

**Committee:** Licensing Panel

**Date:** 19<sup>th</sup>  
September 2024

**Title:** Application for a Premises Licence - Blossom Bites Tea Café and Tea Rooms, Unit 10 Taylors Barns, Elder Street, Wimbish, CB10 2XA

**Report Author:** Karen James, Licensing Support Officer

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## Summary

1. The purpose of this report is for the committee to consider an application for a premises licence pursuant to section 17 of the Licensing Act 2003 ("the Act").
2. The application before the panel today is for a premises licence for Blossom Bites Café and Tea Room at Unit 10, Taylors Barns, Elder Street, Wimbish, CB10 2XA ("the Premises"). The application is dated 09 July 2024 and is made by Blossom Bites Café and Tea Rooms Ltd.
3. This report sets out details of that application. Various representations have been made from residents in response to this application. As a consequence of the relevant representations, the matter has been referred to the Committee for determination pursuant to Section 18(3) of the Act.
4. The Premises are situated on the outskirts of Wimbish on a commercial site made up of Units which include a garden centre amongst other businesses, there is one residential Premises in proximity which is owned by the Landlord of the site. A plan, map and photos are attached in Appendix B.
5. The options open to the Committee are set out by law, and are:
  - To grant the application
  - To modify the application by inserting conditions
  - To reject the whole or part of the application

## Recommendations

6. That Members carefully consider the representations made and take such steps as the Licensing Panel consider appropriate for the promotion of the Licensing Objectives.

## Financial Implications

7. A decision made by the Licensing Panel may be appealed by any party to the proceedings of a Magistrates Court. Costs associated with an appeal or a Judicial Review and incurred by any party, may in certain circumstances be awarded against the Council.

## Background Papers

- a. Premises Licence Application (Appendix A)
- b. Plan/Map/Photos of the Premises (Appendix B)
- c. No objections from Police but agreed conditions to be included (Appendix C)
- d. Representation from Frances Johnson (Appendix D)
- e. Representation from Michael Young (Appendix E)
- f. Representation from Nicole Le Strange (Appendix F)
- g. Representation in support from Katrina Emerton (Appendix G)
- h. Representation from Kevin Hassall (Appendix H)
- i. Representation from Louise Norris (Appendix I)
- j. Representation in support from Nikki Izatt (Appendix J)
- k. Representation from Janet Grogan (Appendix K)
- l. Representation from Linda King (Appendix L)
- m. Representation from Robert King (Appendix M)
- n. Representation from Deryck Johnson (Appendix N)
- o. Statement of Licensing Policy (Appendix O)
- p. The Licensing Act 2003 (Hearings) Regulations 2005 (Appendix P)

## Impact

Communication/Consultation	Details of the application were conveyed to all relevant responsible authorities. A blue public notice was displayed on the premises for the required timeframe and a public notice was placed in a local publication circulated within the area of the premises.
Community Safety	All Local Authorities must fulfil their obligations under Section 17 of the Crime and Disorder Act 1998 when carrying out their functions as Licensing Authorities. Section 17 places a duty on Local Authorities to do all they reasonably can to prevent crime and disorder in their area.
Equalities	<p>The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010).</p> <p>The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.</p>

	<p>An Equalities Impact Assessment is not required in relation to this report, because this is a decision relating to a Premises Licence application under the Licensing Act 2003.</p>
<p>Health and Safety</p>	<p>N/A This is a Licensing Act 2003 Licensing Panel Report</p>
<p>Human Rights/Legal Implications</p>	<p>Under the Human Rights Act 1998, the Licensing Panel needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Human Rights Act provides that: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest, or to secure the payment of taxes or other contributions or penalties.” The term “possession” includes a Licence as well as a home and the things it contains. The Act further provides:</p> <p><i>“1. It is unlawful for a public authority to act in a way which is incompatible with a Convention right. 2. Subsection (1) does not apply to an act if: 2.1 As the result of one or more provisions of primary legislation, the authority could not have acted differently; or, 2.2 In the case of one or more provisions of, or made under, primary legislation, which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.”</i></p> <p>However, it is recognised that the Council’s Statement of Licensing Policy and Statutory Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Therefore, subject to both the Statement of Licensing Policy and Statutory Guidance having been properly and carefully considered,</p>

licensing authorities may depart from them if they have a justifiable reason to do so. If doing so, licensing authorities will need to give full reasons for their actions.

The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as: a) the prevention of crime and disorder; b) public safety; c) the prevention of public nuisance; d) the protection of children from harm. Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

The imposition of conditions under the Licensing Act 2003 is a legitimate interference with the article 1 right in this context.

Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State. The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix P.

Attached at Appendix P is the following:

- a) a copy of the Notice of Hearing.
- b) the rights of a party provided in Regulations 15 and 16.
- c) the consequences if a party does not attend or is not represented at the hearing;
- d) the procedure to be followed at the hearing.

The Human Rights 1998 (HRA) requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those Rights. Article 6 (A6) of the European Convention on Human Rights (ECHR) is the right to a fair trial. The key elements of this include:

- The right to a fair hearing.
- The right to a public hearing;
- The right to a hearing before an independent and impartial tribunal.

	<ul style="list-style-type: none"> <li>• The right to a hearing within a reasonable time.</li> </ul> <p>When hearing an application, the proceedings of a non-judicial body such as the Licensing Panel as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing Panel to a Court that does meet the full A6 standards and can consider all aspects of the case (even if that does not include a full re-hearing of the facts).</p> <p>So, while it is good practice to make a hearing before the Licensing Panel as A6 compliant as possible, it will not be a breach of the HRA if it is not. Further, the hearing of all applications is subject to the principles of Natural Justice and the requirement for decisions to be 'Wednesbury reasonable'</p> <p>A written decision notice with reasons will be provided within five working days of the date of the hearing.</p> <p>Para 13.10 of the Guidance states: <i>"It is important that a licensing authority should give comprehensive reasons for its decision in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that the reasons should also address the extent to which the decision has been made with regard to the Licensing Authority's Statement of Policy and this Guidance. Reasons should be promulgated to all parties of any process which might give rise to an appeal under the terms of the 2003 Act."</i></p> <p>Section 181 and Schedule 5 of the Act make provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court within 21 days of receipt of the decision notice and reasons.</p>
Sustainability	None
Ward-specific impacts	Wimbish being the ward within which the premises are situated
Workforce/Workplace	None

## Situation

8. The applicant has applied for a Premises Licence to enhance her business so that she is able to offer alcohol beverages on site only, to accompany her food business and refreshment at other Community events, which may also include live or recorded music.
9. The proposed licensable activities are:
  - i. Supply of Alcohol - Tuesday – Sunday 12:00 – 23:00
  - ii. The Performance of Live Music – Tuesday – Sunday 12:00 – 23:00
  - iii. Playing of Recorded Music – Tuesday – Sunday 09:00 – 23:00
10. Copies of this application have been served on all the statutory bodies and did not attract any negative representations or objections. The application received 10 representations from members of the Public as detailed in the Appendices D-N, some in support of the application and others with objection.
11. Following the conclusion of the consultation, the applicant being aware of the representations made by members of the public, has proposed to limit any Live music events to 2 per month.
12. In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as set out in the Licensing Act 2003. These are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
13. There is no hierarchy of importance among the objectives, and all must be given equal weight.
14. The decisions that the Committee can make in respect of this application are to:
  - Grant the application
  - Modify the application by inserting conditions
  - Reject the whole or part of the application
15. When determining an application, due regard should be given to the Council's Licensing Policy and the Secretary of State's Guidance issued in accordance with the 2003 Act.
16. The Secretary of State's Guidance provides at paragraphs 10.8 and 10.10 the following assistance for members:
  - 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention*

*licensing objective conditions must be included that are aimed at preventing illegal working in licensed premises.”*

10.10 *“The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late-night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.”*

17. If the Committee’s decision is to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relevant to the representations received. Furthermore, the Committee should not impose conditions that duplicate the effect of existing legislation.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating Actions</b>
1 Either no conditions are attached to the licence, or the conditions do not satisfactorily achieve the licensing objectives the prevention of public nuisance	2 There is a possibility that local residents will suffer from public nuisance even if what appears to be appropriate conditions are imposed.	2 Due to the availability of the review procedure and inconvenience which may be suffered by local residents would be relatively short lived.	In light of the objections received to this application members should consider if this meets the licensing objectives

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## APPENDIX A

### Application for a premises licence to be granted 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 Blossom Bites Cafe and Tea Rooms Ltd.

*(Insert name(s) of applicant)*

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

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Unit 10 Taylor Barns, Elder Street Wimbish, Essex			
Post town	Saffron Walden	Postcode	CB10 2XA

Telephone number at premises (if any)	██████████
Non-domestic <u>rateable</u> value of premises	£ 15,750



## Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i	as a limited company/limited liability partnership	<input checked="" type="checkbox"/> please complete section (B)
	ii	as a partnership (other than limited liability)	please complete section (B)
	iii	as an unincorporated association or	please complete section (B)
	iv	other (for example a statutory corporation)	please complete section (B)
c)	a <u>recognised</u> club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) individual applicants** (fill in as applicable)

Mrs		Other Title (for example, Rev)	
<b>Surname</b> Fitch		<b>First names</b> Emma	
<b>Date of birth</b> 05/02/84		I am 18 years old or over	
		Please tick yes <input checked="" type="checkbox"/>	
<b>Nationality</b> British			
Current residential address if different from premises address		[REDACTED]	
Post town	[REDACTED]	Postcode	[REDACTED]
<b>Daytime contact telephone number</b>		07510 829963	
<b>E-mail address (optional)</b>	blossombites84@gmail.com		
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)			

**Second individual applicant** (if applicable)

		Other Title (for example, Rev)	
<b>Surname</b>		<b>First names</b>	
<b>Date of birth</b>		I am 18 years old or over	
		Please tick yes	
<b>Nationality</b> British			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service:  
(please see note 15 for information)

**(B) Other applicants**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

ASAP

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY

— — —

Please give a general description of the premises (please read guidance note 1)

Blossom Bites is a new business that has taken over the premises formally leased by Bonfirebox. It is made up of a large unit with an outside area extending behind it to a sectioned off play area for children.

