

25 April 2014

Dear Councillor

LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

An extraordinary meeting of the Licensing and Environmental Health Committee will be held in the Committee Room, Saffron Walden Town Hall, Market Square, Saffron Walden on Tuesday 6 May 2014 at 10am. Please note the change of venue.

Yours faithfully

JOHN MITCHELL

Chief Executive

AGENDA PART I

1	Apologies for absence and declarations of interest	
2	Determination of a private hire/hackney carriage driver's licence – Mrs Excell	3
3	Application for the grant of a Premises Licence – Walden Ladies Football Club, Crabtrees, Saffron Walden.	24

To: Councillors **D Perry (Chairman)**, H Asker, **J Davey**, J Freeman, E Hicks, J Loughlin, M Lemon, D Morson, **V Ranger**, **J Salmon** and A Walters.

Only those councillors whose names are shown in bold are required to attend.

Lead Officer: Catherine Nicholson (01799) 510420

Democratic Services Officer: Adam Rees (01799) 510548

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk.

Members of the public and representatives of parish and town councils are now permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting. An explanatory leaflet has been prepared which details the procedure and is available from the Council offices at Saffron Walden.

A different scheme is applicable to meetings of the Planning Committee and you should refer to the relevant information for further details.

Please note that meetings of working groups and task groups are not held in public and the access to information rules do not apply to these meetings.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

You are entitled to see any of the background papers that are listed at the end of each report.

If you want to inspect background papers or speak before a meeting please contact either Peter Snow on 01799 510430, Maggie Cox on 01799 510433 or Rebecca Dobson on 01799 510433, or by fax on 01799 510550.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

FACILITIES FOR PEOPLE WITH DISABILITIES

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate. If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact Peter Snow on 01799 510430 or email psnow@uttlesford.gov.uk as soon as possible prior to the meeting.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

- You should proceed calmly, do not run and do not use the lifts.
- Do not stop to collect personal belongings.
- Once you are outside, please make your way to the flagpole near the visitor car park. Do not wait immediately next to the building.
- Do not re-enter the building until told to do so.

Committee: Licensing and Environmental Health

Agenda Item

Date: 06 May 2014

2

Title: **Determination of a Private Hire/Hackney Carriage Drivers Licence – Mrs Excell**

Author: Matthew Chamberlain, Enforcement Officer,
(01799 510326)

Item for decision:

Summary

This report has been submitted for members to consider suspension or revocation of a Private Hire/Hackney Carriage Drivers Licence in accordance with section 61(1)(a)(ii) Local Government (Miscellaneous Provisions) Act 1976 under the heading that since the grant of the licence they have failed to comply with part of this Act.

Recommendations

The committee determine this whether Mrs Excell should have her private hire/hackney carriage driver's licence revoked.

Financial Implications

None arising from this report

Background Papers

1. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - a. Uttlesford District Council licensing standards for drivers.
 - b. Suspension letter to Mrs Excell from the Assistant Chief Executive Legal dated 16 January 2012.
 - c. Essex County Council Contract Management Team Inspection Report Form dated 4 October 2013.
 - d. Transcript of Interview Under Caution on 5 November 2013.

Impact

Communication/Consultation	None.
Community Safety	The authority has a duty only to licence drivers who are considered to be fit and proper.
Equalities	None.
Health and Safety	None.

Human Rights/Legal Implications	<p>Under section 61 of the LG(MP)A district councils may suspend or revoke a drivers licence for:</p> <p>(a) Having been convicted of one of a range of specified offences since the grant of the licence or</p> <p>(b) Any other reasonable cause</p> <p>In the event of a licence being suspended or revoked a driver has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Mrs Pauline Excell of 3 Church Housen, Chelmsford Road, Great Waltham, Essex, CM3 1AP is currently a licensed private hire/hackney carriage driver and her badge number is 494. She first became a licensed driver with this Authority on 1 September 2011 and her current licence is due to expire on 31 August 2014. Mrs Excell is currently employed by Excellent Connections Limited T/A Fargolink to primarily carry out school contract work.
2. On 25 July 2011 Mrs Excell was caught using a mobile whilst in charge of a vehicle by two police officers and was offered a fixed penalty notice which she declined. On 8 December 2011 Mrs Excell was convicted for this offence at Court after pleading guilty and received a fine of £73 plus court costs and had three penalty points endorsed on her licence. She failed to disclose to the Council that her licence had been endorsed with penalty points within seven days and was subsequently interviewed by the Assistant Chief Executive Legal regarding this matter on 16 January 2012. During the meeting it became apparent that Mrs Excell had committed further breaches of her licence as she failed to notify the Council of a road traffic accident and that she made a false statement to renew her licence because she did not notify the Council of the impending prosecution for the mobile phone offence and he decided to suspend her licence for a period of two days.
3. On 4 October 2013 Mrs Excell was carrying out Essex County Council school contract OS0029 at Mildmay Infants/Juniors School in Essex. Mrs Excell was driving private hire vehicle 818 when she was stopped by an Essex County Council Officer for a routine inspection. During the inspection, private hire vehicle 818 was found to be displaying a private hire vehicle plate which expired on 31 August 2013.

