

Committee: Licensing Panel, Licensing and Environmental Health Committee

Date: 12 February 2026

Title: Licensing Act 2003 - Application for a premises licence – The Farm Restaurant, Priors Hall Farm, Church End, Lindsell, Dunmow, CM6 3QR.

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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 concerns a new premises licence for 'The Farm Restaurant', which is located at Priors Hall Farm, Church End, Lindsell, Dunmow, CM6 3QR ("the Premises"). The application was submitted by CKB Hospitality Limited, tenants of Priors Hall Farm, and was validated by this Authority on 28 November 2025.
3. This report outlines the details of the application. Two representations have been submitted by local residents in response. As relevant representations have been received, the application must be referred to the Committee for determination in accordance with Section 18(3) of the Act.
4. The Premises are situated within Priors Hall Farm behind the Farm Shop, in the rural village of Lindsell. There are residential dwellings within close proximity. A plan, map and site photos are attached (Appendix B).

Recommendations

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
6. That Members carefully consider the representations made in the report and on the day 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.

Appendices

- a) Premises Licence Application (Appendix A)
- b) Plan/Map/Photos of the Premises (Appendix B)
- c) Internal Floor Plans of Licensing Area (Appendix C)
- d) Police Conditions (Appendix D)
- e) Representation from Grace Menhinick (Appendix E)
- f) Representation from James & Suzanne Menhinick (Appendix F)
- g) Request from Applicant to amend Licensing Activities & Opening Timings (Appendix G)
- h) Comments from Andy Bonham – Senior Environmental Health Officer (Appendix H)
- i) Planning response (Appendix I)
- j) Noise Management Plan (Appendix J)

Background Papers

- 1) [Statement of Licensing Policy 2022-2027 - Uttlesford District Council](#)
- 2) [The Licensing Act 2003 \(Hearings\) Regulations 2005](#)

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</p>

	<p>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>
Health and Safety	N/A This is a Licensing Act 2003 Licensing Panel Report
Human Rights/Legal Implications	<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, 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.</p> <p>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.</p>

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.

- a) 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.
- The right to a hearing within a reasonable time.

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).

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'

A written decision notice with reasons will be provided within five working days of the date of the hearing.

Para 13.10 of the Guidance states: *"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."*

	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.
Sustainability	None
Ward-specific impacts	Lindsell being the ward within which the premises are situated
Workforce/Workplace	None

Situation

8. The applicant has submitted a Premises Licence application to permit the sale of alcoholic beverages to accompany meals at his new café/restaurant, 'The Farm Restaurant'. The consultation was originally scheduled to conclude on 25 December 2025. However, as the statutory requirement to publish the newspaper notice within the prescribed timeframe was not met, the consultation period was extended until 18 January 2026, to ensure adequate public notice was provided.
9. The proposed licensable activities at application were:
 - i. Supply of Alcohol - Monday – Sunday 12:00 – 21:00
 - ii. The Performance of Live Music – Friday & Saturday 16:00 – 21:00
 - iii. Playing of Recorded Music – Monday – Sunday 12:00 – 21:00
 - iv. Late Night Refreshment – though this was retracted as not required.

Proposed opening hours – Monday – Sunday 12.00 – 21.00

10. Copies of this application have been served on all the statutory bodies and received two representations from neighbours (Appendix E & F). Essex Police raised no objection but added Conditions to be included (Appendix D). Andy Bonham – Senior Environmental Health Officer has provided comment (Appendix H) and suggested that a Noise Management Plan be submitted – which was provided by the Applicant (Appendix J)
11. The applicant subsequently revised both the licensable activity hours and the proposed opening times following a joint site visit and discussion with Andy Bonham (Senior Environmental Health Officer) and myself (Karen James). During this meeting, we advised him of potential neighbour concerns regarding operation beyond the hours permitted under Planning Control. (Appendix I). The applicant was fully cooperative and later provided written confirmation of the amended activity and trading hours, as set out in (Appendix G). All Relevant Authorities and interested parties were notified of these changes accordingly.

12. The revised proposed timings for licensable activities:

- i. Supply of Alcohol – Monday to Saturday 11:00 -17:00. Sundays and Bank Holidays 11:00 – 15:00
- ii. Playing of Recorded Music – Monday to Saturday 09:00 – 17:00. Sundays and Bank Holidays 10:00 – 15:00

Revised opening hours – Monday to Saturday 09.00 -17.00. Sundays and Bank Holidays 10:00 – 15.00

13. 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

14. There is no hierarchy of importance among the objectives, and all must be given equal weight.

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 paragraph 10.10 the following assistance for members:

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.

Risk	Likelihood	Impact	Mitigating Actions
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.