

1. 12/07/2018 (Respondent type: Resident)

General comments/observations:

1. Document has a repeated para number of 5.16 (twice).
2. 6.3 - not really sure that in 2018 it reflects the clients in referring to a 'vertical drinking establishment' as "aimed at a YOUNGER audience" Those I use have a very mixed and often older grouping esp where sports screens are offered.
3. 6.4 refers to 'robust management of venue's last entry times' but no reference to opening or licensing hours. It seems to be self-regulated and if times are not published (on EHDC website or at point of entry) how do residents know if regulations are being breached? I raise this as 5.15, 5.16, 5.16. 5.17 puts the initial policing issue onto residents and other bodies but without knowing what the establishment is licensed for (published and displayed at point of entry) it could lead to time wasting on pointless complaints - just a view).

RESPONSE: Point 1 was agreed and the numbering corrected. Point 2 had merit and as such the following words were removed from the draft document: (aimed at a younger audience and often associated with music or sports screens). Point 3, the details of opening hours and licensed hours are publicly available on the council website at: <https://publicaccess.eastherts.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication>. The premises are required to display a summary which contains this information but there is no legal requirement for this to be displayed at the point of entry.

2. 13/07/2018 (Respondent type: Not given)

Email entitled: Supermarket Alcohol

I have read thru the licensing schedule, the only suggestion I would urge you to focus on is the sale of cheap alcohol.

RESPONSE: The authority can give this matter consideration in the future but it does not form part of the consultation currently.

3. 18/07/2018 (Respondent type: Town Councillor)

I have read the whole document and find it well considered and comprehensive. I particularly like the proposal of notifying local parish/town councils. I have no hesitation in endorsing it. Thank you for the hard work and commitment in producing it.

RESPONSE: Thank you for your comments.

4. 18/07/2018 (Respondent type: Not given)

Dear Mr Rawlings

Please could you tell me why I have been sent this email and letter?

Regards

RESPONSE: As part of the consultation we contacted everyone who had previously held a licence or notice under the Licensing Act 2003. This individual no longer works within East Herts.

5. 20/07/2018 (Respondent type: Resident)

Having only lived in Hertford since 2003, I have witnessed the slow deterioration of the county town. Initially, this was due to the lack of and high cost of parking places. As a shopping experience in the daytime, it is a none event. Endless nail bars, hairdressers, cafes and restaurants have replaced shops. The local authority have turned the town into a second rate night time entertainment centre catering for the young. We do have two or three shops which are most useful, but shopping is very limited. It will only get worse as on-line-shopping increases.

RESPONSE: The NTE Position statement is proposed to help residents to address any perceived deterioration in the town relating to the night time economy. Licensing is not a mechanism by which the types and number of shops within the town can be addressed.

6. 09/08/2018 (Respondent type: Licence Holder)

Dear Oliver,

My feedback, which is based on my own situation, is on the Council's position with regards the following planning issues.

- Daytime vs night time economy.

Hertford is a very historical town built around the Brewing industry. The town has proportionately more licensed venues scattered around the town that most non Brewing towns. This is to be expected and reinforces its tradition. But these large numbers of licensed venues, both Bars and Restaurants, lead to a very vibrant destination town, especially at night. What the town lacks is a dedicated plan around retail and other leisure activities. This would

give a far more balanced town in my opinion and solve some of the issues we currently have around the poor balance.

- Housing positions vs vibrant venues.

Councils are under immense pressure to build more houses. Hertford is no exception. But squeezing luxury flats into the Town Centre is not a viable answer. A town with a vibrant night life should not have as many flats and houses based in its centre. Consideration must be given to whether each party will exist harmoniously next to each other. Failing that, does the planning process take into consideration the position of windows and doors and how they might open out onto potentially noise generating areas. Simple amendments to Planning applications to insist on air conditioning to these rooms, so that open windows are not required, may solve this issue. It may sound a cliché, but in this Brewing Town, I would expect that the majority of Pubs and Bars were in place long before the new flats were built.

- The minority vs the majority.

In my case, the six flats are located meters away from my bar and give rise to my business being restricted in the hours that it is allowed to operate. Arguably, the 6 flats to the rear on my pub garden, influence the many hundreds of guests that I have in on a weekly basis. This has a massive financial burden to the business in an environment where its costs are forever escalating. Under the terms of any Licensing application, Amendment or Review, the Public can raise a complaint against the venue from any geographical distance away from that venue. Surely there must be protection from this. If you choose to buy or rent a flat in a town or city centre, you should not expect a country life of tranquillity.

