

Police consultation response (06/06/2021):

I am happy with the Policy, in particular it is good to see the Sensitive Licensing area for Hertford and the comments made in paragraphs 7.4, 7.5 and 7.9.

Points for consideration for amendments -

1. Under section 8 – Licensing Objectives, the use of ID scan type systems should be mentioned under the prevention of crime and disorder.
2. Under section 8 – Licensing Objectives, there is a growing trend by premises to offer 'bottomless brunches' – while food is part of the deal the customers are able to drink as much as they want within a set time normally 2 hours (during the afternoon), before being asked to leave as the table is booked for the next round of customers. As a result these have been seen to cause issues as people are getting drunk very early on, they leave the relevant premises and then cause issues trying to get into other premises. Can bottomless brunches be mentioned specifically in some capacity? I believe that because food is involved it doesn't come under the irresponsible drinks promotions?
3. Under 8.24 – restricting the times that outdoor spaces are used and when in use especially in the evenings restrict the numbers using them. Also management of queues – it currently states prevent queues which may not be achievable.
4. Under 8.31 – Protection of children from harm – can something be added in relation to the use of children under 18 years of age being used as glass collectors in certain premises.
5. Under 9.2 – the final paragraph states 'the licence is automatically granted as applied for, that is without any variation or condition' – should this not state 'the licence is automatically granted as applied for, without any variation and with conditions attached that are consistent with the information submitted on the operating schedule'?
6. Under 16.1 – Conditions agreed with other authorities after the submission of the application – where do these sit in relation to what is stated in 16.1?

7. Under 20.4 and 20.5 – I would advise removing ‘taking place under the authority of a premise licence’ and ‘events which include special risk factors’. We have a number of large events (that do not have premise licences – such as Much Hadham Fete) and even smaller events, that should go through SAG. We do not want people to think that they do not need to use SAG unless they have a premise licence. Instead it should be stated that ‘event organisers are encouraged to notify the SAG of events they are planning’.
8. Under 20.11 and 20.12 – whilst I agree that there are many events where multiple TEN’s are appropriate there are also situations where they are not. Our view is that generally multiple bars at a community event would be fine while trying to licence for example a number of fields under TEN’s for music would not be. This section reads as though it is acceptable to use multiple TEN’s in this way. Can this be further clarified. Perhaps stating that multiple TEN’s may be appropriate for events where the main purpose is something other than alcohol consumption and / or regulated entertainment ie Much Hadham Fete (large numbers attending but the entertainment and alcohol is additional to the main purpose of the event).

Other points to be added -

9. Licensable plans - state that licensable plans submitted with applications should be of a specified quality – ie to scale, clear, accurate and clearly define the licensable area

Also requirement / expectations to update plans when changes are made

10. Expectations in relation to the licence being sent out once granted

Please advise if any of the above is unclear,

Many thanks,

PS 2182

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Licensing Authority response:

Thank you for the response to the draft policy, and your comments regarding the proposed 'Sensitive Licensing Area' for Hertford. I will respond to your points in order:

1. We have added the use of ID Scanning systems to the matters that will be taken into consideration when determining applications for licences or reviews.
2. We have added a section regarding the mandatory conditions, which includes irresponsible drinks promotions. We have included 'Bottomless Brunches' as a practical example (please see attached).
3. We have added the word manage to the bullet point about queues so that it reads: • *manage or prevent queuing (either by pedestrian or vehicular traffic)*; and added another point which reads: • *restrict the number of patrons using outside areas in the evening and at night*;
4. We have added paragraphs regarding under 18's working in licensed premises and these are also attached.
5. We have amended the last bullet point to read: • *on the first day after the statutory consultation closed, the licence is automatically granted as applied for, that is, without any variation or additional conditions beyond those offered as part of the application.*
6. Conditions agreed during the consultation period, with a responsible authority or other party, become part of the application as applied for. We have added a footnote to 9.2 which reads: *Amendments made by the applicant during the consultation process become part of the application as 'applied for' and will be reflected in any licence which is automatically granted.*
7. A similar point has been raised by the response to the consultation received from Environmental Health. As a result point 4.14 was amended with a footnote which contains the web link to the SAG webpage and states: *Such small scale events may still benefit from contacting the East Herts Safety Advisory Group.* We have added the same footnote to 20.5 and do not propose to make any other amendments as the Statement of Licensing Policy details how we will deal with the discharge of our licensing functions rather than being a general event guide for those that do not require a permission to carry out events.

8. Whether multiple temporary events can be used for a particular event must be assessed on its own merits. Whilst it is not desirable for some types of events to operate in this way it is also not always unlawful to do so. As you are aware the Licensing Authority administers the TEN's regime so we cannot specify which types of events should or should not operate under TEN's. If a valid application is received for any type of event it would be for one of the consultees to make a valid objection or the TEN to be allowed to go ahead and then action taken retrospectively for any breaches if they occur.
9. The details of what should be included on plans the scale are covered by the regulation. The Licensing Authority checks the validity of applications including the submitted plans and as such a responsible authority will be notified whether an application is valid or not, any it can only be valid if the plans meet the regulations. If you are notified that an application is valid but you believe that the plans do not meet the requirements of the regulations then please let us know. If on the other hand the plans provided do not show the information you need to make an assessment of whether or not an application will undermine the licensing objectives then please contact the applicant. If they do not subsequently provide plans that mitigate your concerns then it is open to you, as a responsible authority, to make representations against that application. Guidance regarding plans is on the East Herts webpages so we do not propose to include any reference in the Statement of Licensing Policy.
10. Applicants are notified when their applications are granted and are allowed to operate under that licence before receiving the hardcopy from the Licensing Authority. The expectation is that all licences granted to date will be issued by 31st July 2021 and that going forward hardcopies of licences will be issued within a maximum of 2 weeks from grant.

Regards

Proposed amendments to draft policy:

Paragraph 8.9 addition of: • the use or not of an ID scanning type system;

Additional paragraphs dealing with mandatory licence conditions and irresponsible drinks promotions (16.8-16.15).

Paragraph 8.24, added 'manage or' to bullet point 3.

Additional paragraphs dealing with under 18's working in licensed premises (8.40-8.44).

Paragraph 9.2 wording of bullet point 5 amended to read: • on the first day after the statutory consultation closed, the licence is automatically granted as applied for, that is, without any variation or additional conditions beyond those offered as part of the application.

A footnote added to above bullet point that reads: Amendments made by the applicant during the consultation process become part of the application as 'applied for' and will be reflected in any licence which is **automatically** granted.

A footnote added to paragraph 20.5 which reads: Such small scale events may still benefit from contacting the East Herts Safety Advisory Group:

<https://www.eastherts.gov.uk/community-wellbeing/community-events>