



Uttlesford District Council

Chief Executive: Dawn French

Licensing and Environmental Health Committee

Date: Thursday, 30th August, 2018

Time: 10.30 am

Venue: Committee Room - Council Offices, London Road, Saffron Walden, Essex CB11 4ER

Chairman: Councillor **R Chambers**

Members: Councillors A Anjum, **G Barker**, **J Davey**, M Foley, A Gerard, T Goddard (Vice-Chair), J Gordon, **E Hicks** and S Morris

Substitutes: Councillors H Asker, J Freeman, R Freeman, D Jones and J Loughlin

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Application for a premises licence - Faircroft House Saffron Walden 3 - 42

To consider an application for a premises licence - Faircroft House, Saffron Walden.

3 Exclusion of the Public and Press

Consideration of reports containing exempt information within the meaning of section 100I and paragraphs 1 and 2 part 1 Schedule 12A Local Government Act 1972.

PART 2

Exclusion of Public and Press

- | | | |
|----------|--|---------|
| 4 | Determination of an application for a private hire/hackney carriage driver's licence
To determine an application for a private hire/hackney carriage driver's licence. | 43 - 56 |
| 5 | Determination of an application for a private hire/hackney carriage driver's licence
To determine an application for a private hire/hackney carriage driver's licence. | 57 - 78 |

For information about this meeting please contact Democratic Services

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General Enquiries

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Committee: Licensing & Environmental Health Committee
Date: 30 August 2018

Title: Application for a Premises Licence –
Faircroft House, 37 Audley Road, Saffron
Walden CB11 3HD

Report Author: Amanda Turner, Licensing Team Leader.

Summary

1. This report sets out an application for a new premises licence in respect of the above. Representations have been received in respect of this application so therefore this matter has been referred to the Committee for determination.

Recommendations

- 2 The application is determined
- 3 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to represent the Authority at Court.

Financial Implications

- 4 None

Background Papers

- 5 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.
Premises licence application (Appendix 1)
Plan of premises (Appendix 2)
Representation from Statutory consultee (noise/nuisance)(Appendix 3)
agreeing condition with applicant (Appendix 3A)
Representations from Interested parties (Appendix 4A – 4E)
Location of premises (Appendix 5)

Impact

6

Communication/Consultation	Details of the application was conveyed to Members of Uttlesford District Council, The Parish Council, and adjoining residents
Community Safety	None

Equalities	None
Health and Safety	None
Human Rights/Legal Implications	<p>Under Article 1 First Protocol to the European peaceful enjoyment of their possessions which 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.</p> <p>Where an applicant for 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 <i>Uttlesford DC v English Heritage</i>) 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 being the ward within which the premises are situated
Workforce/Workplace	None

Situation

- 7 Fairycroft House, 37 Audley Road, Saffron Walden CB11 3HD is situated in the town of Saffron Walden. This premise has never applied for a premises licence before but has been a youth centre serving the town for over 30 years. The venue is now a community arts and media centre with a hall and bar area. Live music will take place in the main hall area only. The premises owners have decided to apply for a premises licence for this venue as they are running out of temporary event notices.
- 8 In accordance with the Licensing Act 2003 where an applicant submits an application for a premises licence then an operating schedule must accompany the application. This demonstrates how the licensing objectives

will be met and also outlines what licensable activities are sought. These can be read on part M of the application form (appendix 1).

9 The licensable activities being sought on the application are listed below:

(A)	Live music	(Indoors only)
	Monday to Saturday	23:00 to 23:30
(F)	Recorded music	(indoors only)
	Monday to Sunday	23:00 to 00:00
(J)	Supply of Alcohol for consumption on the premises	
	Monday to Sunday	11:00 to 00:00
(K)	The opening hours of the premises	
	Monday to Sunday	08:00 to 22:00

10 Copies of this application have been served on all the statutory bodies. Noise/Nuisance are the only Statutory Consultee to raise a representation which they are happy to withdraw if the applicant agrees to a condition on his licence under public the public nuisance objective. Details of this condition can be found in Appendix 3. The applicant has confirmed in an email dated 5 July 2018 he is happy to agree to this (Appendix 3A).

11 Five representations have been received from interested parties in Saffron Walden raising concerns based on the licensing objectives that relates to the prevention of public nuisance and crime and disorder (see Appendices 4A to 4E).