I hope this feedback is useful to your project.

Kind regards,

RESPONSE: Many of the issues raised are looking at the bigger picture and the policies of the Authority as whole and are not matters for Licensing. In the last paragraph the response mentions that a complaint can be made from any distance away from the premises and asks if there is protection from this. The relevancy or not of a representation or review application would be decided by the Licensing Authority taking all factors into consideration, including geographical location. If, in the opinion of the Licensing Authority, none of the licensing objectives were being undermined or potentially undermined then the application/representation would be rejected.

7. 09/08/2018 (Respondent type: Solicitor from Poppleston Allen)

Dear Oliver

I have reviewed the East Herts Night-time Economy Position Statement and comment on the draft as follows:-

- Paragraph 2.1 includes a table outlining how relevant parties will be made aware of applications and in relation to residents this includes the consultation period during which public notices will be displayed for new premises licence applications and full variations (i.e. not less than 28 days). I note that there is no reference to the process for minor variations, which residents can object to, so I think it may be appropriate to include a reference to the 10 working day consultation period in the case of minor variations to avoid any confusion.
- At paragraph 4.6 the document states that a Licensing Committee is required under legislation to make a decision on an application

at the hearing and there is no power to defer the decision. This is not correct in all cases. Regulation 26 under the Licensing Act 2003 (Hearing) Regulations 2005 sets out the specific cases in which the Authority must make a determination at the conclusion of the hearing however, in most cases the Authority has 5 working days within which to determine an application.

- Paragraph 5.11 states that the guidance issued under the Section 182 was last amended in 2017 however it was last amended in April 2018.
- Paragraph 5.12 appears to contain a mistake as it refers to prevention of children from harm, instead of protection of children from harm.

I am happy to discuss any of the above points should you wish.

Kind regards,

RESPONSE: All four points in this response are valid and amendments have been made to the appropriate paragraphs.

8. 10/08/2018 (Respondent type: Solicitor on behalf of a licence holder)

Dear Mr Rawlings,

I act on behalf of Breeze Bars Limited and have been instructed to respond on behalf of the company to the public consultation on the draft night time economy position statement published by East Herts Council.

My client is the owner and operator of Bacchus in Bishop's Stortford. The company takes its responsibilities seriously and is proud that the venue has established a reputation for providing a safe and enjoyable experience.

Safety and security are at the top of the company's list of priorities. Any incidents are rare and generally minor.

Bacchus provides a number of benefits to the local community. People do not have to travel to London for a quality club experience. Having a nightclub in the town encourages people to spend their money locally, not only at Bacchus but also with other businesses in the town.

The recent variation of the premises licence was an acknowledgement of the way in which Bacchus is operated, the licensing authority being satisfied that the conditions already in place are sufficient to cover any additional noise or disruption.

The concern of the company is that the position statement may cause issues for operators in the future if it is adopted as currently drafted.

The draft statement contains some inaccuracies and does not make clear the limitations that apply to representations made in respect of applications under the Licensing Act 2003.

By way of assistance, I have made some suggested alterations in the accompanying document.

I have made the suggested alterations with the following aims in mind:

- To correct any errors
- To avoid any confusion
- To provide an accurate summary of the statutory process

In order to achieve those aims, I have used the relevant provisions of the Licensing Act, Regulations, the Statutory Guidance and case law.

The amended statement is in word format with track changes, so that you can see the suggested alterations that I have made. I am sorry about the formatting of the document but it is how it transferred from the original PDF version.

The amended statement is also in PDF format for ease of reading.

If it would be of further assistance, I will be pleased to discuss any aspect of the amended statement with you.

Please do not hesitate to contact me if you have any queries.

Kind regards,

RESPONSE: This response provided a version of the draft position statement with tracked and this is attached as **ESSENTIAL REFERENCE PAPER 'C'**. Some of the points raised were addressed in the response above. Many of the points raised were considered valid and the draft document amended appropriately. Where a point is not considered valid or the suggested wording has been amended the explanation for this is included in the essential reference paper as a comment.

9. 10/08/2018 (Respondent type: Resident)

East Herts Council-Licensing Decision Making relating to the Night Time Economy "NTE"

I have read your 22 page "Position Statement" and would like to make the following comments.

I live in **REDACTED** Ware. My home is adjacent to **REDACTED** This places my

wife and I in a unique position to comment on East Herts Council's performance in relation to 1:1.4-
“..to balance the benefits of a prosperous local night time economy with minimising any detrimental
impacts on the quality of life..” In this respect East Herts District Council “EHDC” have and are failing.