4. Using a private hire vehicle whilst failing to display a valid private hire vehicle plate is an offence under section 48(6) Local Government (Miscellaneous Provisions) Act 1976 which carries a maximum fine of £1000 upon conviction.
5. On 5 November 2013, Mrs Excell attended the Council Offices in Saffron Walden for an Interview Under Caution (IUC) into the offence of using a private hire vehicle whilst failing to display a valid private hire vehicle plate and this was conducted by two Enforcement Officers. Mrs Excell confirmed she was driving the vehicle in question on the day that it was stopped and was going to pick up children. Mrs Excell knew there was a plate on the vehicle and that had been on there for two years but did not know that there was an expiry date. She claimed that she picked up the vehicle on 2 September 2013 and checked the tax disc but did not know the plate was her responsibility even though she takes it home after using it for work. Mrs Excell confirmed that she had been using the vehicle for three to four years for school contracts but only had the plate for two years and a check of the Council records shows it was licensed on 5 September 2011. Mrs Excell explained that after she was stopped she went to the offices of Excellent Connections Limited T/A Fargolink and got her new plate fitted but claimed that she felt having the plate on was not his responsibility but Fargolink's instead especially as she takes the vehicle into the head office weekly for a check. When Mrs Excell was asked whether she accepted the offence she explained that she felt she had to but did not realise it was an offence.
6. In accordance with the Council's licensing policy surrounding the private hire and hackney carriage trade when an offence is committed under the legislation then the Council should impose a sanction. The Council deemed it in the public interest to seek to prosecute Mrs Excell for the offence of using a private hire vehicle whilst failing to display a valid private hire vehicle plate.
7. Mrs Excell appeared at Colchester Magistrates Court on 8 April 2014 for the alleged offence and pleaded guilty. She was fined £90 with a victim surcharge of £20 and ordered to pay costs of £50.
8. Mrs Excell does not currently meet the Council's licensing standards as she has received a conviction which is not spent under the Rehabilitation of Offenders Act 1974.
9. Paragraph 6.16 of the council's Licensing Policy Relating to the Hackney Carriage and Private Hire Trades provides that "where a matter has been dealt with through the criminal justice system it is the view of the council that a suspension of the licence would rarely be suitable. Any punishment which the offender deserved would have been imposed by the courts and a further punishment by way of suspension (which would cause loss of income) would be inappropriate. However, the Licensing & Environmental Health Committee should consider whether in the light of a conviction or a caution the driver or operator remains a fit and proper person to hold a licence. If the Committee is not satisfied that the driver or operator does remain a fit and proper person, then the licence should be revoked."

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be licensed to drive licensed vehicles.	1- Members have an awareness of what constitutes a fit and proper person.	4- Permitting unfit persons to drive a private hire/hackney carriage vehicle may put the public at risk.	Members consider whether the driver is a fit and proper person as Mrs Excell has been convicted of an offence in relation to this part of the Act.

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.

LICENSING STANDARDS – DRIVERS

1. No more than 9 points endorsed on a driver's licence within the last 3 years.
2. No convictions or fixed penalty notices endorsed on a driver's licence within the last 3 years where 6 or more points have been endorsed in respect of a single offence.
3. Where a driver has been disqualified from driving for any reason a licence will not normally be granted for 3 years after the disqualification has expired or 12 months after the date the driver's licence is re-issued whichever is the later.
4. For the purposes of paragraph 3 above where a driver has accumulated 12 or more points in a 3 year period but has not been disqualified at the discretion of the court he or she will be deemed to have been disqualified at the date of the hearing when the magistrates exercised their discretion not to disqualify and the deemed disqualification shall be taken as having expired on that date.
5. No criminal convictions which are not deemed to be spent within the meaning of the Rehabilitation of Offenders Act 1974.
6. No conditional discharges for any offence within the last 12 months.
7. No official cautions for any offences within the last 12 months.
8. No pending prosecutions for any criminal or motoring offence.
9. Not to have had a hackney carriage and/or private hire driver's licence revoked within the last 3 years.
10. To meet group 2 medical standards as published by the Department of Transport.

Mrs P Excell
Sweet Briar
Main Road
Great Waltham
Chelmsford CM3 1AF

16 January 2012

Our ref: MJP/ld

Please ask for Michael Perry on 01799 510416
email: mperry@uttlesford.gov.uk

Dear Mrs Excell

I refer to our meeting of the 16 January. As you are aware I wished to interview you regarding a breach of a condition on your licence requiring you to notify the council of points endorsed on your licence within 7 days. During the course of our interview it became apparent there were two other matters of which I was at that stage, unaware namely that you had breached a further condition on your licence by failing to notify the council of a road traffic accident in which you were involved within 72 hours and you also made a false statement in your application to renew your licence namely you stated that you had not any prosecutions pending whereas in fact you were declined a fixed penalty ticket for using a mobile phone while driving and were awaiting a court hearing date.

In the circumstances, I determine to suspend your licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976 for any other reasonable cause namely breaching two conditions on your licence and making a false statement on the renewal of your licence. The period of suspension will be two days.

You have a right to appeal against my decision. An appeal must be in writing and must be made to the Magistrates' Court. The contact details are: Essex Magistrates' Court, Osprey House, Hedgerow Business Park, Colchester Road, Springfield, Chelmsford, Essex CM2 5PF. A fee of £200 is payable upon lodging an appeal. An appeal must be lodged within 21 days from the date upon which you are deemed to have received this letter. The date of deemed service is 18 January and an appeal must therefore be lodged by 8 February. The Magistrates' Court do not have discretion to extend this period.