It is feared that disturbance to neighbours would be caused by:

- (a) Disturbance to property, bottles/cans thrown into gardens and congregation of people outside drinking.
- (b) Live and Recorded music being played loud at all levels to create a public nuisance.
- (c) Insufficient acoustic insulation when music is being played

12 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

13 The decision that the Committee can make for this application is to

- Grant the application; or
- Modify the application by inserting conditions; or
- Reject the whole or part of the application

14 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.

15 The relevant sections of the Councils Licensing Policy are:

- 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 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 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:
- (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

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

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of

the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be

appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 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, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

17. 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

18

Risk	Likelihood	Impact	Mitigating actions
1 Either no conditions are attached to the licence or the conditions do not satisfactorily achieve the	2 There is a possibility that local residents will suffer from nuisance even if what appears to be	2 Due to the availability of the review procedure any inconvenience which may be suffered by	In the event of complaints noise nuisance being received after the licence takes effect then Environmental Health Officers

licensing objectives the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm.	appropriate conditions are imposed.	local residents would be relatively short lived.	monitor the situation and apply for a review of the licence if it is considered necessary.
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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.

Uttlesford District Council



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/
W
e

TIMOTHY MARK ATKINSON

(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 FAIRCROFT HOUSE 37 AUDLEY ROAD			
Post town	SAFFRON WALDEN	Postcode	CB11 3HD

Telephone number at premises (if any)	01799 668069
Non-domestic rateable value of premises	£ 29,500.

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 | 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 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 (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)

Mr <input checked="" type="checkbox"/>	Mrs	Miss	Ms	Other Title (for example, Rev)	N/A
Surname ATKINSON			First names TIMOTHY MARK		
Date of birth or over		[REDACTED]	I am 18 years old <input checked="" type="checkbox"/>		Please tick yes
Nationality BRITISH					
Current residential address if different from premises address		[REDACTED]			
Post town		SAFFRON WALDEN		Postcode	
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		fairycrafthousecica@gmail.com			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
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
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
28 07 2018

If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY
N/A

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

FAIRYCROFT HOUSE IS A COMMUNITY ARTS + MEDIA CENTRE WITH A HALL + BAR / COFFEE BAR AREA. LIVEMUSIC WILL TAKE PLACE IN THE HALL AREA.

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)
- 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

N/A

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

Revised 04.17

N/A

B

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

N/A

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please read guidance note 6)
Fri			
Sat			
Sun			

Revised 04.17

MIA.

D

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

Revised 04.17

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take <u>place indoors or outdoors or both –</u> <u>please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	23:30	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	23:00	23:30			
Wed	23:00	23:30	State any seasonal variations for the performance of live <u>music</u> (please read guidance note 5)		
Thur	23:00	23:30			
Fri	23:00	23:30	Non standard timings. Where you intend to use the <u>premises for the performance of live music at different</u> <u>times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	23:30			
Sun	—	—			

Revised 04.17

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	00:00	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 6)		
Sat	23:00	00:00			
Sun	23:00	00:00			

Revised 04.17

N/A

G

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

Revised 04.17

H

M/A

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

Revised 04.17

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					

Revised 04.17

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>	
				Off the premises	<input type="checkbox"/>	
Day	Start	Finish	Both			<input type="checkbox"/>
Mon	11:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)			
Tue	11:00	00:00				
Wed	11:00	00:00				
Thur	11:00	00:00	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 6)			
Fri	11:00	00:00				
Sat	11:00	00:00				
Sun	11:00	00:00				

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):

Name	TIMOTHY MARK ATKINSON
Date of birth	[REDACTED]
Address	[REDACTED]

Revised 04.17

Postcode	[REDACTED]
Personal licence number (if known)	BEEN APPLIED FOR
Issuing licensing authority (if known)	LITTLESFORD DISTRICT COUNCIL

□□□□

K

N/A

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) NOT USUALLY OPEN ON BANK HOLIDAYS.
Day	Start	Finish	
Mon	08:00	00:00	
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	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 6)

Revised 04.17

Fri	08:00	02:00
Sat	08:00	02:00
Sun	08:00	22:00

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)