The unit is split into a dining and kitchen area, with a rear section of the kitchen used for refrigeration.

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

What licensable activities do you intend to carry on from the premises?  
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	<input checked="" type="checkbox"/>
f)	recorded music (if ticking yes, fill in box F)	<input checked="" type="checkbox"/>
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
<b>Provision of <u>late night refreshment</u></b> (if ticking yes, fill in box I)		
<b>Supply of alcohol</b> (if ticking yes, fill in box J)		<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	-----	-----	<b>Please give further details here</b> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b>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</b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon	-----	-----	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b><u>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</u></b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon	-----	-----	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue	-----	-----	
Wed	-----	-----	<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Thur	-----	-----	
Fri	-----	-----	
Sat	-----	-----	
Sun	-----	-----	

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	-----	-----	<b>Please give further details here</b> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b>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</b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			



**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	-----	-----	<b><u>Please give further details here</u></b> (please read guidance note 4) This is to provide a venue for performers that could attract more potential customers to Blossom Bites.		
Tue	12pm	2300			
Wed	12pm	2300	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur	12pm	2300			
Fri	12pm	2300	<b><u>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</u></b> (please read guidance note 6)		
Sat	12pm	2300			
Sun	12pm	2300			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon	-----	-----	<b>Please give further details here</b> (please read guidance note 4) This is to allow us to play atmospheric music during the day from our Amazon Echo Dot.	
Tue	9am	2300		
Wed	9am	2300	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)	
Thur	9am	2300		
Fri	9am	2300	<b>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</b> (please read guidance note 6)	
Sat	9am	2300		
Sun	9am	2300		

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	-----	-----	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b><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></b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
	-----	-----		Both	
Tue			<b>Please give further details here</b> (please read guidance note 4) There is a regular Bingo night every month that we would benefit from having this license cover.		
Wed					
<del>Thur</del>			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of <u>late night refreshment</u> take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon	-----	-----	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<b><u>State any seasonal variations for the provision of <u>late night refreshment</u></u></b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b><u>Non standard timings. Where you intend to use the premises for the provision of <u>late night refreshment</u> at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)		
Mon					
Tue	12pm	11pm			
Wed	12pm	11pm			
<u>Thur</u>	12pm	11pm			
Fri	12pm	11pm			
Sat	12pm	11pm			
Sun	12pm	11pm			
			<b><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></b> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

<b>Name</b> Jamey Benson	
<b>Date of birth</b> ██████████	
<b>Address</b> ██ ██	
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b> ██████████	
<b>Issuing licensing authority (if known)</b> Braintree District Council	

**K**

**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 9).

Blossom Bites is predominantly a cafe and tea room establishment. The child's play area out the back means we mainly have to cater to families with young children. There are certain events that we would like to facilitate (such as Medium nights) that would require us to age restrict customers for that period of entertainment time.

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>			<p><b>State any seasonal variations</b> (please read guidance note 5)</p> <p>We may close early during winter months, or periods of low customer traffic.</p>
Day	Start	Finish	<p><b>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</b> (please read guidance note 6)</p> <p>Any events planned at Blossom Bites will be intended to finish at 10pm, due to potentially overworked staff.</p>
Mon	-----	-----	
Tue	9am	5pm	
Wed	9am	5pm	
Thur	9am	5pm	
Fri	9am	5pm	
Sat	9am	5pm	
Sun	9am	5pm	
	-----	-----	

## M

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

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

(please read guidance note 10)

Monitor customer behaviours through what they order.  
Keep in touch with local law enforcement about late night activities and events.  
No late night events will last beyond 11pm.  
Our till system can prompt an age verification for the sale of alcohol.

### b) **The prevention of crime and disorder**

We will not be expecting any crime or disorder as the unit Blossom Bites is established in is part of Taylor Barns, a piece of land just outside Wimbish and Saffron Walden. Crime here is very low and any issues we have had in the past we report straight to the police.

### c) **Public safety**

In order to attend Blossom Bites a customer has to drive to the premises, so we will be monitoring customers behaviours around alcohol using our food order slip system. The premises is also disability friendly, there are no stairs to any high seating, there are wide doors to allow for wheelchair access and baby chairs are provided.

We keep in mind that the premises has a child area, so child safety is paramount.

### d) **The prevention of public nuisance**

Risk of causing public nuisance to the local area are already minimal. The surrounding area is isolated apart from the land owners house, any noise from music will be stopped before 11pm and due to restricting the drinking of alcohol on site, we will be able to mitigate litter outside the premises.



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

As we are a family orientated establishment we will make sure alcohol activities take place away from the child's play area, and age restrict late night activities.

**Checklist:**

**Please tick to indicate agreement**

	I have made or enclosed payment of the fee.	<input checked="" type="checkbox"/>
	I have enclosed the plan of the premises.	<input checked="" type="checkbox"/>
	I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input checked="" type="checkbox"/>
	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input checked="" type="checkbox"/>
	I understand that I must now advertise my application.	<input checked="" type="checkbox"/>
	I understand that if I do not comply with the above requirements my application will be rejected. [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	<input checked="" type="checkbox"/>

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.



## Part 4 – Signatures (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12).  
If signing on behalf of the applicant, please state in what capacity.**

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

### Declaration

- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)