If you do appeal within the 21 day period you may continue to drive until such time as your appeal has been abandoned by you or determined by the Magistrates' Court. In the event that the Magistrates' Court dismisses your appeal you have a further right of appeal within 21 days to the Crown Court. Again you may continue to drive during

the period allowed for appeal and if an appeal is lodged within that period until such time as the appeal has been abandoned or determined. If you do appeal and you subsequently withdraw the appeal or if your appeal is unsuccessful then I shall be applying for an order that you pay the council's costs of the proceedings.

If you do not appeal then your suspension will start at midnight on the 8 February and will end at midnight on the 10 February (i.e. all day Thursday 9 and Friday 10 February). To drive whilst you are suspended is an offence of driving without a licence which carries a fine of up to £1,000.

Yours sincerely

Michael J Perry LLB(Hons) Solicitor(Hons)
Assistant Chief Executive



Essex County Council
PTCC - Contract Management Team - Inspection Report Form

Inspection Details			
Contract No.	OS0029	Inspector	FA
School/Centre	Mildmay Infants/Juniors	1 st inspection date	4/10/13
Operator	Fargo Link	2 nd inspection date	
Subcontractor		Time of Inspection	
Management team			



... that their plates had expired. ... that the new vehicle ... up as soon as possible. Both of the other drivers

A check with Uttlesford DLA via County Hall confirmed that all 3 vehicles have had current plates issued.

All in Order?	No	Docket issued?	Yes	Signed	FA	Date	4/10/13
---------------	----	----------------	-----	--------	----	------	---------



Condition of vehicle		NA	Seating Capacity
Bus sign displayed?			
Vehicle & Staff Details			
Driver	Pauline Excell	ID displayed? Number?	Yes
Type of license	PSV/PH/HC	In order?	Yes
Escort		ID displayed? Number?	
Type of badge	Yellow/Blue/Purple	In order?	
Subcontractor			
Vehicle Registration	AP08 YFK	Contract No. displayed?	Yes
PSV disc / Plate No.	PH 818	Expiry date	31/8/13
Licensing Authority	Uttlesford	Name on PSV disc	
Condition of vehicle	Good	Road fund licence exp. date	OK
Bus sign displayed?	NA	Seating Capacity	
Vehicle & Staff Details			
Driver		ID displayed? Number?	
Type of license	PSV/PH/HC	In order?	Yes
Escort		ID displayed? Number?	
Type of badge	Yellow/Blue/Purple	In order?	
Subcontractor			
Vehicle Registration		Contract No. displayed?	Yes/No
PSV disc / Plate No.		Expiry date	
Licensing Authority		Name on PSV disc	
Condition of vehicle	Good/Fair/Poor	Road fund licence exp. date	
Bus sign displayed?	Yes/No	Seating Capacity	
Vehicle & Staff Details			
Driver		ID displayed? Number?	

Person Interviewed: Pauline Excell

* Before I start do you have a mobile phone with you?

Place of Interview: Council offices London Road Saffron Walden

Date of Interview: 5 November 2013

Time Commenced: 12:10

Time Concluded: 12:30

Duration of Interview: 20 minutes

Interviewing Officer(s): Matthew Chamberlain

Other Officer Present: Deborah Scales

Person Speaking TEXT

MC The time by my watch is now twelve ten hours and it is Tuesday the 5th of November 2013 and we are in an interview room in the council offices Saffron Walden my name is Matthew Chamberlain I am an enforcement officer with Uttlesford district council the other person present in the room is

DS My name is Deborah Scales I am also an enforcement officer for Uttlesford district council

MC Can you please state for the benefit of the tape your full name

PE Pauline Ann Excell

MC And your current home address

PW Three Church Houses Chelmsford Road Great Waltham Chelmsford C M 3 1 A P

MC And your date of birth

PE Thirteenth of the third Forty Three

MC And your place of birth

PE London

MC You've been asked to attend this interview today regarding suspicion of an offence and that is of failing to display a valid private hire vehicle plate when driving a private hire vehicle as this is a formal interview you I must caution you before proceeding you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later

rely on in court anything you do say may be given in evidence do you understand that caution

PE Mmm

MC We have to explain your legal rights and they are you are not under arrest and are free to leave at any time you do not have to answer any of questions you may seek legal advice if you wish to tell me and I will stop the interview immediately you also have the right for another adult to be present however they are for morale support only and may not answer on your behalf I know you've got someone with you I will ask them to identify themselves in a minute a copy of the code of practice is available for you to consult and that's on top of the machine there and it contains the rules under which these interview governed a copy of this taped interview will be available for you to take away at the end should you so wish do you understand those legal points

PE Mmm

MC I notice you haven't got any legal representation are you happy for the interview to carry on

PE Yeah

MC And for the tape could you please state your name and relationship to the person being interviewed

DE Dave Excell husband of Pauline Excell

MC Thank you this interview has been prepared in accordance with the police and criminal evidence act 1984 and conducted in accordance with the code of practice which sets down guidelines safeguards and protection for members of the public and I'd just like to draw your attention to the fact this interview is being audioably recorded and this is shown by the machine with the red light on there can you just confirm that

PE Mmm

MC And could you also confirm prior to this interview you were shown sealed tapes which we opened in your presence