STRONG MANAGEMENT CONTROLS AND EFFECTIVE TRAINING OF ALL STAFF WITH PARTICULAR ATTENTION TO: -

- 1) NO UNDERAGE ALCOHOL SALES
- 2) NO DRUNK + DISORDERLY PEOPLE ON PREMISES.
- 3) VIGILANCE IN PREVENTING THE USE OF AND SALE OF ILLEGAL DRUGS.
- 4) NO ANTI SOCIAL BEHAVIOUR
- 5) NO HARM TO CHILDREN

b) The prevention of crime and disorder

- A CLEAR AND LEGIBLE NOTICE OUTSIDE THE PREMISES SHOWING THE NORMAL HOURS UNDER THE TERMS OF THE LICENCE DURING WHICH ACTIVITIES ARE PERMITTED.
- CLEAR NOTICES WARNING OF POTENTIAL CRIMINAL ACTIVITY WILL BE DISPLAYED.
- NO SALES OF ALCOHOL TO DRUNK OR INTOXICATED CUSTOMER.
- CUSTOMER WILL NOT BE SOUGHT BY SOLICITATION OUTSIDE THE PREMISES.
- FULLY TRAINED STAFF.

c) Public safety

- ADEQUATE ACCESS FOR EMERGENCY VEHICLES.
- ALL PARTS OF THE BUILDING INC FITTINGS AND APPLIANCES ARE IN GOOD ORDER, MAINTAINED AND IN A SAFE CONDITION.
- TRAINING AND IMPLEMENTATION OF UNDERAGE ID CHECKS.
- LOG BOOK TO BE KEPT DETAILING INSPECTIONS + INFORMATION COMPILED TO COMPLY WITH PUBLIC SAFETY CONDITIONS ATTACHED TO THE LICENCE.

d) The prevention of public nuisance

- CLEAR NOTICES DISPLAYED REQUESTING THE PUBLIC TO RESPECT THE NEEDS OF LOCAL RESIDENTS.
- (CUSTOMER) WILL BE ASKED NOT TO STAND OUTSIDE TALKING AT SUCH A TIME TO CREATE A NUISANCE.
- MOVEMENT OF BINS ETC KEPT TO A MINIMUM AFTER 11 PM.
- NOISE REDUCTION MEASURES.

e) The protection of children from harm

CHALLENGE 25 SIGN WILL BE SUPPLIED + DISPLAYED
 WELL TRAINED STAFF ABOUT ID REQUIREMENTS
 FOR ID/AGE ESTABLISHMENT ETC.
 DETAILS RECORDED IN TRAINING LOGS
 LOG BOOK KEPT ON PREMISES, REFUSALS BOOK TO BE
 KEPT.
 FULL HEALTH + SAFETY REQUIREMENTS

Checklist:

Please tick to indicate agreement

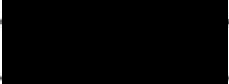
- I have made or enclosed payment of the fee. ✓
- I have enclosed the plan of the premises. ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ✓
- I have enclosed the consent form completed by the individual I wish to be designated premises 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. ✓
- [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 (please read note 15). ✓

IT IS AN OFFENCE, UNDER SECTION 15B 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.**

Declaration	<ul style="list-style-type: none"> • [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). • 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, if appropriate (please see note 15)
Signature	
Date	15/6/2018
Capacity	MANAGING DIRECTOR.

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). 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 14)			
Post town		Postcode	
Telephone number (if any)			
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

LICENSING ACT 2003	
<i>Premises :</i> Fairycroft House	Prevention of Public Nuisance From: Janet O'Boyle Environmental Health Officer Uttlesford District Council
Summary of Representation. No objection subject to condition	

Details of concern

There is potential for noise breakout from amplified music to cause disturbance to nearby residential properties. I recommend the condition below is applied to the licence, which will protect against this.

I have discussed the wording of the condition with the applicant, and he has confirmed to me that it is acceptable and achievable, as he is intending to install air conditioning.

Condition:

All external doors and windows to any room where amplified music is being played will be kept closed, except for access and egress, while the amplified music is being played.

Joanne Jones

From: Fairycroft House <fairycroft@fairycroft.co.uk>
Sent: 05 July 2018 17:21
To: Janet O' Boyle
Subject: Re: Licence condition

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Janet,

That is all fine.

Thank you very much for coming down.