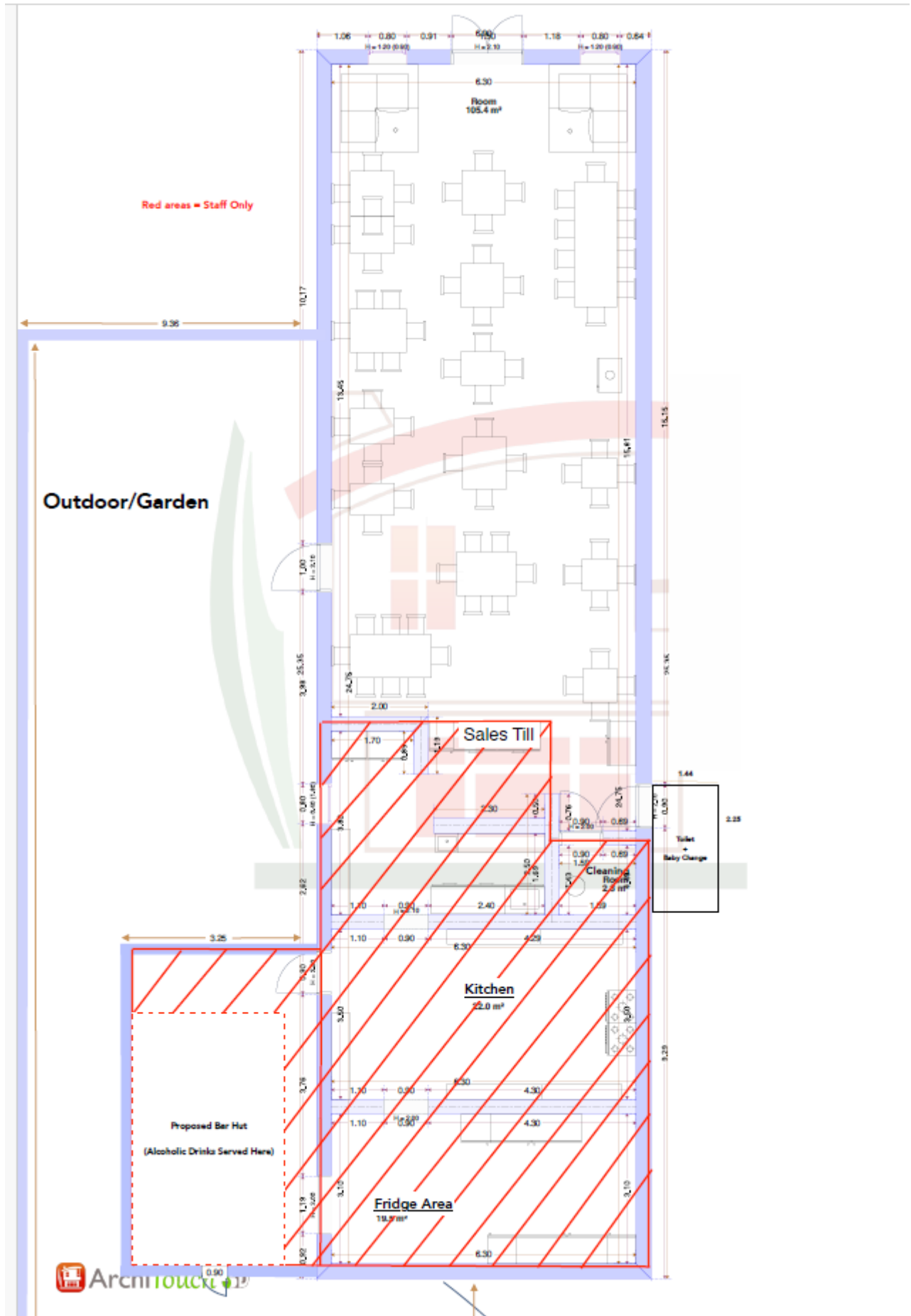
Signature

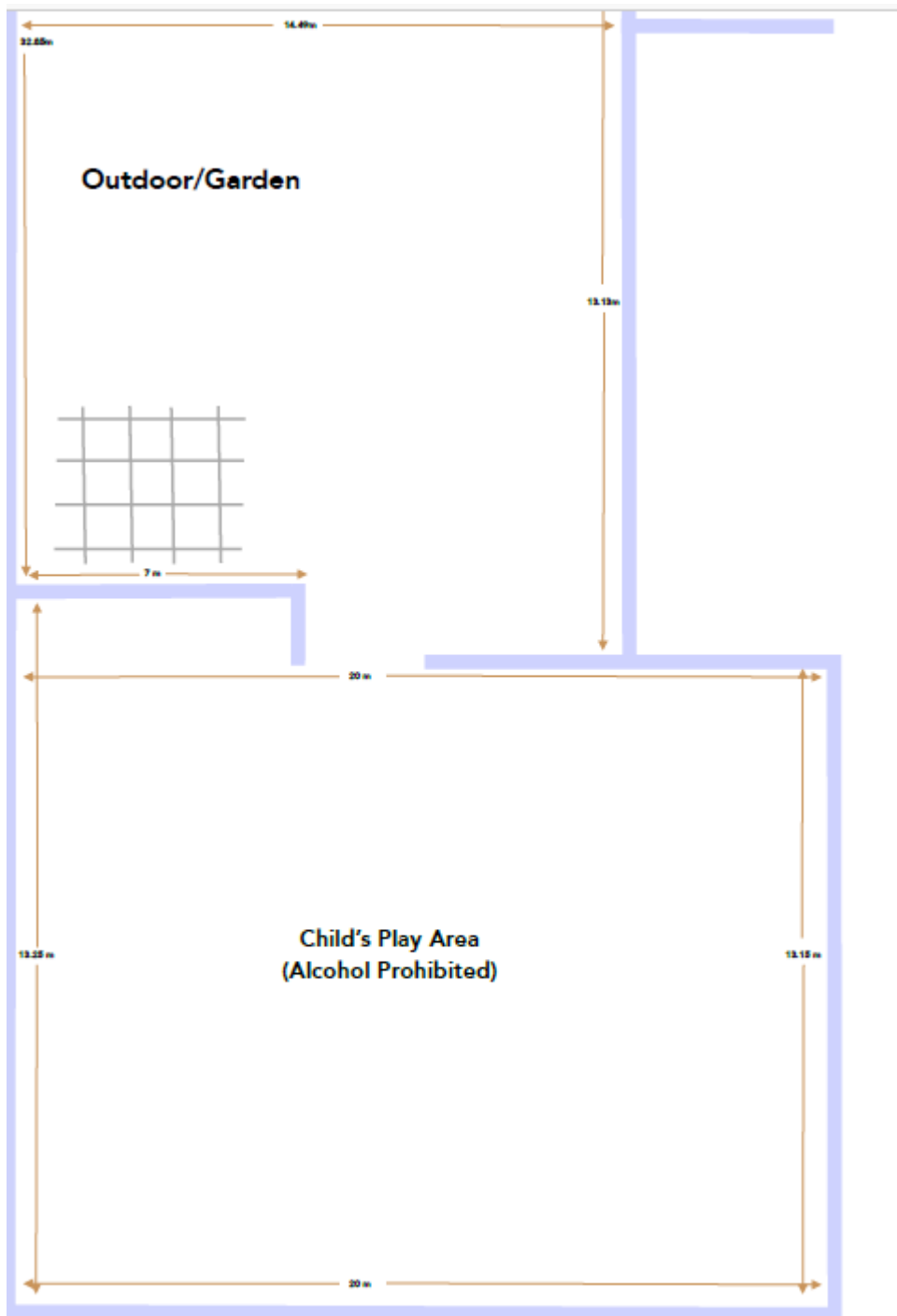
Date

Capacity

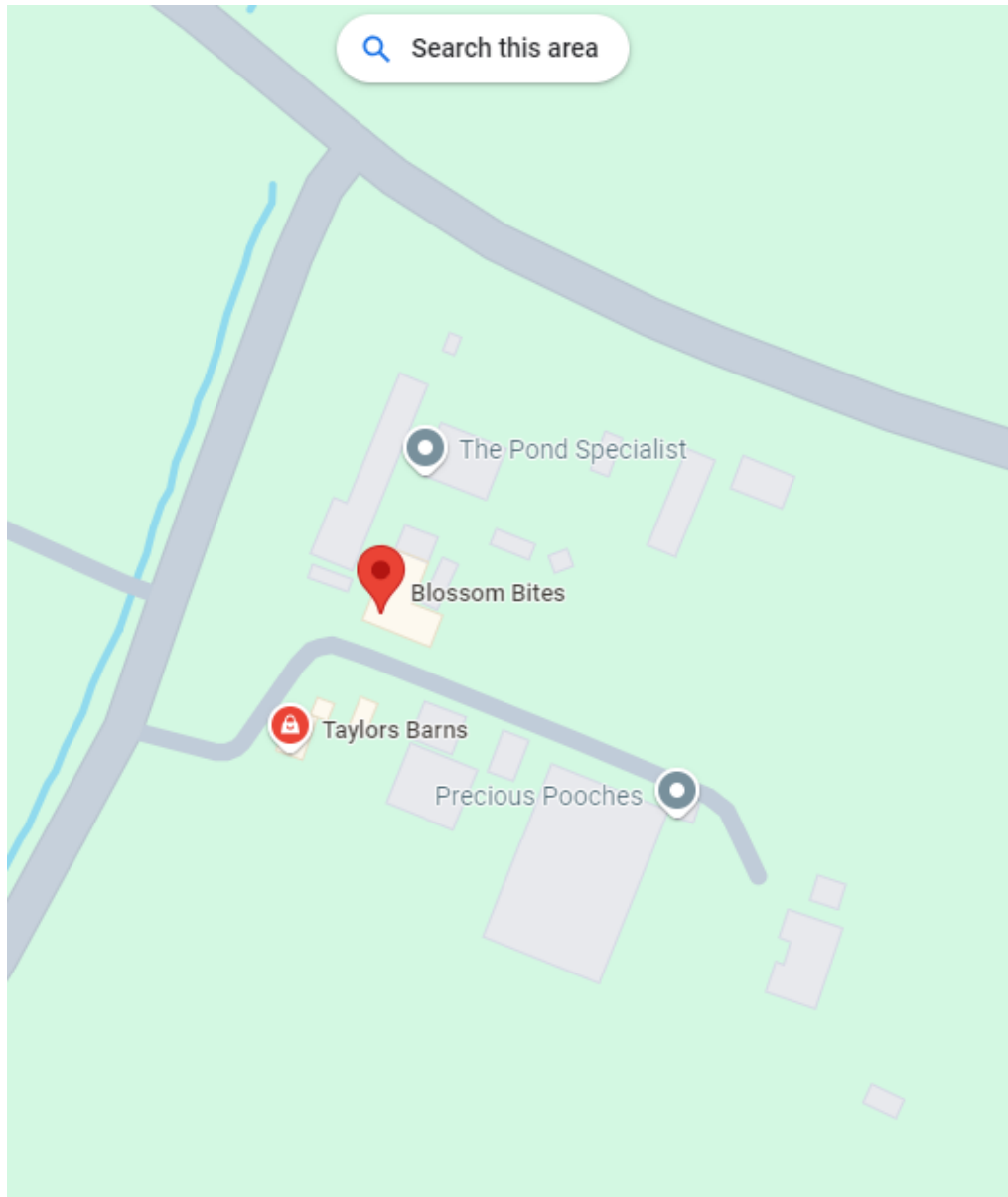
Owner/Director

APPENDIX B - Plan approved by Police





Location – Junction of Thaxted Road and Water Lane





Internal Space



Land Adjacent to Garden area – Landlords House in Distance



Garden Space

## APPENDIX C

**From:** Licensing Braintree and Uttlesford <[REDACTED]>  
**Sent:** Tuesday, August 20, 2024 3:54 PM  
**To:** Licensing <[Licensing@uttlesford.gov.uk](mailto:Licensing@uttlesford.gov.uk)>  
**Cc:** Dale Zimmermann 42007848 <[REDACTED]>  
**Subject:** [External] Premises Licence - Blossom Bites

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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Good afternoon ,

Essex Police have been in negotiation with the applicant and the following conditions have been agreed :

- CCTV footage to be retained for 31 days .
- Updated licensed area plan ( as attached )
- Alcohol locked & secured outside licensed hours .
- Challenge 25 to operate at the premises

I have added the email conversation agreeing to the conditions for completeness .

The above points are Essex Police representations .

Should other parties make objections Essex Police would welcome the opportunity to attend the hearing .

Thank you

**Ronan McManus**  
**Senior Licensing Officer**  
**Alcohol Licensing Unit**  
**Essex Police**



APPENDIX D

14.08.2024

Frances Johnson  
[Address Redacted]

**I want to make a representation under the prevention of public nuisance** | Yes

I am a local resident in walking distance of Blossom Bites who is concerned about the noise pollution this venture may create.

The applicant states that the property is 'isolated'. I do not agree. There are hamlets at Rowney Corner, Howlett End and Elder Street. The family homes at Carver Barracks are close by. There are more remote properties along Parsonage Lane and Pepples Lane as well as Thaxted Road (B184). These are all within 'hearing' distance. This is judged by the fact that we hear music from the concerts at Audley End, Saffron Walden Market Square and events on the Barracks within the forementioned area.

If the applicant's request is taken literally there is a possibility of events 6 days a week 52 weeks of the year. This can't be acceptable.

Is the building sound proofed for music inside the property?

APPENDIX E

15.08.24

Michael Young  
[Address Redacted]

**I want to make a representation under the prevention of public nuisance** | Yes

I have no issue with the provision of alcohol or indoor music. My concerns relate solely to outdoor music.

I live about 1.5 miles from the premises and so am very unlikely to be affected by any noise but I do appreciate the concerns of those who live closer.

The prosed timings for an outdoor music licence are 6 days a week for the hours 1200 -2300. I can understand the need for flexibility but would ask that some restriction be placed on the number of events, such as a total number in any calendar year.

APPENDIX F

10.08.24

Nicole Le Strange  
[Address Redacted]

<b>I want to make a representation under the prevention of crime and disorder</b>	Yes
<b>I want to make a representation under public safety</b>	Yes
<b>I want to make a representation under the prevention of public nuisance</b>	Yes

The sale of alcohol up to 11pm six nights a week to people who are driving to and from the premises (there is no public transport to the premises), could result in increased traffic accidents, as well as harm to local wildlife

This is a very quiet area but noise carries tremendously, for example, the annual raves at Coldham's Farm in Rickling (7 miles away) and the Heritage Live concerts at Audley End (4 miles away) can be clearly heard here in Wimbish. As can music and events at Carver Barracks.