PE Mmm

MC OK thank you

DS Sorry could I just ask that when you reply that you actually say

PE Say yes yeah

DS Yes

PE OK

MC Right ok so on the 4th of well the council received the information on the 4th of October this year from Essex County Council they were carrying out a stop check it was Mildmay School

PE Mildmay

MC Mildmay School what can you remember about that bit just check

PE Well the chap comes round as he normally does

MC Yeah

PE And checks that you've got your ID with you and your number as long as you know your number

MC Mmm

PE And then he went and checked the plate at the back

MC Ok ok and were you so you were carrying out a school contract

PE Yes

MC And did you have any children on board at the time

PE No

MC OK you were on your way to pick up children

PE No I'd had I yeah I was on my way to pick up yeah

MC Ok

PE Yeah yeah

MC And it was private hire vehicle 818 so he obviously the plate on the vehicle is shown as expired on the 31st of August 2013 which is just over a month earlier how come

PE Yeah I didn't know that we were I didn't to be quite honest we've only had the licence on the back

MC Mmm

PE Last year and this year so I just assumed that the licence was there all the time I didn't even know there was a date on it to be quite honest

MC Right

PE I picked my car up on the 2nd of September now I assumed that everything was up to date when I picked my car up

MC OK

PE I checked I always check the the tax disc

MC Yeah

PE But I mean I never even knew that I was responsible for the

MC Ok

PE Licence plate to be quite honest

MC So this is so this is your vehicle isn't it

PE Oh yes yeah

MC And you would take this home

PE Yeah I always use the same one yeah

MC OK why do you think we have a plate on the vehicle

PE Well to say that we are a taxi

MC Yeah any other reason you can think of

PE To make it legal in some way obviously

MC Yeah easily identifiable with people wanting to say that obviously it was

PE That we are a taxi

MC Up to standards ok so you obviously say you checked the vehicle

PE Well I mean I just looked at it just make sure the tax wasn't out of date because I have had it where the tax is gone out and I have had to ring the office and say is my taxi disc there

MC Ok how so how long have you been driving for the company

PE About I think it was four years three years four years I'm not really sure actually

MC Ok

PE Three or four years anyway but it's only this last two years that we've had the taxi plate on the back or I have some of them have them on because they were I don't know why they have them on but I didn't until last year

MC And you have been driving the same vehicle have you all that time

PE Mmm yeah sorry

MC On school contracts or

PE Yes

MC Right ok so you've been driving it for five years

PE No not five years

MC Sorry

PE Three or four years I'm not really sure

MC Three or four years and only the last year or two you've had a plate on vehicle

PE Yeah

MC Right do you know if the vehicle was licensed before that

PE I assume so

MC Right ok do you have any questions at this point

DS If I can take you back to when you were stopped by the inspector

PE Mmm

DS You said he went and checked the plate

PE Well he checks me badge and the number and what have you and then he walked round the back and checked the plate yeah

DS So what happened then

PE He said ooh another one he said and yours is six weeks out of date and I said what and he said well you're out of date with your licence he said he over there he said he was out of date and I don't know whether he said there was somebody else out of date as well it certainly wasn't Jill because Jill came afterwards no that's all I can't remember really I mean I never took a lot of notice of the conversation obviously I went straight into the office and got the licence changed

DS So when you

PE Because I said I said I said to him oh I didn't know well I said oh well that's not my responsibility is it and he said well yes it is and I said oh well I never knew I said I've never been told that I mean I don't know whether it's written in your conditions is it in everyone's conditions or anything

MC Sorry are you gonna answer that

DS Well yeah I mean at the end of the day you're are ultimately responsible for any vehicle that you drive

PE Mmm

DS It's the same as if you had your own personal vehicle you are responsible to check that vehicle before it goes on the road you are the user of that vehicle

PE Mmm

DS He is the permitter of you being able to use the vehicle so when you say that you feel you are not responsible who would you say is responsible

PE The company

DS Right by the company you mean

PE Fargo Fargolink

DS Right ok so if they were to give you

PE I realise now that I am responsible but I didn't know then that's what I'm saying now I don't realise I am responsible because obviously I am but I didn't realise then that I was responsible for the the licence on the back or to check the licence on the back

DS Right ok so when you were made aware of the fact

PE Mmm

DS That this was six weeks out of date

PE Mmm

DS What were your next steps what did you do at that point

PE I rang the office and told them and they said oh it is here so I went straight in and got it changed that night

DS Right when you went in to get it changed were there any questions raised

PE Not as far as I know

DS So you didn't even ask them why you were permitted to drive this vehicle for x amount of weeks with a plate that was clearly out of date

PE No I just said to him I didn't realise that it was our responsibility I just said to Paul in the office I said I didn't know it was our responsibility to check it

DS Right and you were told at that point

PE I think I can't really remember what he said but I think he probably said yeah it is your responsibility but I can't really remember to be quite honest

DS Ok thank you

MC And who do who did you speak to at Fargolink

PE Paul

MC Paul

PE I can't remember what his other name is I think its Smith but I'm not sure see I get confused because there's Darren and Donna Smith I'm not sure if Paul is I've seen it somewhere but I know it's Paul

MC Mmm and what role does he do at the company

PE I think he's the transport manager

MC Right ok

PE He's only joined in the last year 18 months

MC OK how much day to day contact do you have with Fargolink or the company you work for