Tim Atkinson
Fairycroft House

On Thu, 5 Jul 2018 at 12:51, Janet O' Boyle <joboyle@uttlesford.gov.uk> wrote:

Hi Timothy

Thanks for meeting me at Fairycroft House this morning.

I propose to recommend the following condition on your licence:

All external doors and windows to any room where amplified music is being played will be kept closed, except for access and egress, while the amplified music is being played.

Please would you confirm by email that this is acceptable.

Regards

Janet O'Boyle

Environmental Health Officer

Uttlesford District Council

01799 510584

Please note that I do not work on Wednesdays

58-60 Fairycroft Road
Saffron Walden
CB10 1LZ

Your ref: JJ/Fairycroft

Mrs J Jones
Licencing Officer
Uttlesford District Council
Saffron Walden
CB11 4ER

3rd July 2018

Dear Mrs Jones

RE: Application for a premises licence, Fairycroft House, 37 Audley Road, Saffron Walden

I am writing to make a representation against the application for a premises licence for Fairycroft House outlined in your letter dated 25th June 2018.

I am objecting to this application on the grounds that it is not adequately promoting the licencing objective of *the prevention of public nuisance*. A licence to play live music until 23:30 Monday to Sunday and recorded music until midnight Monday to Sunday will have a negative impact on the residents in the vicinity of the venue, specifically on Fairycroft Road, Audley Road and the bottom end of South Road. I am a resident on Fairycroft Road.

Fairycroft Road, Audley Road and South Road are residential roads occupied primarily by families and all three roads include housing specifically designated to the elderly. The houses on Fairycroft Road opposite the venue are terraced and open directly onto the street; their lack of front gardens or greenery to absorb sound causes noise to be amplified.

We have already had problems with noise pollution caused by live music at Fairycroft House, which we were unable to resolve satisfactorily with the applicant. Our complaint had to be escalated to Keith Hitchings, Environmental Health Technical Officer at Uttlesford District Council to get the applicant to stop live music being played beyond the agreed stop time. A copy of the email correspondence is attached to this letter as evidence. This has raised a concern in me that the applicant does not give due consideration to local residents.

I have looked at the application form and there is nothing in the proposed operational conditions concerning *the prevention of public nuisance* (Section M) to indicate that the applicant has given serious consideration the impact on local residents of live and recorded music being played daily at his venue until midnight.

The applicant has stated in Section B that "live music will take place in the hall area" but in the operation conditions he makes no mention of how or if this will be enforced. The ground floor plan

included with the application shows two marked areas – the plan is a poor copy and the labels are unreadable so I have to assume the larger of the two outlined areas is the 'Hall area' and the smaller one is the 'Bar area'. The Hall area does not directly face any residential buildings so if measures were taken to prevent noise pollution the impact on residents could be minimised. The Bar area faces residential buildings on Audley Road and so measures for preventing noise pollution are particularly important.

I therefore propose the following additional operational conditions for *the prevention of public nuisance* are a mandatory condition of any licence issued:

- Live and recorded music prohibited after 23:00 from Sunday – Thursday, and midnight on Friday and Saturday only.
- Live music to be restricted to the Hall area and strictly prohibited in any other part of the building.
- Recorded music to be restricted to the Hall and Bar areas and strictly prohibited in any other part of the building.
- Provide evidence of adequate soundproofing measures to the Hall and Bar area walls and doors such as lining systems, soundproofing panels and acoustic wool.
- Provide evidence of acoustic double-glazing or secondary glazing to the Hall and Bar area windows and other windows directly opposite any internal doors to these areas.
- Provide evidence of automatic door closers fitted to all external doors used frequently by customers.
- All windows and external doors in the building to be kept closed from 22:00 Monday to Sunday until the venue closes, and an alternative ventilation system (such as an air conditioning unit) to be installed for use on hot evenings.

I would be grateful if you and the applicant could consider my representation and respond accordingly.

Yours sincerely,

Sarah Christou

RECEIVED

13 JUL 2018

JITLESFORD D.C.

Judith Brews

62 Fairford Rd

Saffron Walden

CB10 1LZ

Dear Mrs Jones

Re the application of a premises
licence for 37 Audley Road

I am concerned with (a) prevention
of crime and disorder and (b) the
prevention of public nuisance.