Blossom Bites claims the surrounding area is isolated; however, this is not true. Across the road - on Water Lane - Carver Barracks has hundreds of family homes. In addition, there are dozens of family homes along Thaxted Road, immediately behind Blossom Bites Tea Room and Cafe. Furthermore, noise from Blossom Bites would easily carry - especially at night - into Wimbish village itself, where there are many families, as well as elderly residents.

Ms Fitch does not appear to have done any due diligence regarding her plans, and the possibility that her venture would present a public nuisance. She appears to make the assumption that because there are fields close by, this constitutes an 'isolated area'.

Furthermore, while normally very active in the Wimbish Facebook group, particularly when promoting special offers and discounts at her cafe, Ms Fitch has not even mentioned her plans for her business to essentially become a public house and music venue.... much less sought feedback from local residents. Were she truly confident in her assertions, surely she would not keep this from local people, especially when it has the potential to have an adverse effect upon so many.

APPENDIX G

10.08.2024

Katrina Emerton  
[Address Redacted]

I fully support as a very local resident. This family is working hard to create a business and make an honest living. There is very little in Wimbish in terms of hospitality, so this is very welcome

APPENDIX H

11.08.2024

Kevin Hassall  
[Address Redacted]

<b>I can confirm my representation meets one of the 4 licensing objectives</b>	Yes
<b>I want to make a representation under the prevention of public nuisance</b>	Yes

Tayor's Barns, where Blossom Bites is located, has no access by pavement or footpath. The verge on the road is unsuitable for walking. And so in order to reach it (e.g. from the nearby housing on and around the barracks) one must either walk on the un-lit road or drive.

Having people walking along a bendy, unlit road is clearly dangerous. And most people, of course, will not walk - they will drink and then drive.

Neither potentially inebriated pedestrians on a dark road, nor people feeling they "have to" drive after drinking, is "safe".

Noise carries really easily around here. We already hear the occasional party on the barracks, the concerts at Audley End a few nights a year, and (depending on wind etc.) sometimes the raves all the way over at Rickling - not loudly, but loud enough to make getting to sleep slightly difficult. Now, these are only occasional issues - a couple of raucous parties a year, and a few evenings from Audley End, are not a big problem. But these events are not six nights a week - they are very infrequent. But this application is 11 hours a day, six nights a week.

The application for indoor, recorded music sounds unlikely to cause issues. As the application states, "This is to allow us to play atmospheric music during the day from our Amazon Echo Dot" - this does not sound like a nuisance.

But Outdoor, Live music "for performers that could attract more potential customers to Blossom Bites" (unspecified who and how often - there is a very big difference between a kids' entertainer with a guitar on one hand, and a band with amps and a drumkit on the other) could easily become a nuisance.

APPENDIX I

11.08.2024

Louise Norris  
[Address Redacted]

<b>I want to make a representation under the prevention of public nuisance</b>	Yes
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The venue is situated close to a number of residential properties. The level of noise could be a nuisance to residents.

The location is semi-rural sound travels easily.

Outside music would affect properties situated across a field.

APPENDIX J

11.08.2024

Nikki Izatt  
[Address Redacted]

I fully support this. The cafe is very rural and I cannot see how there is any nuisance, noise or otherwise. Great to see this develop to provide a community asset.

APPENDIX K

11.08.2024

Janet Grogan  
[Address Redacted]

<b>I want to make a representation under the prevention of public nuisance</b>	Yes
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I am concerned about the application to stage live music outdoors. It is inevitable that this will cause a noise nuisance to nearby residences, especially since the application extends to 11 o'clock at night. It would be better that live music is only performed indoors.

APPENDIX L

11.08.2024

Linda King  
[Address Redacted]

<b>I want to make a representation under the prevention of crime and disorder</b>	No
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I am highlighting the likelihood of disturbance due to noise. Our cottage is 100 yards across a field from Blossom Bites Cafe. It is in a rural community.

We are about 300 yards from Carver Barracks. On special occasions they have events which have loud music which we are able to hear clearly. As it is only occasionally it does not cause a nuisance.

We are also about 50 yards, across fields, from the White Hart pub, Howlett End, Wimbish. At present this is not operational. If it does become operational again and also has a music license, due to our location between the pub and Blossom Bites it would be very noisy and disturb both ourselves and our neighbours.

We request that there is no music being played outside Blossom Bites after 10pm and that the amplification takes into account those living nearby. In addition, that outdoor events are restricted in number.

APPENDIX M

21.08.2024

Robert King  
[Address Redacted]

**I want to make a representation under the prevention of public nuisance**

Yes

I accept the applications for a drinks licence and music inside but totally against outside music at any time.

I consider a licence should be required for each event as I assume Audley End does for their music concerts.

We live about 100m from the site and to have outside music at any time would be most annoying and a nuisance to our rural peace.

I don't expect those making the decision will be affected if this was approved but hopefully, they will consider us in the local community when making the decision.

APPENDIX N

15.08.2024

Deryck Johnson

Dear Sirs,

Applications for a premises licence. Blossom Bites Cafe and Tea Rooms, Unit 10 Taylor Barns, Wimbish, Saffron Walden CB10 2XA

I wish to strongly object to these applications made by Blossom Bites Cafe and Tea Room.

Blossom Bites is not as claimed *outside* Wimbish. It is *in* Wimbish and is situated equidistant between the villages of Elder Street Wimbish and Howlett End Wimbish being only 150m from the first houses in each hamlet.

This part of Wimbish is already hit by excessive noise pollution from *occasional* amplified Audley End Concerts (the sound comes straight up the valley and can be louder than in Saffron Walden). Noise pollution from the *occasional* amplified summer garden parties on any of the hundreds of married quarters houses on Carver barracks. Highly intrusive amplified noise pollution from the *occasional* dance/party at the officers' mess.

To the perpetrators, their noisy celebrations might be *occasional* but to the victims, *occasional* from three different directions already becomes *frequent*. Add a fourth source to the mix and it becomes intolerable.

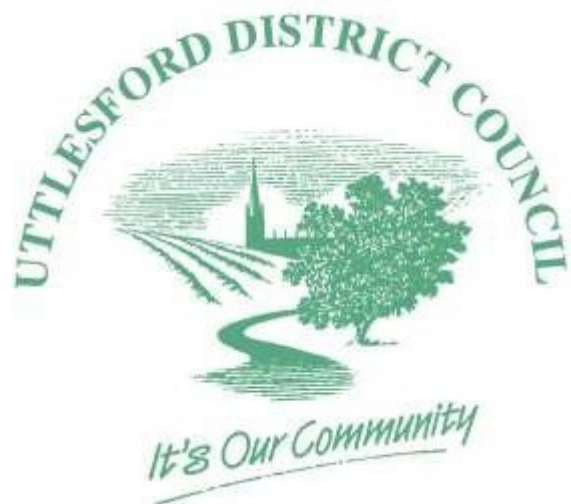
We should be allowed to spend summer's evenings quietly sitting in our country garden, or be allowed to sleep without having to close all the bedroom windows.

This application is more fitting to a public house or club rather than a 'family orientated' café and tea room.

I respectfully request that UDC reject this application.

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APPENDIX O



**STATEMENT OF LICENSING POLICY**  
2017-2022

*If you require this information in any other format or language please  
contact the Licensing Department on 01799 510613 or at  
[licensing@uttlesford.gov.uk](mailto:licensing@uttlesford.gov.uk)*

# STATEMENT OF LICENSING POLICY

## 1.0 INTRODUCTION

### Introduction

- 1.1** This is the fifth Statement of Licensing Policy produced by Uttlesford District Council under the Licensing Act 2003, Since the adoption of the third statement the Act has been amended. The amendments expand the list of responsible authorities; extends the right to make representations with regard to applications and to seek reviews; reduces the evidential burden on licensing authorities by permitting them to take steps which they consider “appropriate” to the promotion of the licensing objectives rather than “necessary” for that purpose and amend the law relating to Temporary Events Notices. References in this statement to “the Act” are references to the Act as amended. This Statement sets out the general approach the Authority will be taking when making licensing decisions during the five year period up to December 2022.
- 1.2** Uttlesford District Council is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates and personal licences and acknowledging temporary events notices in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. In doing so the Licensing Authority will carry out its functions in such a way as to promote the licensing objectives referred to at paragraph 1.4 below.
- 1.3** When applications for new or variations to licences or certificates are made the responsible authorities and others may make representations. If no representations are received a licence will be granted subject only to those conditions required by statute and those offered by the applicant in the operating schedule. If representations are received however the application must be considered by the Licensing Authority. When assessing applications in respect of which relevant representations have been received, the Licensing Authority must be satisfied that the measures proposed in the applicant’s operating schedule aim to achieve the promotion of the licensing objectives, as far as possible. Bold type refers to matters that the Licensing Authority expects to see addressed in the applicant’s operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of that outcome and the control measures that could be implemented by the applicant to achieve that outcome. Although it is open to applicants to omit any of the suggested conditions, applicants should be aware that responsible authorities and others will scrutinize applications in the light of this policy. Failure to take account of the policy may therefore encourage representations.

- 1.4** It should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.

## **The Licensing Objectives**

- 1.5** The Act requires the Licensing Authority to carry out its various licensing functions to promote the four licensing objectives. These are:
- The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm
- 1.6** **In respect to the promotion of each of the four licensing objectives, if representations are received from responsible authorities or others applicants should provide appropriate evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Applicants should also consider whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.**

## **Statement of Licensing Policy**

- 1.7** The Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. Applicants should be aware that the Licensing Authority will only make decisions on applications where representations are made by relevant authorities or others.
- 1.8** This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act and having regard to the guidance issued under Section 182 of the Act. This Policy Statement was reviewed in July 2017,



circulated for consultation between July and October 2017 and was ratified by Full Council on 10 October 2017. It will take effect on 1 December 2017 and will remain in force for a period of not more than 5 years. It will be subject to regular review and further consultation prior to (date to be advised).

