

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON MONDAY 17 MARCH 2014,  
AT 10.00 AM

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PRESENT: Councillor Alan Warman (Chairman).  
Councillors E Bedford and J Taylor.

OFFICERS IN ATTENDANCE:

Alimat Adenekan	- Environmental Health
Peter Mannings	- Democratic Services Officer
Douglas Ochiltree	- Environmental Health Technical Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

47 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor E Bedford and seconded by Councillor J Taylor that Councillor A Warman be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor A Warman be appointed Chairman of the Licensing Sub-Committee for the meeting.

48 MINUTES – 14 FEBRUARY 2014

RESOLVED – that the Minutes of the meeting held on 14 January 2014 be confirmed as a correct record and signed by the Chairman.

49 APPLICATION BY TESCO STORES LIMITED TO VARY THE PREMISES LICENCE AT BISHOP'S PARK CENTRE, LANCASTER WAY, BISHOP'S STORTFORD, HERTS, CM23 4DD

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The Chairman outlined the procedure to be followed. All those present were introduced.

The Senior Specialist Licensing Officer advised the Sub-Committee that the application was to vary the premises licence to attach updated plans in relation to a change of layout and to remove conditions from Annexe 3, which were conditions that had been attached following a hearing of the Licensing Sub-Committee on 9 September 2005.

Members were advised that, as the representations only referred to the removal of the condition relating to the car park barrier, this was the only part of the application which Members were being asked to consider. The other conditions that the applicant had applied to remove would be determined by Officers under delegated powers.

The applicant's barrister explained that conditions attached to a premises licence should only relate to licensable activities and should not be used to regulate other matters. Members were advised that only 6–8% of the store's total sales were for alcohol related products.

The applicant had no intention of removing the car park barrier but sought to ensure that only the appropriate conditions remained on the premises licence. Members were advised that the condition was inappropriate as there was no evidence that its retention would promote any of the four licensing objectives.

The Sub-Committee was also advised that the condition meant that the applicant was required to close the barrier even though the store was open and active. Members were advised that this was a technical application to remove an unlawful condition that should not have been

applied to the store's premises licence.

The applicant had sought to apply best practice in utilising a challenge 25 policy before this had become the industry standard. Members were advised that the fact that the police had not objected to this application should be given significant weight.

The barrister concluded that the Environmental Health comments regarding the barrier not working had come about as a vehicle had driven into the barrier. The damage had been quickly repaired to enable the barrier to be brought back into operation.

Councillor J Taylor referred to the importance of protecting children from harm and safeguarding the wellbeing of residents. She referred to a history of complaints relating to the operation of the barrier.

The applicant's barrister stated that Tesco intended to continue operating the barrier but felt that it was not appropriate for this condition to remain on the premises licence. The barrier would not prevent cyclists or pedestrians using footways to access the site. The Sub-Committee was reminded that there was no recent evidence or history of problems relating to the operation of the barrier.

Councillor J Taylor expressed concerns regarding cars moving around the car park and creating a noise nuisance in the form of screeching brakes. She reiterated that the store served a residential area occupied by families with children and Tesco should ensure they were good neighbours. She commented on whether residents' concerns were being taken seriously by the applicant.

Members were advised that Tesco always sought to be a good neighbour and the applicant was very keen to ensure that this Tesco store had a minimal impact on the surrounding area. The applicant's barrister stated that the barrier condition impeded the users of the store and,

should the condition be removed, the applicant would continue to operate the barrier in a responsible manner.

A representative from Environmental Health advised that the operation of the barrier was a lifesaver for residents and was instrumental to Tesco being a good neighbour. The applicant reiterated that only 6–8% of the total sales were for alcohol related products and Tesco had no intention of removing the car park barrier, but merely sought to ensure that only the appropriate conditions remained on the premises licence.

In response to a query from Councillor J Taylor, the Legal Services Manager confirmed that any conditions on a premises licence must relate to licensable activities and there must be evidence that such conditions were necessary.

In response to comments from Councillor E Bedford, the applicant explained that there was no evidence of people buying alcohol from this store and consuming it in the store car park.

The applicant emphasised that Tesco always sought to operate within best practice standards and did all it could to operate in a responsible manner. Members were reminded that there was no evidence in recent times of problems that would justify the retention of the condition relating to the car park barrier.

Councillor J Taylor sought and was given clarification that Environment Health stood by their representation in respect of this application. In response to a query from Councillor A Warman, the Sub-Committee was advised that the applicant would always share CCTV evidence with the police regarding shoplifting or speeding motorists.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the

evidence.

Following this they returned, and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Specialist Licensing Officer, the Applicant and Environmental Health and, having considered the written representations, had decided to refuse the application to vary the premises licence, which sought the removal of the condition relating to the barrier.

Members did not accept that the issue of nuisance from the store was not connected to Licensable Activities and were concerned about the incidents of public nuisance if the barrier condition was to be removed.

RESOLVED – that, for the reasons now detailed, the application to vary the premises licence be refused.

The meeting closed at 11.41 am

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