PE I mean I speak to them quite regularly we have to go on every week to hand your timesheet in and to get your car checked over and I speak to during periods of the week you know if I've got a problem or if there's some something about the children that I must tell them or

MC Ok

PE So I suppose I speak to them quite a lot

MC Ok but apart from going in at all you don't do you speak to them during the week at all or

PE Yeah well I mean I speak to them on the mobile you know

MC Yeah

PE They ask me if I can do a particular job or something like that just

MC Ok but the rest of that time the vehicle is in your possession they wouldn't see it apart from that once a week

PE Possibly not no unless I go in which I do sometimes to have a clean

MC Ok so

DS Sorry you say you take the vehicle in there on a weekly check

PE Mmm

DS What do they check on this vehicle

PE The tyres the weekly one they do the tyres all the engine bits that they have to do the oil water and all that sort of thing and then once every six weeks we have to go in to have a service proper service

DS Right are you generally present at these checks

PE Yeah yeah

DS Yeah so whilst they are walking around the vehicle

PE Yeah

DS You are actually with them

PE Yeah

DS And yet you've never noticed the fact you have

PE I don't walk around with them I just stand to one side when they are doing it

DS Right ok

PE But also on the same vein why didn't they notice it

DS Well it isn't them we're questioning at this time with all due respect we're actually asking you the question

PE Right ok yeah

DS Do you ever check the lights and things on your vehicle

PE Oh yeah I have to we have a daily check that we have to do

DS Right so do you check the front and rear lights

PE Yeah yeah I know where you're going but

DS Yeah so you have cause to go to the back of the vehicle

PE Yeah

DS Yet you still ignore the plates

PE No no I didn't I mean the plate is there but I've never really noticed the date or anything on it you know what I mean it's just one of those things that's there I've never really scrutinised it

MC So is there a vehicle check list

PE Yeah

MC Is the plate not included in any detail on the plate

PE No

MC Ok and you say you take it into the office and where is that office

PE Rayne near Braintree

MC Ok and so when you obviously got your plate back did they say where it was or why you hadn't got it

PE No not really I mean he said it's well he just said to me when I rung up it is in the office so I went in the office and got it

MC So you got the plate six weeks after you were meant to have it on the vehicle

PE Mmm

MC You just turned up and you put it on you didn't questioned and he didn't questioned and say why have you been driving around for six weeks

PE No

MC Ok so no big deal was made of that situation

PE No not really

MC Ok have you got any more questions at this point

DS Do you think that questions should have been raised over the fact

PE On reflection yes I mean at the time didn't really occur to me oh I think I said to Paul yeah I did say to Paul something about oh crumbs I said well I hope I'm not in trouble or something and he said you know no I don't think you will be or something like that he said at the time sorry what was your question again

DS Basically I asked you do you think that questions should have been raised over the fact

PE Well yeah as I said on reflection obviously yes they should have been and I should have been made well I should have been aware prior to that that I am responsible for that plate being in date anyway

DS Right ok and you said that this Paul the chap that's told you no that you wouldn't be any trouble is actually a transport manager

PE When he said I don't think you will yeah yeah I think so

DS Right and he is the transport manager

PE Yeah I think that's what he is I don't really know what his title is to be quite honest

DS Ok thank you

MC Before you worked for your current company did you have any other driving jobs at all

PE No not driving jobs no

MC Ok but you've been you've obviously driven before

PE I've always worked with transport but not driving

MC Right ok you obviously being had your licence for a long time

PE Mmm a long long time

MC So you obviously know what you should be doing when driving a vehicle the checks you should be carrying out obviously an offence was committed here

DS Just before we go into that

MC Yeah

DS Could I just ask you to elaborate a little bit further please you just said that you've always worked with transport

PE Oh I used to work in crane hire but I was in the office

DS Right ok so it wasn't to do with licensed vehicles

PE Oh no no no well they are licensed obviously but

DS Yeah but it's a totally different way

PE Not in the same way yeah no no I never knew anything about anything about taxis and that obviously

DS Ok thank you

MC Any more questions

DS No that's fine thank you

MC Obviously an offence was committed here

PE Yeah but when you say an offence I mean I think a criminal offence is surely something that you've done deliberate like you've assault somebody or you've robbed somebody but this wasn't deliberate I mean I truly truly didn't know I know that isn't an excuse to me a criminal offence is something that you've done deliberate but I didn't do this deliberate

MC Well I'm not here to be judge and jury so obviously I can't comment on whether an offence is deliberate or not deliberate all I can tell you is you were driving around on a vehicle that didn't have a current plate that is an offence

PE Mmm

MC Under the Local Government Miscellaneous Provisions Act 1976 do you accept that offence

PE I have to don't I

MC That wasn't my question is that a yes or a no or

PE I think no comment cos I've got to say that I have to accept it I don't accept it in the way that I think it's a criminal offence but I have to accept it because yes I was driving around with this and I didn't know

MC Ok I don't have any further questions for you now but I will explain what will happen next first of all do you want a tape to take with you

PE Yeah

MC Of the interview ok now we refer this to our manager who will make a decision and they will make a decision in accordance with the council's licensing policy

PE Mmm

MC Now earlier this year we consulted on that policy of all drivers I don't know if you received a copy of that consultation

PE What was it

MC In relation to our licensing policy surrounding private hire and hackney carriage trade

PE I really can't say I'm gonna say no comment to that because I really don't remember so