- 1.9** When making and publishing and applying its policy, the Licensing Authority must have regard to the Secretary of State's Guidance. The Licensing Authority may depart from this Licensing Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and if this situation arises the Licensing Authority will give full reasons for doing so.

## **Consultation**

- 1.10** There are a number of groups who have a stake in the leisure industry, including providers, customers, residents, businesses and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives. These are in addition to those authorities and agencies that the Council is statutorily required to consult with in accordance with Section 5(3) of the Licensing Act 2003

- 1.11** In developing this Policy, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the District, the Essex County Fire and Rescue Service and ,local representative for the Director of public Health in England) and persons/bodies representative of existing licence and certificate holders, the views of Ward councillors, Town and Parish Councils, Appropriate weight and consideration was given to the views of all those who responded to that consultation process.

## **Links to other Strategies**

- 1.12** In preparing the statement of licensing policy and this revision, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, provision of private hire vehicles and hackney carriages to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy.
- 1.13** Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.

- 1.15 The Licensing Authority recognises its responsibilities under the Equality Act 2010. The impact of this policy on those sharing protected characteristics will be monitored through Uttlesford District Council's equality scheme.

## **Regulated Entertainment**

- 1.16 Having regard to the Live Music Act 2012, Licensing Authority's Corporate plan and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities. Where representations are made by responsible authorities or others the Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events. Where representations are made the Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Advice and guidance on this matter will be sought from the appropriate cultural and leisure services within Uttlesford District Council.

## **Applications**

- 1.17 When considering applications after receiving representations, the Licensing Authority will have regard to
- the Act, and the licensing objectives,
  - Government guidance issued under Section 182 of the Act,
  - any supporting regulations
  - this statement of licensing policy
- 1.18 This does not however undermine the rights of any person to apply under the Act for a variety of permissions nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act. Where such representations or a request for a review is made the application or review will be considered on its individual merits.
- 1.19 When following the receipt of representations the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its

licensing functions will be discharged separately from its functions as the local planning authority. **However, applications for premises licences for permanent commercial premises should normally be from businesses with appropriate planning consent for the property concerned.** (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.) In some instances the conditions on a licence or certificate will be inconsistent with another consent (e.g. the closing time specified in a planning permission in respect of licensed premises may be different from that contained in the licence). In such circumstances **licence holders should be aware that the more restrictive condition is the one that applies.** Thus in the example given, if a planning permission required premises to close at 11 pm but the licence permits the premises to be open until midnight the planning permission prevails.

- 1.20 When one part of the Council seeks a premises licence from the Licensing Authority, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered by the committee on its merits. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.
- 1.21 In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.
- 1.22 **Publicity for Applications**

The Licensing Authority wishes to ensure that those entitled to make representations are aware of applications for licences and variations. When an application is made for a premises licence or a variation to such a licence in addition to the statutory publicity given to the application the Licensing Authority will notify the Town or Parish Council for the area within which the premises are situated. The Licensing Authority will also notify all district councillors and occupants of residential premises adjoining, opposite and to the rear of properties which are the subject of such applications.
- 1.23 Guidance will be available for applicants setting out the details of the application process, having regards to the Licensing Act 2003, as amended, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an explanation as to why it is incomplete.

## **Representations**

- 1.24 The Chief Officer of Police, the Fire Authority, the Enforcing Authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution, the trading standards authority, the Children's safeguarding service, the Primary Care Trust for the District and the Licensing Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.
- 1.25 Other parties are free to raise relevant representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious, and in the case of reviews, not repetitious. If a party making representations does not live in or carry on a business in the vicinity of the premises and is unable to demonstrate that they would be affected by any licensable activities carried on at the premises their representations may be declined as being frivolous or vexatious.
- 1.26 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the Applicant. The Licensing Authority accepts that in exceptional circumstances, where there is a genuine and well-founded fear of intimidation or violence, an Interested Party may not wish for his/ her personal details to be disclosed to the applicant
- 1.27 Where the Licensing Authority consider that a relevant representation has been made and that exceptional circumstances exist, details of the name and address may be withheld from the copy of the representation that is provided to the Applicant.
- 1.28 Representations should be made within 28 days of the day after the application is made to the Licensing Authority in order to be considered. If a representation is made outside of this period, it cannot be considered.

## **Conditions**

- 1.29 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

- 1.30 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:
- (a) planning controls
  - (b) positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
  - (c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
  - (d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
  - (e) police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - (f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are under age or drunk
  - (g) the confiscation of alcohol from children and adults in designated areas
  - (h) Use of Police and/or Local Authority powers (under the Anti-Social Behaviour Crime and Policing Act 2014) to close down instantly for 24 hours up to a maximum of 48 hours any licensed premises or temporary events on grounds of disorder or the likelihood of disorder or noise emanating from premises causing a nuisance. police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
  - (i) the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
  - (j) Action under the Violent Crime Reduction Act 2006.
- 1.31 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.
- 1.32 The Licensing Authority recognises that where representations are made applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions will therefore be avoided. Conditions

will be not be imposed that cannot be shown to be appropriate or proportionate for the promotion of the licensing objectives.

### **Delegation of Functions**

- 1.33 With the exception of the approval and review of its Licensing Policy and the making of Early Morning Restriction Orders, and late night refreshment exemptions decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. Applications which do not attract relevant representations will be granted by officers under delegated powers. Where such representations are received the application will be determined by Members of the Licensing Committee. The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

### **The Need for Licensed Premises**

- 1.34 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

### **Cumulative Impact of a Concentration of Licensed Premises**

- 1.35 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 1.36 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.

- 1.37 The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting in unacceptable levels of crime and disorder or public nuisance.

**1.38 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the district causing a cumulative impact on any of the licensing objectives.**

- 1.39 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

#### Late night refreshment exemptions

The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late night refreshment business. Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment.

The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- a) on or from premises which are wholly situated in a designated area;
- b) on or from premises which are of a designated description; or
- c) during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).

When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:

- Motorway service areas;
- petrol stations;

- local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- hospitals (except domestic premises);
- community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.

When deciding which exemption to use, if any, the relevant licensing authority should always first consider what the risks are in terms of the promotion of the licensing objectives. The late night refreshment exemptions are not made on a case by case basis and there is no recourse to bring an individual premises back into the licensing regime if there is a problem with that particular premises. In such cases the licensing authority would have to take a decision about the entire exemption and apply it across the whole area.

The Licensing Authority having regard to the evidence available at this time does not consider it necessary to make any exemptions.

## **Advice and Guidance**

- 1.40 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority, Environmental Health, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.41 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing department/section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory time scales imposed upon



the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

## **Reviews**

- 1.42 Where possible and appropriate all Responsible Authorities will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.43 Responsible authorities and/or others can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Licensing Authority and would ordinarily be expected to substantiate their complaints at a hearing.
- 1.44 No more than one review from persons other than responsible authorities will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.
- 1.45 This Authority will not consider anonymous representations. However, the Licensing Authority accepts that in exceptional circumstances, a member of the public may not wish to provide their personal details to the licence or certificate holder. In those circumstances the member of the public might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can apply for a review.

## **Enforcement**

- 1.46 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council is subject to the provisions of the Regulators Code which is designed to ensure effective and efficient public protection services. Specifically, the Licensing Authority is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a proportionate, open and consistent manner.
- 1.47 The Council will base any enforcement action on the principles that businesses should:

- Be clear about the issues that have made enforcement action necessary
  - receive clear explanations from enforcers of what they need to do and by when;
  - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
  - receive an explanation of their rights of appeal
- 1.48 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.
- 1.49 The Licensing Authority will establish an enforcement protocol with Essex Police, Essex County Fire and Rescue Service, Essex County Licensing Authority Trading Standards, Environmental Health and the council's Enforcement Team on enforcement issues. This protocol will provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated. A draft of the protocol can be viewed on the Licensing Authority's website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk). Hard copies are available on request.

## 2.0 LICENSING OBJECTIVES

- 2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 2.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and should consider all aspects relevant to the individual style and characteristics of their premises and events.**
- 2.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants need not mention a control measure more than once in their operating schedule.

- 2.4** The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.). Whilst the Licensing Authority cannot require such risk assessments to be undertaken or documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.
- 2.5** Additional measures may be appropriate on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the promotion of the licensing objectives. If representations are made the Licensing Authority will expect to see **reference to be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.**
- 2.6** The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of personnel engaged on the premises and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason** If representations are made the Licensing Authority will expect to see, **these elements specifically considered and addressed within an applicant's operating schedule.**
- 2.7** In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the promotion of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). If representations are made the Licensing Authority will expect **the issue of occupancy capacity to be considered and addressed, where appropriate, within an applicant's operating schedule.**
- 2.8** The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:
- (a) the nature of the premises or event
  - (a) the nature of the licensable activities being provided
  - (b) the provision or removal of such items as temporary structures, such as a stage, or furniture

- (c) the number of staff available to supervise customers both ordinarily and in the event of an emergency
- (d) the age of the customers
- (e) the attendance by customers with disabilities, or whose first language is not English
- (f) availability of suitable and sufficient sanitary accommodation
- (g) nature and provision of facilities for ventilation

**2.9** The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as doorstaff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. **However,** If representations are made the Licensing Authority will expect that **where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

**2.10** The Licensing Authority will consider applications for minor variations to premises licences, provided that the Authority is satisfied that the variation will not adversely impact on any of the licensing objectives and the Licensing Authority will consult with such of the Responsible Authorities as it deems appropriate to make such assessment.

### **3.0 PREVENTION OF CRIME AND DISORDER**

**3.1** The Council is committed to further improving the quality of life for the people of the District of Uttlesford by continuing to reduce crime and the fear of crime.

**3.2** Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Uttlesford District Council, Essex Police, Essex County the Licensing Authority and others to consider crime and disorder reduction in the exercise of all their duties. The Act reinforces this duty for local authorities.

**3.3** The prevention of crime includes the prevention of immigration crime, and the Licensing Authority will work with Home Office Immigration Enforcement in respect of these matters.