The imbalance between businesses engaged in “entertainment” means that Ware is already a
“destination location” for music and the sale of alcohol and take away food. The town centre can
“boast” a number of eateries and a myriad of “take away” and late night retailers.

The reality is that the undermanaged growth of these type of business by either the Town Council
(whose powers seem limited), EHDC, and Hertfordshire Police have led to a substantive growth of
anti-social behaviour at the weekends between Friday to Sunday night. However almost on any night
Taxi's dropping their passengers and picking up people in various stages of alcoholic distress as late
(or early) as 3am makes living in this area of Ware uncomfortable and unattractive. This would if
publicised correctly would end the EHDC wish for our area “1.4-“.. in a way that continues to make
East Herts an attractive place to live and visit”

Cars mostly driven by younger men use Station Road/Amwell End, and Viaduct Road and the Town
centre itself as something akin to a “drag strip racing circuit”. I suspect we are all relieved to note
that no Council official or Police Officer has been hurt during these antics as none are ever seen in
this area during these times.

As you will note I can only directly comment on the situation in **REDACTED**

, Ware and am unable

to verify what I hear from Friends who live in other parts of the EHDC area but my understanding is
that similar but not so acute behaviour is seen and experienced by local residents.

My specific observations on how EHDC are failing to adhere to your own “Licensing Policy” and in
particular the four objectives are listed below.

- The little to no evidence of EHDC efforts to protect the public and local residents from either
crime or anti-social behaviour. Almost all of our local licensed premises are “irresponsible”
identified by drunkenness and late night/early morning noise in the road and general area
where we live.
- To my untrained eye there is little to no CCTV coverage in the area outside the town centre.
This encourages anti-social behaviour to be drawn to quieter and non-patrolled areas.
- The “co-operation” between EHDC and the Police is either not working or is non-existent.
- In Ware “public nuisance” is a daily (and nightly) reality. This is shown by the amount of
rubbish and litter from take aways and the amount of bottles and cans and cigarettes butts
are clearly overwhelming your street cleaning operative. There is a noticeable increase in
vermin which EHDC Environmental officers casually attribute to the River Lea and the BR
railway tracks !
- We also see groups of Taxi drivers standing outside their vehicles (near Ware BR) smoking,
spitting, and make inappropriate remarks and gestures to young women passing by their
vehicles especially when going to and coming from Ware BR station in the early evening and
later at night. Those with responsibilities for the care of children and young people have
evidence of how these matters can escalate into something more worrying. These taxis and

their drivers regularly perform illegal road manoeuvres and tie up short term public parking bays. The noise of slamming doors and arguing with passengers over fares can (and does) run between 10pm through to 3/4am.

- Traffic in Station Road, Ware regularly mounts the pavement sometimes at speed. Although requested repeatedly, no traffic calming measures have been considered by EHDC or Hertfordshire County Council. For those of us who regularly witness this we are sure that someone will be seriously injured or worse.

I accept that this a very personalised view and that the maybe others who live in our vicinity are content with what I describe. However my challenge to EHDC is to make this proposal more widely known by direct mail or e-mail or via inclusion in your regularly received magazine to those residential homes effected by the aim of this discussion document. I believe that many would "score" the local authority poorly in management of the area and taking into consideration their wishes, needs and requirements.

The partnerships and co-operation that the document so proudly refers to is not readably in evidence to local residents and I'm sure in other areas covered by the EHDC. It seems that EHDC are more interested in promoting business and hence local taxation via business rates and licence fees then providing a safe and enjoyable environment for its residents and their families.

EHDC challenge must be to actively work and achieve what you think you've already done. A solid base of recordable and acknowledge achievement is the only way that the hopes and aspirations of EHDC will be able to deliver a workable framework in alignment with this NTE document.

I hope that you have received a substantial response to this document. It will (I hope) support the points that I make in this response. I am happy to speak to and address the points covered in this response which limit me to 1,000 words but easily cover at least twice that number.

RESPONSE: This response contained a wide variety of issues that extend far beyond the control of the Licensing Act 2003. It is hoped that the NTE Position statement will help to address the either perceived imbalance between promoting business and the needs of residents which is often difficult to do under a permissive regime. The individual points have been responded to directly but the response did not suggest any changes or amendments to the draft document.