I think that allowing a licence
up to midnight and for every
day is open to abuse eg: opening
a bar every night even if there
~~is~~ is not an event going on.

Being in a residential area
and living in close proximity
I have been the victim of
damage to my property and
loud noise due to people
congregating after drinking.

I have no objection to
a temporary license for
events being held there if
there is plenty of supervision

Mrs J. Blows

Amanda Turner

From: Indre Kryzeviciene [REDACTED]
Sent: 17 July 2018 09:13
To: Licensing
Subject: Re: JJ/Fairycroft

To whom it may concern,

Re: JJ/Fairycroft

We are writing to you regarding the application for the supply of alcohol on the premises of Fairycroft centre Monday-Sunday 1100 to midnight.

We are quite unfortunate in that our new built house is right next to the Fairycroft centre so any noise emanating from the premises affect us directly. We have experienced the live music and the noise from various outside entertainments already that we are not happy about and would like to raise a complaint. Especially the about the event from the 8th of July which took place without any advance agreement outside the fairycroft centre throughout the day. The music was so loud I wasn't able to put my daughter to sleep.

We would like to make a representation on our own record (41A Audley Road, Saffron Warden, CB11 3HD), based on the following licensing objectives:

1. Prevention of crime and disorder - since our house is right next to the Fairycroft centre, we are extremely concerned that if the supply of alcohol is approved there will be lots of crime and disorder, varying from bottles and cans thrown into our garden, loud and disruptive noises and most importantly - threat to our children who play in the garden. This would increase all kinds of possible violent offences including drug dealing, drunk fights etc.
2. The prevention of public nuisance - given that the Fairycroft centre is located in the quiet residential area, noise emanating from the premises, late hours of operation and alcohol supply would create a massive disturbance to all local residence and put them at risk of crime and disorder.

Can you please confirm receipt of this email?

Kind regards,
Indre and Sarunas Kryzevicius
41A Audley road
Saffron walden
CB11 3hd

4
Amanda Turner

From: [REDACTED]
Sent: 18 July 2018 15:17
To: Licensing
Subject: Application for a premises licence - Faircroft House

Dear Mrs Jones,

Thank you for your letter dated 25 June 2018 regarding the above application. We have read the application on your website and would like to make the following representations:

Prevention of crime and disorder - During recent weeks we have observed groups of 2-4 teenagers aged between 16-18 using illegal drugs in the car park outside the subject premises. This has taken place at various times during the late afternoon and during the evening. We consider that the continued use of the premises for the supply of alcohol during the times proposed under the licence application will cause this behaviour to persist.

Prevention of a public nuisance - We are concerned that the bar/coffee area identified on the plan does not offer sufficient acoustic insulation properties to prevent recorded music from being heard outside the premises. Of course this depends on the volume of the music being played, and if the intention is to provide background music only then this may prevent any issue of noise pollution in the first place. Please can the applicant clarify this point.

We also note that the applicant intends to implement non-specific noise reduction measures and would like to request clarification on what these measures will entail.

We look forward to hearing from you.

Regards,

Stephen Parry-Jones
Falcon Grove
Audley Road
Saffron Walden

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16 Audley Road
Saffron Walden
Essex
CB11 3HW

17th July 2018



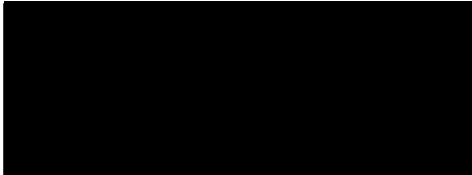
Dear Sirs,

I wish to object to the Application for a Premise Licence submitted by Timothy Mark Atkinson of Fairycote House, 37 Audley Road, Saffron Walden, Essex.

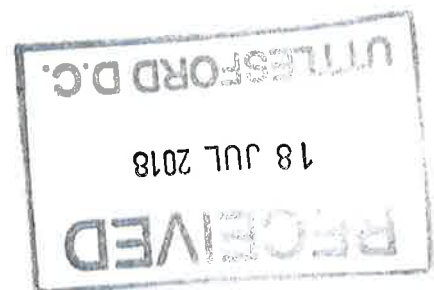
Audley Road and the surrounding area is residential and the need to supply alcohol on the premises from Monday to Sunday from 11.00 to midnight is not acceptable or appropriate. I have no objection to a licence being granted on an occasional basis as and when required but not on a permanent basis. There are plenty of places in the town, just a few minutes walk away, where alcohol can be purchased and obtained. There is not a need in this instance and in the area covered for a licence to be granted.