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. If representations are made to the Licensing Authority **applicants will be expected to demonstrate in their operating**

**schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

**3.4** When addressing the issue of crime and disorder, the applicant should consider those factors that impact on crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Illegal working

#### Control Measures

**3.5** The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule in the event that representations are received, having regard to their particular type of premises and/or activities:

- (a) Effective and responsible management of premises
- (b) Training and supervision of staff
- (c) Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- (d) Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs or adoption of industry best practice (e.g. Challenge 25 policy)
- (e) Provision of effective CCTV and mirrors in and around premises
- (f) Employment of Security Industry Authority licensed Doorstaff
- (g) Provision of toughened or plastic drinking vessels
- (h) Provision of secure, deposit boxes for confiscated items ('sinbins')
- (i) Provision of litterbins and other security measures, such as lighting, outside premises
- (j) Membership of local 'Pubwatch' schemes or similar organisations
- (k) Right to work checks on staff and retention of documents

## Designated Premises Supervisor

- 3.6** Within the operating schedule for premises from which alcohol will be sold, save for certain community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder. Mandatory conditions under the Act impose express duties upon the DPS and the premises licence holder with regard to irresponsible drinks promotions, the pouring of alcohol into the mouth of a third party, the supply of tap water and the availability of alcoholic drinks in small measures. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 3.7** Whilst the Licensing Act 2003 requires each sale of alcohol (other than in certain community premises) to be made or authorised by a personal licence holder there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether the real authorisation was given, the Guidance issued by the Secretary of State encourages the practice of a written authorisation to make supplies of alcohol being given by personal licence holders to persons not holding a personal licence.
- 3.8** In the case of community premises (church halls, chapel halls, village halls, parish halls, community halls or other similar buildings) run by a management committee, providing the Licensing Authority does not consider that the conditions requiring there to be a DPS and for all sales to be made or authorised by a personal licence holder appropriate for the promotion of the crime prevention objective, then these conditions can be replaced by a condition that all sales must be made or authorised by the management committee. On an application for a new licence for such premises requesting the alternative condition, if representations are made the alternative condition must be included in the licence if the Licensing Authority is satisfied that the management arrangements are adequate and it does not consider that the conditions requiring there to be a DPS and for all sales to be made or authorised by a personal licence holder appropriate for the promotion of the crime prevention objective.

## 4.0 PUBLIC SAFETY

- 4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. If representations are made **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**
- 4.2 When addressing the issue of public safety, an applicant should consider those factors that impact on the standards of public safety. These may include:
- (a) the occupancy capacity of the premises
  - (b) the age, design and layout of the premises, including means of escape in the event of fire
  - (c) the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
  - (d) the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
  - (e) customer profile (e.g. age, disability)
  - (f) the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
  - (g) Compliance with the Disability Discrimination Act etc

### Control Measures

- 4.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, in the event that representations are received, having regard to their particular type of premises and/or activities:
- (a) Suitable and sufficient risk assessments
  - (b) Effective and responsible management of premises
  - (c) Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
  - (d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons including the use of CCTV system
  - (e) Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA))
  - (f) Provision of effective CCTV in and around premises
  - (g) Provision of toughened or plastic drinking vessels
  - (h) Implementation of crowd management measures
  - (i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

## 5.0 PREVENTION OF PUBLIC NUISANCE

- 5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that might arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to be clear that the Licensing Authority may apply stricter conditions, including controls on licensing hours, where licensed premises are in or near residential areas and where relevant representations have been received. Conversely, premises which can demonstrate that they have effective controls and measures in place or proposed to prevent public nuisance, may be suitable for 24-hour opening.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless representations are made and there are exceptional reasons relating to disturbance or disorder.
- 5.5 **The Licensing Authority does recognise that in some circumstances flexible licensing hours may help to avoid concentrations of customers leaving premises simultaneously and could reduce the potential for disorder. It also recognises that licensing hours should not inhibit the development of safe evening and night-time local economies. However, the Authority will always seek to balance their decisions with the duty to promote the four licensing objectives and the rights of residents to peace and quiet.**
- 5.6 **If representations are made applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 5.7 When addressing the issue of prevention of public nuisance, the applicant should consider those factors that impact on the likelihood of public nuisance. These may include:



- (a) the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- (b) the hours during which the licensable activities will be carried out particularly between 23.00 and 07.00
- (c) A “wind down period” between the end of the licensable activities and closure of the premises the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- (d) the design and layout of premises and in particular the presence of noise limiting features
- (e) the occupancy capacity of the premises
- (f) the availability of public transport
- (g) A last admission time

**5.8** The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, in the event that representations are received, having regard to their particular type of premises and/or activities:

- (a) Effective and responsible management of premises
- (b) Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- (c) Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries and clearing up
- (d) Provision of effective CCTV in and around the premises
- (e) Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- (f) Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- (g) Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- (h) Liaison with public transport providers
- (i) Siting of external lighting, including security lighting
- (j) Management arrangements for collection and disposal of litter
- (k) Effective ventilation systems to prevent nuisance from odour

## **6.0 PROTECTION OF CHILDREN FROM HARM**

**6.1** The protection of children from harm is a most important issue. While it is hoped that family friendly premises will thrive, the risk of harm to children remains a paramount consideration when determining applications.

**6.2** The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing

about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon Licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

**6.3** The protection of children from harm includes the protection of children from moral, psychological, and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

**6.4** The Licensing Authority considers that there should be no presumption of giving or preventing children's access to licensed premises. The Licensing Authority will rarely impose complete bans on access to children. If representations are made then in exceptional circumstances, conditions restricting access or excluding children completely may be considered appropriate. Where no licensing restriction is appropriate, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.

**6.5** If representations are made **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**

**6.6** Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should consider those factors that impact on harm to children. Areas that will give particular concern in respect of children include:

- (a) where entertainment or services of an adult or sexual nature are commonly provided
- (b) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- (c) with a known association with drug taking or dealing
- (d) where there is a strong element of gambling on the premises, and

- (e) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

## Control Measures

**6.7** The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, in the event that representations are received, having regard to their particular type of premises and/or activities. These examples can be adopted in any combination:

- (a) Effective and responsible management of premises
- (b) Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- (c) Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- (d) Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)
- (e) Limitations on the hours when children may be present, in all or parts of the premises
- (f) Limitations or exclusions by age when certain activities are taking place
- (g) Imposition of requirements for children to be accompanied by an adult
- (h) Measures to ensure children do not purchase, acquire or consume alcohol
- (i) Measures to ensure children are not exposed to incidences of violence or disorder
- (j) Acceptance of accredited “proof of age” cards and/or “new type” driving licences with photographs

## Film Exhibitions

**6.8** In the case of film exhibitions, If representations are made, the Licensing Authority will expect Licence and Certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee not to permit children to view the film unless it has been approved by the Licensing Authority applying British Board of Film Classification standards.

- 6.9** The Licensing Authority expects that when a licensable activity is held exclusively for children and young persons, that there will be enough staff available who have undertaken an enhanced disclosure check with the DBS, to ensure the safety of those children. This does not require each member of staff to have undergone this level of check, but the Licensing Authority expects that there should be sufficient members that have, who are then able to supervise others, e.g there will be one person at the main entrance to the premises who has been subject of advanced disclosure responsible for supervising the searching and checking of children by those who have not.

## **7. TEMPORARY EVENTS**

- 7.1. Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder and/or public nuisance implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police, environmental health, and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.
- 7.2. There are 2 categories of temporary event, “standard temporary events” and “late temporary events”.
- 7.3. A standard temporary events notice must be served at least 10 working days before the event is to take place. Organisers of these events should be aware that if a counter notice is served this has the effect of preventing the event from going ahead unless the counter notice is overturned on appeal. The appeal process is likely to take several months and unless the standard temporary events notice is served well in advance of the proposed event there may not be sufficient time for an appeal to be brought.
- 7.4. A late temporary event notice may be served between 5 and 9 working days before the event. Organisers of these events should be aware that in the event of a counter notice being served the event may not go ahead There is no right of appeal against a counter notice in response to late temporary events notice.
- 7.5. Event organisers should also be aware that either the police or the council’s Environmental Health Department can object to temporary events notice (either a standard or late notice) on the basis that to permit the event to go ahead would undermine **ANY** of the licensing objectives. Where such an objection is received in respect of a late temporary events notice the Licensing Authority must serve a counter notice and the event cannot take place. Where a counter notice relates to standard temporary events notice then the Licensing Authority must hold a hearing in order to

determine the issue. At a hearing into objections to a standard temporary events notice any conditions on a premises licence or club premises certificate may be attached to the temporary events notice if the Licensing Authority consider it appropriate for the promotion of the licensing objectives unless the conditions would effectively prevent the event going ahead

- 7.6. If TENs must be made with the minimum amount of permitted notice given, it must be understood that the requirements for 5 or 10 clear working days does not include the day the notice was received or the day of the event. If the period includes a bank holiday the notice must be extended by 1 working day for each bank holiday. The Council has no ability to waive or reduce the legal notification periods.

## **8. THE ROLE OF THE LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY**

- 8.1. As a responsible authority the Licensing Authority may make representations on applications for the grant or variation of a premises licence or club premises certificate and may also seek a review of a licence or certificate
- 8.2. Without imposing any limitations on its power to make such representations or to call for a review it is the view of the Licensing Authority that the other responsible authorities are generally better placed to determine whether representations are appropriate or whether a review should be called for. The Licensing Authority is therefore likely to exercise its powers in the capacity of a responsible authority only in exceptional circumstances. This in no way inhibits the right of the other departments of the Council which are responsible authorities in their own right (namely Environmental Health and Planning) to make representations or to apply for reviews if they consider it appropriate to do so
- 8.3. To ensure that the Licensing Committee are able to conduct a hearing impartially and to reach a conclusion on its merits the power of the Licensing Authority to make representations and to seek reviews has been delegated to the Licensing Enforcement Officer.