MC Well yeah ok

PE I may have received it but I don't remember

MC Ok that's fine basically when an offence is committed under the act the 76 act the council looks to impose a sanction ok

PE Mmm

MC Whether that be a council caution where the offence is put on your record if you accept it and details of the offence or a prosecution for the offence where the maximum penalty is a thousand pounds ok now if you were to accept a council caution then you fall below the council also has in its policy it has licensing standards if you accept any form of caution within you fall below the council's licensing standards if you've accept that in the last 12 months also if you've got a pending prosecution and you have recently been convicted of an offence then you also fall below that standards now if you fall below the standards then you would need to appear before what's call the licensing and environmental health committee

PE Mmm

MC And that's a panel of councillors who determine whether you are a fit and proper person to remain a license holder ok all decisions they take have to be proportionate to the offence

PE Mmm

MC Is there anything you wish to say at this time before I stop the tape

PE No I mean I apologise obviously I apologise and obviously it won't happen again

MC OK

PE But that's all I can say

MC Ok

PE I do apologise and

MC OK the time by my watch is now then twelve thirty hours I am gonna stop the tape.

INTERVIEW ENDS

Committee: Licensing and Environmental Health

Agenda Item

Date: 06 May 2014

3

Title: **Application for the grant of a Premises Licence – Walden Ladies Football Club, Crabtrees, Saffron Walden**

Author: Murray Hardy, Licensing Officer.

Item for decision

Summary

1. This report sets out an application for the grant of a Premises Licence in respect of the above. Representations have been made to this application so therefore this matter has been deferred to the Committee for deliberation.

Recommendations

2. The application is determined

In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to represent the Authority at Court.

Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Operating Schedule
Representations from interested party
Location of premises
Plan of premises

Impact

- 4.

Communication/ Consultation	Details of this application were conveyed to Members of Uttlesford District Council, The Town Council, Local Residents adjoining the premises and the application was published on the Uttlesford District Council Website.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Under Article 1 First Protocol to the European peaceful enjoyment of their possessions which

	<p>includes property. This right may be interfered with if necessary to control the use of property in accordance with the general interest. The imposition of conditions under the Licensing Act 2003 is a legitimate interference with this right in this context. Where an applicant for a licence (or by inference a variation to a licence) wishes to contend that a certain noise limit is appropriate in given situations then it is for the applicant to establish that to the satisfaction of the committee on the balance of probabilities. This can most easily be achieved by a noise survey which (on the authority of the case Uttlesford DC v English Heritage) should be supplied by the applicant at his/her expense.</p> <p>In the event that an applicant, responsible authority or interested party is dissatisfied with the decision of the committee there is a right of appeal to the Magistrates Court.</p>
Sustainability	None
Ward-specific impacts	Saffron Walden Shire being the ward within which the premises are situated
Workforce/Workplace	None

Situation

5. The Pavilion is situated on the playing field at Crabtrees, Saffron Walden with private dwellings adjacent to one side of the playing field. Access to the location is via Hoptrees and Crabtrees.
6. In accordance with the Licensing Act 2003 where an applicant applies for the grant of a Premises Licence then included in the accompanying documents must be an operating schedule. This demonstrates how the licensing objectives will be met and also seeks to outline what licensable activities are being sought.
7. The licensable activities being sought are listed below:-
 - (a) Recorded Music (Indoors Only)

Monday to Friday	6pm to 10.00pm
Saturday	12 noon to 10pm
Sunday	12 noon to 8pm
 - (b) The sale of alcohol by retail for consumption both on and off the premises

Monday to Friday	6pm to 10pm
Saturday	12 noon to 10pm
Sunday	12 noon to 8pm

(c) The hours the premises are open to the public

Monday to Friday	6pm to 10pm
Saturday	12 noon to 10pm
Sunday	12 noon to 8pm

8. The operating schedule indicates that the following measures will be adopted in order to promote the licensing objective regarding the prevention of crime and disorder:-

Persons apparently whose conduct becomes offensive or abusive will be required to leave the premises. No sales will be made to anyone who appears to be drunk or on their way.

9. The operating schedule indicates that the following measures will be adopted in order to promote the licensing objective regarding public safety:-

No more than 80 persons to be permitted on the premises. First Aid facilities will be provided along with a qualified first aider.

10. The operating schedule indicates the following measures will be adopted in order to promote the licensing objective regarding the prevention of public nuisance.

If recorded music is loudly played arrangements will be in place to prevent the music becoming too loud. If noise complaints are received measures will be taken immediately to restore the noise levels.

11. The operating schedule indicates that the following measures will be taken in order to promote the licensing objective regarding the protection of children from harm.

A Challenge 25 Scheme to be in operation at the premises. Where a sale of alcohol is refused then details will be recorded in an appropriate register.

12. Copies of this application have been served on all of the statutory bodies which have attracted no representations.

13. Representations have been received from an interested party based on the licensing objectives that relates to the prevention of crime and disorder and, the prevention of public nuisance.

