE NIGHT REFRESHMENT (INDOORS)			
Monday to Saturday		23:00	23:30
New Years Eve		23:00	05:00
RECORDED MUSIC (INDOORS)			
Friday and Saturday		10:00	23:30
Monday to Thursday		10:00	23:00
Sunday		12:00	23:00

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

One additional hour for the Sale of Alcohol, Live Music and Recorded Music on the following days: Christmas Eve and Boxing Day. On New Year's Eve the Sale of Alcohol, Live Music (Indoors) and Recorded Music (Indoors) shall be allowed from the start of permitted hours on New Year's Eve to 23:00 hours on New Year's Day.

THE OPENING HOURS OF THE PREMISES

Friday and Saturday	10:00	01:30
Monday to Thursday	10:00	00:30
Sunday	12:00	00:30

The closing time for the premises shall be extended for one additional hour on the following days: Boxing Day and Christmas Day. The opening hours of the premises shall also be permitted from the start of permitted hours on New Year's Eve to 23:00 hours on New Year's day.

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

Alcohol is supplied for consumption both on and off the Premises

Part 2

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

Admiral Taverns Limited
Milton Gate, 60 Chiswell Street, London, EC1Y 4AG

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

Company Number - 05438628

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

REDACTED

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

REDACTED

ANNEX 1 – MANDATORY CONDITIONS

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

holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

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

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

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

6. The responsible person must ensure that—

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

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

For the purposes of this condition -

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

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

where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies,

the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

9. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The exterior areas of the pub will be illuminated.
2. Premises staff will regularly check toilets.
3. Mechanical extraction to be provided in each bar.
4. At least two members of staff to be on duty on Friday and Saturday evenings after 19:00 hours.
5. Premises staff will organise taxis to transport customers off the premises so to encourage dispersal at closing time.
6. The premises will display 'please respect our neighbours and leave quietly' signs.
7. The premises will not allow unaccompanied children onto the premises.

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

1. Last admission times Sunday-Thursday 23:00hrs and 00:30 on Friday and Saturday.
2. All external doors and windows to be closed during musical performances except for the egress and ingress of customers and at all other times by 23.30 hours.
3. Notices to be placed at all exits asking customers to leave the premises quietly.
4. Live and recorded events to be limited to 60 per year.
5. Music to be maintained at a volume that ensures that it does not cause disturbance to local residents.
6. No use of the outside areas after 23.30 hours.
7. Personal licence holder to be on the premises on days when alcohol is sold after midnight.
8. Children are not permitted on the premises on any day of the week after 20:00 hours.
9. No consumption of alcohol (purchased on the premises) to be permitted outside the front of the premises at any time.

10. No use of the outside area except for smoking in the rear garden after 23:00 hours.
11. No open containers to be taken outside after 23:00 hours.

ANNEX 4 - PLANS

PUNCH TAVERNS - Old Bell, Bell St, Sawbridgeworth.

Covering email:

From: **REDACTED**

Sent: Tuesday, March 12, 2024 10:53 AM

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

Cc: Gina Winn

Subject: [External] Application by Admiral Taverns Ltd to vary Premises Licence for
The Old Bell, Sawbridgeworth Ref 24/0207/PLV

For the attention of Gina Winn

Dear Sirs

I enclose a response from my wife and myself in relation to a proposed application
by Admiral Taverns Ltd to vary the existing Premises Licence for The Old Bell,
Sawbridgeworth. The reference number for this application is 24/0207/PLV.

Yours faithfully

REDACTED

REDACTED

Fair Green

Sawbridgeworth

CM21 **REDACTED**

Representation attached to email:

REDACTED
FAIR GREEN
SAWBRIDGEWORTH
HERTS
CM21 **REDACTED**

11 March 2024

East Hertfordshire District Council
Licensing Team
Wallfields
Pegs Lane
Hertfordshire
SG13 8EQ

Dear Sirs

A proposed Application by Admiral Taverns Ltd to vary the existing Premises Licence for The Old Bell, Sawbridgeworth

Having returned from a two-week holiday on the 2 March 2024 and, by chance, having observed a Notice of Application for a Variation of the Premises Licence for The Old Bell, Sawbridgeworth, which was posted the main Bell Street entrance to The Old Bell. I am writing, on behalf of my wife and myself, to comment on and oppose the proposed Variation as outlined in the posted Notice of Application.

My wife and I are 79 and 81 years old and live in **REDACTED**, Fair Green, Sawbridgeworth, CM21 **REDACTED**, which we have owned since October 1997 and occupied since April 1998.

Our house backs on to the rear garden of The Old Bell and we believe that we are one of the parties, if not the main party, who could be affected by the proposed Variation.

We feel that it is premature, at this point in time, to consider the details and make a formal decision in relation to the present proposal by Admiral Taverns Limited who are, as we understand it, the freehold owner and Premises Licence holder for The Old Bell, which it has leased to The Old Bell (Sawbridgeworth) Limited, because the future nature of the outside area we believe will be most affected by the proposed Variation is presently being considered by East Herts Development Management, following the failure of The Old Bell (Sawbridgeworth) Limited to comply with the principal requirement of a Planning Decision Notice, issued by East Herts

Development Management on the 7 January 2022, which required that the canopy covering of a large part of the patio area was to be removed before or by 7 January 2024, and the area was to be reinstated in accordance with details submitted to and approved by East Herts Development Management. In lieu of and, we believe, contrary to the Town and Country Planning Act 1999, as amended, The Old Bell (Sawbridgeworth) Limited has, in fact, applied to retain the canopy covered area, and this application has been accepted and is presently being considered by East Herts Development Management.

We are opposed to the proposed Variation because, in particular, we are extremely concerned that it will, in any case, if accepted, lead to yet another increase in the level of the disturbances we have experienced, since 2014 and following a number of significant post construction approved increases in the outside patio area.

We are also opposed to the proposed Variation if it will allow the use of a mobile bar in the external areas within the same hours as the use of any bar within the present licenced main premises or if it will allow the use of a mobile bar anywhere other than in the present patio area.

Should you have any queries about our position in relation to this matter or require any further information, please do not hesitate to contact me by post, email or with a text message.

Yours faithfully

Paul A O'Leary

Tel : **REDACTED**

Mob : **REDACTED**

Email : **REDACTED**