## **9. PERSONAL LICENCES**

- 9.1 Much of the foregoing policy relates to premises licences and club premises certificates. However, the Licensing Authority will also be responsible for issuing personal licences authorising individuals to supply alcohol or to authorise the supply of alcohol, in accordance with a premises licence.

9.2 Provided that an applicant fulfils the requirements of Section 120 (2) (a), (b) and (c), of the Act, a licence will be granted unless the applicant has a relevant conviction or a foreign conviction as defined in the Act. In the event of such a conviction, the application will be referred to the Police, and if the Police give an objection notice, a hearing will generally be held.

Whilst each application and objection will be considered on its merits, the application will normally be rejected if the Licensing Authority considers this appropriate for the crime prevention objective.

9.3 From 6 April 2017 the Licensing Authority has the power to revoke or suspend personal licences where they become aware of relevant conviction, foreign offence, or civil penalties for immigration matters. In making their decision the Licensing Authority will have regard to the crime prevention objective

9.4 From the 1<sup>st</sup> of April 2015 the requirement to renew a personal licence has been removed. As a result of that amendment a personal licence will no longer have an expiry date.

9.5 The Immigration Act 2016 requires that personal licences may only be granted to individuals if they have provided evidence of their lawful immigration status and proven their eligibility to undertake work relating to the carrying on of licensable activity in line with the requirements of the legislation and guidance. Licences issued after 6 April 2017 automatically lapse if and when the licence holder's lawful leave or permission to work ends.

## **APPENDIX (Outline of the District)**

Uttlesford is a rural area in northwest Essex and is geographically the second largest district in the County. It has a population of approx. 85100 (2015). There are four main centers of population, Great Dunmow, Saffron Walden, Stansted and Thaxted. The remainder of the district consists of numerous villages and hamlets. In the south of the District is Britain's fourth largest airport, Stansted. A survey carried out for the Mail in 2014 stated that Uttlesford was in the top 10 rural places to live in Britain. Its pleasant rural setting attracts many visitors from day trippers to those staying for longer periods many of whom will make use of licensed facilities within the district.

Currently there are 306 premises within the District licensed to sell alcohol for consumption on and/or off the premises. Of these premises 76 are on sales only, 54 for off sales only, 144 authorize sales both on and off the premises and 32 that do not permit the supply of alcohol. In addition there are some bars airside at the airport which are not subject to the Licensing Acts by virtue of government designation.

## APPENDIX P

The Licensing Act 2003 (Hearings) Regulations 2005

*Made 12th January 2005*

*Laid before Parliament 13th January 2005*

*Coming into force 7th February 2005*

The Secretary of State, in exercise of the powers conferred upon her by sections 9(2) and 183(1) of the Licensing Act 2003(1) hereby makes the following Regulations:

Citation and commencement

**1.** These Regulations may be cited as the Licensing Act 2003 (Hearings) Regulations 2005 and shall come into force on 7th February 2005.

Interpretation

**2.—** (1) In these Regulations—

“The Act” means the Licensing Act 2003.

“authority” means, in relation to a hearing, the relevant licensing authority which has the duty under the Act to hold the hearing which expression includes the licensing committee or licensing sub-committee discharging the function of holding the hearing.

“determination” is to be interpreted in accordance with Schedule 4;

“hearing” means the hearing referred to in column 1 of the table in Schedule 1 as the case may require.

“Legible in all material respects” means that the information contained in the notice is available to the recipient to no lesser extent than it would be if given by means of a document in written form;

“Notice of hearing” means the notice given under regulation 6(1);

“Party to the hearing” means a person to whom the notice of hearing is to be given in accordance with regulation 6(1) and “party” and “parties” shall be construed accordingly.

(2) In these Regulations, a reference to the application, representations or notice made by a party means the application, representations or notice referred to in relation to that party in column 2 of the table in Schedule 2.

(3) In these Regulations, a reference to a section, or a paragraph of a Schedule is a reference to the section of, or the paragraph of the Schedule to, the Act.

Scope

**3.** These Regulations make provision for the procedure to be followed in relation to hearings held under the Act by an authority.

Period within which hearing to be held

**4.** The authority shall arrange for the date on which and time and place at which a hearing is to be held in accordance with regulation 5 and shall give a notice of hearing in accordance with regulations 6 and 7.

**5.** Hearings to be held under the provisions listed in column 1 of the table in Schedule 1 must be commenced within the period of time specified in column 2 of the table and in a case where the hearing is to be held on more than one day, the hearing must be arranged to take place on consecutive working days.

Notice of hearing

**6.—**(1) In the case of hearings under the provisions listed in column 1 of the table in Schedule 2, the authority shall give to the persons listed in column 2 of the table

a notice stating the date on which and time and place at which the hearing is to be held (the “notice of hearing”) in accordance with the following provisions of this regulation.

(2) In the case of a hearing under—

(a) section 48(3)(a) (cancellation of interim authority notice following police objection), or

(b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the authority shall give the notice of hearing no later than two working days before the day or the first day on which the hearing is to be held.

(3) In the case of a hearing under—

(a) section 167(5)(a) (review of premises licence following closure order),

(b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),

(c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or

(d) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the authority shall give the notice of hearing no later than five working days before the day or the first day on which the hearing is to be held.

Information to accompany notice of hearing

**7.—**(1) The notice of hearing shall be accompanied by information regarding the following—

(a) the rights of a party provided for in regulations 15 and 16;

(b) the consequences if a party does not attend or is not represented at the hearing;

(c) the procedure to be followed at the hearing;

(d) any particular points on which the authority considers that it will want clarification at the hearing from a party.

(2) In relation to hearings under the provisions listed in column 1 of the table in Schedule 3, the notice of hearing given to the persons listed in column 2 of the table shall also be accompanied by the documents listed in column 3 of the table.

Action following receipt of notice of hearing

**8.—** (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating—

(a) whether he intends to attend or be represented at the hearing.

(b) whether he considers a hearing to be unnecessary.

(2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

(3) In the case of a hearing under—

(a) section 48(3)(a) (cancellation of interim authority notice following police objection), or

(b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.



(4) In the case of a hearing under—

(a) section 167(5)(a) (review of premises licence following closure order),

(b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),

(c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or

(d) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

(5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right to dispense with hearing if all parties agree

**9.**—(1) An authority may dispense with holding a hearing if all persons required by the Act to agree that such a hearing is unnecessary, other than the authority itself, have done so by giving notice to the authority that they consider a hearing to be unnecessary.

(2) Where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with paragraph (1), the authority, if it agrees that a hearing is unnecessary, must forthwith give notice to the parties that the hearing has been dispensed with.

Withdrawal of representations

**10.** A party who wishes to withdraw any representations they have made may do so—

(a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or

(b) orally at the hearing.

Power to extend time etc.

**11.**—(1) Subject to regulation 13, an authority may extend a time limit provided for in these Regulations for a specified period where it considers this to be necessary in the public interest.

(2) Where the authority has extended a time limit it must forthwith give a notice to the parties stating the period of the extension and the reasons for it.

**12.**—(1) Subject to regulation 13, an authority may—

(a) adjourn a hearing to a specified date, or

(b) arrange for a hearing to be held on specified additional dates,

where it considers this to be necessary for its consideration of any representations or notice made by a party.

(2) Where an authority has adjourned a hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

(3) Where an authority has arranged for a hearing to be held on a specified additional date it must forthwith notify the parties of the additional date on which and time and place at which the hearing is to be held.

**13.** An authority may not exercise its powers under regulations 11 and 12 in such a way that the effect will be that—

(a) an application will be treated as granted or rejected under paragraph 4(4), 7(3), 16(4), 19(3) or 26(4) of Schedule 8 (transitional provision etc.); or

(b) it would fail to reach a determination on the review under section 167 (review of premises licence following closure order) within the period specified in subsection

(3) of that section.

Hearing to be public

**14.**—(1) Subject to paragraph (2), the hearing shall take place in public.

(2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

(3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

Right of attendance, assistance and representation

**15.** Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

**16.** At the hearing a party shall be entitled to—

(a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),

(b) if given permission by the authority, question any other party; and

(c) address the authority.

**17.** Members of the authority may ask any question of any party or other person appearing at the hearing.

**18.** In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

**19.** The authority shall disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to—

(a) their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and

(b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.

Failure of parties to attend the hearing

**20.**—(1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

(2) If a party who has not so indicated fails to attend or be represented at a hearing the authority 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.

(3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

(4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure at hearing

**21.** Subject to the provisions of these Regulations, the authority shall determine the procedure to be followed at the hearing.

**22.** At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.

**23.** A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

**24.** The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for in regulation 16.

**25.** The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may—

(a) refuse to permit that person to return, or

(b) permit him to return only on such conditions as the authority may specify, but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Determination of applications

**26.—**(1) In the case of a hearing under—

(a) section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37),

(b) section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85),

(c) section 105(2)(a) (counter notice following police objection to temporary event notice),

(d) section 167(5)(a) (review of premises licence following closure order),

(e) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),

(f) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or

(g) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence),

the authority must make its determination at the conclusion of the hearing.

(2) In any other case the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

**27.** Where a hearing has been dispensed with in accordance with regulation 9, the authority must make its determination within the period of ten working days beginning with the day the authority gives notice to the parties under regulation 9(2).

Notification of determination

**28.—**(1) In a case where the Act does not make provision for the period within which the authority must notify a party of its determination, the authority must do so forthwith on making its determination.

(2) In a case where—

(a) the Act provides for a chief officer of police to be notified of the determination of an authority, and

(b) that chief officer of police has not been a party to the hearing,

the authority shall notify that chief officer of police of its determination, forthwith on making its determination.

**29.** Where the authority notifies a party of its determination, the notice given (or, in the case of a hearing under section 31(3)(a) (determination of application for provisional statement), the statement issued) to the party must be accompanied by information regarding the right of a party to appeal against the determination of the authority.

Record of proceedings

**30.** The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal.

Irregularities

**31.** Any irregularity resulting from any failure to comply with any provision of these Regulations before the authority has made a determination shall not of itself render the proceedings void.