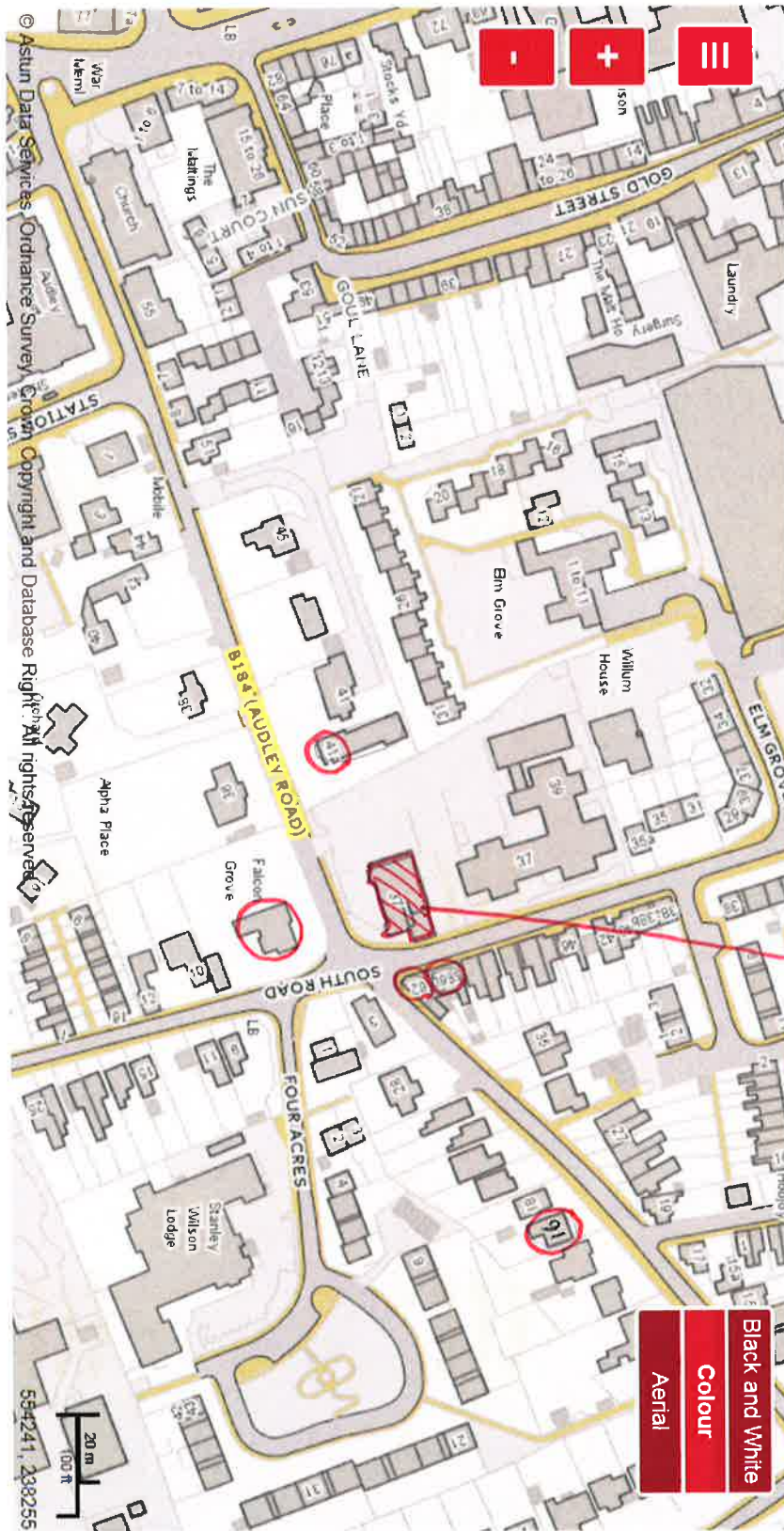
I wish to object to this application very strongly.

Yours faithfully



Susan Harris





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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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