10. 11/08/2018 (Respondent type: Resident)

Whilst I appreciate the trade that the late night crowds bring to the town, there needs to remain the right balance between an enjoyable night out in the county town and safety/consideration for local

residents. There should be strict volume controls for venues/events (Dog & Whistle DJ events in garden for example) and clear enforcement of these conditions as often it has taken intervention from nearby residents to inform them of the travelling sounds of their music. I would also like to see more visible policing to enhance safety as there have been an increasing number of incidents in the last year when comparing to the previous 10 that we have been living here.

RESPONSE: The NTE Position Statement informs residents of the powers they have to address issues with premises and how the Licensing Authority will deal with these. Each application is considered on its own merits and when the nature or style of a venue changes there is no automatic right to revisit the hours and conditions attached to that premises licence. Where there are concerns that any of the licensing objectives are being undermined by the operation of particular premises conditions such as those detailed in the response can be imposed if appropriate.

11. 13/08/2018 (Respondent type: Hertfordshire Constabulary)

Under section 3 (3.6 and 3.7 – although numbers are duplicated) - Use of TEN's – Further guidance required in relation to the use of them to overcome licence conditions. For example a premises that has a condition not to use their garden after a certain time apply for a TEN's to use the garden for entertainment past this time. Is it reasonable / acceptable to allow the premises to then use the garden as it will be a one off? What if they regularly use TEN's to overcome this condition?

Also where a TEN is used to extend the licensable hours on a late night venue there is the issue that no conditions then apply for the

additional hours. What are the expectations of the applicant in relation to still working by the conditions on their licence – can they be advised to state this in their application forms?

Clearly if there are concerns objections can be made to either reject a TEN's or have the conditions added. I am looking at where there are no specific concerns but Police would still want a premise to operate in line with conditions.

Perhaps outside of this consultation is the issue around the use of TEN's for festival type events – guidance from the Committee / Council in relation to this issue would be helpful. Also clearer expectation to applicants as to what is required on the form when submitting a TEN's – ie more detail.

Below two paragraphs I think restrict the Council's enforcement team to only ever checking premises when there have been complaints or there have previously been complaints. I believe there would be occasions when you will do random checks even when there have not been complaints.

5.2 In common with other local authorities, the council as the licensing authority does not routinely monitor all licensed premises for compliance with specific licensing conditions. This would be unnecessary as most premises conduct their business in a responsible way, keeping to the conditions of their licence.

5.3 Thus, the council's enforcement action needs to be targeted. Decisions about which premises to investigate will be:

- reactive – based on a specific complaints or resulting from intelligence from partners that strongly suggests a breach of the licence has occurred/is on-going and/or

- proactive – this may take the form of one-off or periodic follow-ups based on previous complaints.

RESPONSE: With regards to the matter of TEN's. The Police response suggests that at times TEN's are used by premises to extend their hours of operation whilst not having to comply with any conditions on their licence. This may in fact be the case but there is no requirement for licensed premises to comply with its conditions whilst operating under a TEN as it is a completely separate authorisation. The Licensing Authority does not see a benefit to asking premises users to state whether they will be complying with their conditions during a TEN as it would not be enforceable and is not a requirement of the legislation. As such there is no expectation on premises users to comply with the premises licence conditions but the authority would consider it prudent for responsible premises users to do so. Conditions are there to address issues that might otherwise undermine the licensing objectives so to not follow them increases the likelihood of complaint and future TEN's being rejected or having conditions attached.

It is correctly pointed out that where there are concerns the Police can make an objection and request that relevant licensing conditions from the premises licence are attached to the TEN. Where there are 'no specific concerns' then no additional requirements should be imposed on the premises user. The Licensing Act 2003 is a permissive regime so activities should be allowed to go ahead where there are no concerns regarding the undermining of (potential or actual) or failure to promote the licensing objectives.

The Licensing Authority cannot require more information to be included on a Temporary Event Notice than is already required by regulation or legislation. If the detail on a form is not adequate for

the notice to be processed then the TEN is either rejected or the premises user is contacted and asked for additional details.

The paragraphs referenced do not limit the ability of the Licensing Authority to only visiting premises which have received complaints. With the limited resources available to the council it is not possible to schedule visits to every licensed premises within the District. These resources must be targeted primarily on risk based criteria. However when considering using these resources in the most cost effective way several compliant premises may be visited in the vicinity of a premises which is the subject of complaints whilst the officers are in that particular area. The ability to visit any licensed premises, or premises suspected of providing licensable activity, is not fettered by these paragraphs.