**32.** In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination.

**33.** Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.

Notices

**34.—** (1) Any notices required to be given by these Regulations must be given in writing.

(2) Notwithstanding the requirement in paragraph (1) and subject to paragraph (3), that requirement shall be satisfied in a case where –

(a) the text of the notice—

(i) is transmitted by electronic means.

(ii) is capable of being accessed by the recipient.

(iii) is legible in all material respects; and

(iv) is capable of being reproduced in written form and used for subsequent reference.

(b) the person to whom the notice is to be given has agreed in advance that such a notice may be given to them by electronic means; and

(c) forthwith on sending the text of the notice by electronic means, the notice is given to the recipient in writing.

(3) Where the text of the notice is transmitted by electronic means, the giving of the notice shall be affected at the time the requirements of paragraph (2)(a) are satisfied.

*Richard Caborn*

Minister of State

Department for Culture, Media and Sport

Date 12th January 2005

regulation 5

SCHEDULE 1

*Column 1*

Provision under which hearing is held.

*Column 2*

Period of time within which hearing must be commenced.

	<i>Column 1</i>	<i>Column 2</i>
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of	20 working days beginning with the day after the end of

*Column 1*

application for club premises certificate).

*Column 2*

the period during which representations may be made as prescribed under section 71(6)(c).

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| 9.  | Section 85(3)<br>(determination of application to vary club premises certificate).             | 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4). |
| 10. | Section 88(2)<br>(determination of application for review of club premises certificate).       | 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).                            |
| 11. | Section 105(2)(a)<br>(counter notice following police objection to temporary event notice).    | 7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).                             |
| 12. | Section 120(7)(a)<br>(determination of application for grant of personal licence).             | 20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).                          |
| 13. | Section 121(6)(a)<br>(determination of application for the renewal of personal licence).       | 20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).                          |
| 14. | Section 124(4)(a)<br>(convictions coming to light after grant or renewal of personal licence). | 20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).                          |
| 15. | Section 167(5)(a)<br>(review of premises licence following closure order).                     | 10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).  |

	<i>Column 1</i>	<i>Column 2</i>
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

regulation 6  
SCHEDULE 2

	<i>Column 1</i>	<i>Column 2</i>
	Provision under which hearing is held.	Persons to whom notice of hearing is to be given.
1.	Section 18(3)(a) (determination of application for premises licence).	(1) The person who has made the application under section 17(1); (2) persons who have made relevant representations as defined in section 18(6).
2.	Section 31(3)(a) (determination of application for provisional statement).	(1) The person who has made the application under section 29(2); (2) persons who have made relevant representations as defined in section 31(5).
3.	Section 35(3)(a) (determination of application to vary premises licence).	(1) The holder of the premises licence who has made the application under section 34(1); (2) persons who have made relevant representations as defined in section 35(5).
4.	Section 39(3)(a)	(1) The holder of the premises

*Column 1*

(determination of application to vary premises licence to specify individual as premises supervisor).

5. Section 44(5)(a)  
(determination of application for transfer of premises licence).
6. Section 48(3)(a)  
(cancellation of interim authority notice following police objection).
7. Section 52(2)  
(determination of application for review of premises licence).
8. Section 72(3)(a)  
(determination of application for club premises certificate).
9. Section 85(3)(a)  
(determination of application to vary club premises certificate).

*Column 2*

licence who has made the application under section 37(1);  
(2) each chief officer of police who has given notice under section 37(5);  
(3) the proposed individual as referred to in section 37(1).

(1) The person who has made the application under section 42(1);  
(2) each chief officer of police who has given notice under section 42(6);  
(3) the holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.

(1) The person who has given notice under section 47(2);  
(2) each chief officer of police who has given notice under section 48(2).

(1) The holder of the premises licence in respect of which the application has been made;  
(2) persons who have made relevant representations as defined in section 52(7);  
(3) the person who has made the application under section 51(1).

(1) The club which has made the application under section 71(1);  
(2) persons who have made relevant representations as defined in section 72(7).

(1) The club which has made the application under section 84(1);  
(2) persons who have made relevant representations as



	<i>Column 1</i>	<i>Column 2</i>
		defined in section 85(5).
10.	Section 88(2) (determination of application for review of club premises certificate).	(1) The club which holds the club premises certificate in respect of which the application has been made; (2) persons who have made relevant representations as defined in section 88(7); (3) the person who has made the application under section 87(1).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	(1) The premises user; (2) each chief officer of police who has given notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	(1) The person who has made the application under section 117(1); (2) the chief officer of police who has given notice under section 120(5).
13.	Section 121(6)(a) (determination of application for renewal of personal licence).	(1) The person who has made the application under section 117(1); (2) the chief officer of police who has given notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	(1) The holder of the licence in respect of which the notice has been given; (2) the chief officer of police who has given notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	(1) The holder of the premises licence in respect of which the review has been made; (2) persons who have made relevant representations as defined in section 167(9).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of	(1) The person who has made the application under paragraph 2(2) of Schedule 8;

	<i>Column 1</i>	<i>Column 2</i>
	application for conversion of existing licence).	(2) each chief officer of police who has given notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	(1) The club which has made the application under paragraph 14(2) of Schedule 8; (2) each chief officer of police who has given notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	(1) The person who has made the application under section 117 to which paragraph 23(1) of Schedule 8 applies; (2) the chief officer of police who has given notice under paragraph 25(2) of Schedule 8.

regulation 7  
SCHEDULE 3

	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
1.	Section 18(3)(a) (determination of application for premises licence).	The person who has made the application under section 17(1).	The relevant representations as defined in section 18(6) which have been made.
2.	Section 31(3)(a) (determination of application for provisional statement).	The person who has made the application under section 29(2).	The relevant representations as defined in section 31(5) which have been made.
3.	Section 35(3)(a) (determination of application to vary premises	The holder of the premises licence who has made the application under section	The relevant representations as defined in section 35(5) which have been made.

	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	licence).	34(1).	
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1); (2) the proposed individual as referred to in section 37(1).	The notices which have been given under section 37(6).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1); (2) the holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.	The notices which have been given under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police	The person who has given notice under section 47(2).	The notices which have been given under section 48(2).

	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	objection).		
7.	Section 52(2) (determination of application for review of premises licence).	The holder of the premises licence in respect of which the application has been made.	The relevant representations as defined in section 52(7) which have been made.
8.	Section 72(3)(a) (determination of application for club premises certificate).	The club which has made the application under section 71(1).	The relevant representations as defined in section 72(7) which have been made.
9.	Section 85(3)(a) (determination of application to vary club premises certificate).	The club which has made the application under section 84(1).	The relevant representations as defined in section 85(5) which have been made.
10.	Section 88(2) (determination of application for review of club premises certificate).	The club which holds the club premises certificate in respect of which the application has been made.	The relevant representations as defined in section 88(7) which have been made.
11.	Section 120(7)(a) (determination of application for grant of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 120(5)
12.	Section 121(6)(a) (determination	The person who has made the	The notice which has been given under

	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	of application for renewal of personal licence).	application under section 117(1).	section 121(3).
13.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	The holder of the licence in respect of which the notice has been given.	The notice which has been given under section 124(3).
14.	Section 167(5)(a) (review of premises licence following closure order).	The holder of the premises licence in respect of which the review has been made.	The relevant representations as defined in section 167(9) which have been made.

regulation 2

#### SCHEDULE 4 Meaning of “determination”

The determination of the authority is the outcome of its consideration, as applicable, of—

1. the relevant representations as defined in section 18(6), in accordance with section 18,
2. the relevant representations as defined in section 31(5), in accordance with section 31,
3. the relevant representations as defined in section 35(5), in accordance with section 35,
4. a notice given under section 37(5), in accordance with section 39,
5. a notice given under section 42(6), in accordance with section 44,
6. a notice given under section 48(2), in accordance with section 48,
7. an application made in accordance with section 51 and any relevant representations as defined in section 52(7), in accordance with section 52,
8. the relevant representations as defined in section 72(7), in accordance with section 72,
9. the relevant representations as defined in section 85(5), in accordance with section 85,
10. an application made in accordance with section 87 and any relevant representations as defined in section 88(7), in accordance with section 88,
11. a notice given under section 104(2), in accordance with section 105,
12. a notice given under section 120(5), in accordance with section 120,
13. a notice given under section 121(3), in accordance with section 121,
14. a notice given under section 124(3), in accordance with section 124,
15. the matters referred to in section 167(5)(a), in accordance with section 167,
16. the notice given under paragraph 3(2) or (3) of Schedule 8, in accordance with

its paragraph 4,

**17.** the notice given under paragraph 15(2) or (3) of Schedule 8, in accordance with its paragraph 16, or

**18.** the notice given under paragraph 25(2) of Schedule 8, in accordance with its paragraph 26.

Explanatory Note

*(This note is not part of the Regulations)*

These Regulations make provision for the holding of hearings required to be held by licensing authorities under the Licensing Act 2003(c. 17) (“the Act”).

In particular, the Regulations provide for the timing of hearings and the notification requirements to parties to a hearing of the date, time and place of a hearing and information to accompany that notification (regulations 4, to 7 and Schedules 1, 2 and 3). In addition, provision is made for a party to a hearing to provide information to the licensing authority about attendance at a hearing, representations, the seeking of permission for another person to attend to assist the authority and whether the party believes a hearing to be necessary (regulation 8).

The Regulations provide for a range of procedural issues to govern the way in which preparations are made for a hearing, for the procedures to be followed, the rights of parties at a hearing, and various administrative matters, for example, the keeping of a record of the hearing and the manner of giving notices (regulations 9 to 33). The Regulations also make provision for the timing of the licensing authority’s determination following a hearing (Schedule 4).

Insofar as these Regulations do not make provision for procedures for and at hearings, section 9 of the Act provides that the authority can determine its own procedure.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies may be obtained from the Alcohol and Entertainment Licensing Branch of the Department for Culture, Media and Sport, 3rd Floor, 2-4 Cockspur Street, London SW1Y 5DH or viewed on the Department’s website, [www.culture.gov.uk](http://www.culture.gov.uk).