14. In carrying out the statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:-

The prevention of crime and disorder

Public safety
The prevention of public nuisance
The protection of children from harm

15. The decision that the Committee can make for this application is to
- Grant the application
 - Modify the application by inserting conditions
 - Remove a licensable activity from the application
 - Refuse to specify a person in the licence as the designated premises supervisor
 - Reject the application
16. 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 of the Act.
17. The relevant sections of the Council's licensing policy are:-
- 3.1 The Licensing Authority 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.
- 3.3 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
- 5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequences 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 measures planned to prevent public nuisance, may be suitable for 24 hour opening
- 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:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals hospices and places of worship
 - the hours during which the licensable activities will be carried out particularly between 23.00 and 07.00 hours
 - the closing time 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 the premises
 - the design and layout of premises and in particular the presence of noise limiting features
 - the occupancy capacity of the premises
 - the availability of public transport

Applicants for licences which include regulated entertainment will be aware of the potential of such entertainment to cause a public nuisance by reason of noise from the premises. If representations are made or a review is called for the Authority may consider imposing a condition to the effect that the licence shall take measures to ensure that music will not exceed a prescribed decibel limit at the boundaries of certain properties or within a location described in the condition. What may be an acceptable level of noise may vary from location to location or depending on that time of day as perception of noise from a particular source is affected by background noise levels. Directions given under the Noise Act 1996 provide that the permitted level for the

purpose of that Act is 34 decibels where the underlying noise level does not exceed 24 decibels or 10 decibels above underlying noise levels in any other case. In the event that representations are received and the Authority concludes that a noise limiting condition is required the starting point for such a condition would be 34 decibels. If an applicant wishes to contend that a higher limit is appropriate then the Authority would expect the applicant to provide a noise survey to support such a contention.

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:

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

18. The relevant sections of the guidance issued by the Secretary of State are:-

2.7 It will normally be the responsibility of the premises licence holder as an employee, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, the licensing authority must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

2.11 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

- 2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from the premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden on smaller venues.
- 2.22 Where applications have given rise to representations, for appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address and disturbance anticipated as customers enter and leave.
- 2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.
19. If the Committee in their discretion wishes to impose conditions, the only conditions that can be imposed are those that are appropriate and proportionate to promote the licensing objective relative to the presentations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

Risk Analysis

20.

Risk	Likelihood	Impact	Mitigating actions
1 Either no conditions are attached to the licence or the conditions do not satisfactorily achieve the licensing objectives for prevention of crime	2 There is a possibility that local residents will suffer from crime and disorder and public nuisance even if what appears to be	2 Due to the availability of the review procedure any inconvenience which may be suffered by local residents would be relatively short	In the event of complaints of crime and disorder or noise nuisance being received then Essex Police and/or Environmental Health Officers monitor the situation and apply for a review of the licence

and disorder and, the prevention of public nuisance	appropriate conditions are imposed.	lived.	if it is considered necessary.
---	-------------------------------------	--------	--------------------------------

- 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.



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 WALDEN LADIES FOOTBALL CLUB
(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			
WALDEN LADIES F.C. MULTISPORTS PAULION - CRABTREES PEASHLAND ROAD -			
Post town	SAFFRON WALDEN	Postcode	CB113EG

Telephone number at premises (if any)	NONE YET
Non-domestic rateable value of premises	£ 4,400

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|--------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | 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 recognised 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:

Please tick yes

- 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)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

(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	WALDEN LADIES F C .
Address	SPORTS PAVILION CRAB TREES PEASLAND ROAD . S/W ESSEX CB11 3EG .
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	WALDEN LADIES . F C .
Telephone number (if any)	N/A .
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

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)

A BRICK BUILDING ON THE PLAYING FIELDS
 JUST OFF PENSLAND R/D S/W
 FOR THE USE OF WALDEN LADIES F.C.

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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)
- f) recorded music (if ticking yes, fill in box F)
- 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)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<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> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 5)		
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur								
Fri						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 (please read guidance note 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	18.00	22.00	Please give further details here (please read guidance note 3) OCCASIONAL BACKGROUND MUSIC PLAYED THROUGH CD BOX ?	Both	<input type="checkbox"/>
Tue	18.00	22.00			
Wed	18.00	22.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) NONE		
Thur	18.00	22.00			
Fri	18.00	22.00	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 (please read guidance note 5) NONE		
Sat	12.00	22.00			
Sun	12.00	20.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed			<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> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>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</u> (please read guidance note 5)		
Sun					

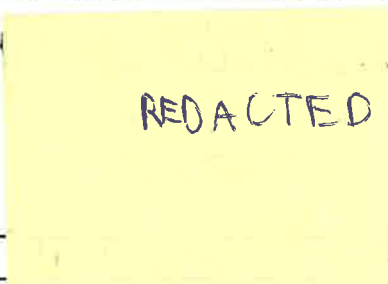
I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	18.00	22.00	State any seasonal variations for the supply of alcohol (please read guidance note 4) <p style="text-align: center;">None</p>	Both	<input type="checkbox"/>
Tue	18.00	22.00			
Wed	18.00	22.00			
Thur	18.00	22.00		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 (please read guidance note 5) <p style="text-align: center;">None</p>	
Fri	18.00	22.00			
Sat	12.00	22.00			
Sun	12.00	20.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	PAULINA BEASLEY
Address	 ROAD. OLE
Postcode	
Personal licence number (if known)	SEBS/LN/1000004165
Issuing licensing authority (if known)	ST EDMUNDSBURY BOROUGH 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 8).

NO ADULT ENTERTAINMENT
TO BE PROVIDED.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	18.00	22.00	None
Tue	18.00	22.00	
Wed	18.00	22.00	
Thur	18.00	22.00	
Fri	18.00	22.00	
Sat	12.00	22.00	
Sun	12.00	20.00	

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 (please read guidance note 5)

None

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 9)

b) The prevention of crime and disorder

PERSONS APPARENTLY WHOSE CONDUCT BECOMES OFFENSIVE OR ABUSIVE WILL BE REQUIRED TO LEAVE THE PREMISES. NO SALES WILL BE MADE TO ANYONE WHO APPEARS TO BE DRUNK OR ON THEIR WAY!

c) Public safety

NO MORE THAN 80 PERSONS TO BE PERMITTED ON THE PREMISES – FIRST AID FACILITIES WILL BE PROVIDED ALONG WITH QUALIFIED FIRST AIDERS!

d) The prevention of public nuisance

IF RECORDED MUSIC IS LOUDLY PLAYED ARRANGEMENTS WILL BE IN PLACE TO PREVENT THE MUSIC BECOMING TOO LOUD. IF NOISE COMPLAINTS ARE RECEIVED MEASURES WILL BE TAKEN IMMEDIATELY TO RESTORE THE NOISE LEVELS :.

e) The protection of children from harm

A CHALLENGE 25 SCHEME TO BE IN OPERATION AT THE PREMISES, WHERE SALE OF RECONAL IS REFUSED, DETAILS WILL BE RECORDED IN AN APPROPRIATE REGISTER!!

Checklist:

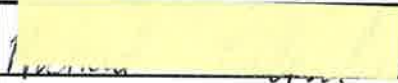
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	Feb 8 th 2014
Capacity	Club Manager

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town **SARFORD WALDEN ESSEX** Postcode

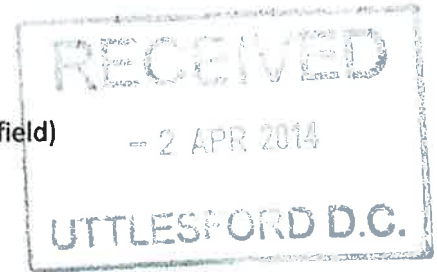
Telephone number (if any) **01799**

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

25B Peaslands Road (original letter incorrectly addressed to 25B Bromfield)
Saffron Walden
Essex
CB11 3ED
Tel: 07800 662814
Email: simonmarktina@googlemail.com



1st April 2014

RE: The Sports Pavilion, Crabtrees, Saffron Walden

Dear Mr Hardy

I am the occupier of the above address and am writing to you to outline my objections to the possible granting of a licence to the Sports Pavilion, Crabtrees, Saffron Walden.

My property overlooks the Sports Pavilion at a distance of around thirty metres. I have a three year old daughter and my wife is due to give Birth in May to our second child. The new babies bedroom is at the rear of our property and directly overlooks the Sports Pavilion. From this bedroom window we have a clear and unobstructed view of the said premises. There are no trees or hedges obstructing the view (that also might help to attenuate any noise). I fear that if the Sports pavilion is granted a licence to stay open late and sell alcohol then there will inevitably be noise associated with this. This noise will disrupt my children's sleep as it will happen at a time after they have gone to bed. Similarly, I am aware that other properties that overlook the venue also house small children.

The road leading to The Sports Pavilion is currently a very quiet cul-de-sac and the local children play there on their bikes and scooters as there is minimal traffic. Using the Sports Pavilion for events will lead to an increase in through traffic and an associated increased risk to local children from drivers coming into the location who may be unaware of how the area is currently used. Also, there is only a limited amount of parking at the venue. This will lead to patrons parking where they can. The only other areas to park in the local area will be on pavements and verges. This will force local people to walk in the road to get around the cars

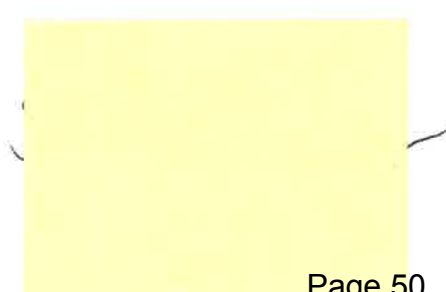
My drive way abuts onto the road leading to the Sports Pavilion. This drive way is private property yet we still have regular problems with people walking across the driveway and climbing the fence or gate to access the Sports Pavilion. I fear this problem and foot traffic across our private property will increase if the Sports Pavilion is used for late night social occasions. This will inevitably lead to an increase of alcohol related anti-social behaviour at the location and across my private property. If this happens I will have no hesitation calling the police and reporting the issue to the council.

Whilst I understand that the Sports Pavilion could be a potential source of income and for the clubs using the ground, I feel that using it as a social venue with an alcohol licence will bring unwanted noise, anti-social behaviour and traffic dangers to the area. Had I known there was going to be licensed premises so close to my address I would not have moved in. I also fear that it will adversely affect the value of my property. There are already numerous venues in Saffron Walden that sell alcohol and can be cheaply hired for social events that are not located in the middle of a quiet residential area. I am very happy to see the Sports Pavilion and the associated facilities being used for sporting and recreational purposes but strongly object to their use as a social club selling alcohol into the night.

Please do hesitate to contact me should you wish to speak to me further or clarify any point

Yours Sincerely

Simon Turner





Saffron Walden Ladies FC
Club house Alterations
Scale 1:50
012/437

