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Uttlesford District Council

Chief Executive: Peter Holt

Licensing Panel Hearing

Date: Wednesday, 24th August, 2022

Time: 10.00 am

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chair: **Councillor P Lavelle**

Members: Councillors **S Barker**, M Caton, A Dean, G Driscoll, **R Freeman**
(Vice-Chair), P Lees, J Lodge, L Pepper, G Smith and M Tayler

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 License

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To consider the application for a premises licence for L.A. Grill, 10 Hill Street, Saffron Walden.

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Website: www.uttlesford.gov.uk

Agenda Item 2

Committee: Licensing and Environmental Health Committee

Date: 24 August 2022

Title: Application for a Premises Licence
The L.A Grill
Trevax House
10 Hill Street Saffron Walden Essex
CB10 1JD

Report

Author: Karen James, Licensing Support Officer

Summary

1. The application before the panel today is for the grant of a Premises Licence for the The L.A Grill. The application is dated 05 July 2022 and is made by The Plough Bar & Grill Ltd T/A The L.A Grill. This report sets out details of that application for the Premises Licence in respect of Trevax House, 10 Hill Street, Saffron Walden, Essex CB10 1JD. Representations have been made in response to this application by: Jasmine Kilpatrick, Gill Hawley, William Davies, Adile Egilmez and Nihat Yildirim, as well as letters in support from Alice Olley, Celia Law, Michelle Murray and Julie Redfern. A further representation was made by Mr & Mrs Keyte but this was received after the consultation period and therefore excluded. As a consequence of these responses the matter has been referred to the Committee for adjudication.
2. The L.A Grill at 10 Hill Street is situated in the town of Saffron Walden. A plan showing the layout of the premises is attached as Appendix B.
3. The options open to the Committee are set out by law, and are:
 - To grant the application
 - To modify the application by inserting conditions
 - To reject the whole or part of the application

Recommendations

4. The application is determined

Financial Implications

5. None

Background Papers

- a) Premises Licence Application (Appendix A)
- b) Plan of the Premises (Appendix B)
- c) Representations from Ms Jasmine Kilpatrick - [REDACTED] Market Row (Appendix C)
- d) Representations from Gill Hawley - [REDACTED] Saffron Barns, Hill Street (Appendix D)
- e) Representations from William Davies - [REDACTED] Market Row (Appendix E)
- f) Representations from Adile Egilmez - Trading as 'The Piano' 12 Market Row
- g) Representation from Nihat Yildirim - Trading as 'The Grill' - 11 Market Row
- h) Notice of support from Alice Olley - [REDACTED] Ashdon
- i) Notice of support from Celia Law - Thaxted Road
- j) Notice of support from Michelle Murray - Trading as Eden Lake

- k) Notice of support from Julie Redfern – Trading as ‘Beauty Box’ Market Row
- l) No Objection from the Police but requesting Conditions to be imposed.
- m) Uttlesford District Council Statement of Licensing Act 2003 Policy 2017 – 22

Impact

Communication/Consultation	Details of the application was conveyed to all relevant responsible authorities. A blue public notice was displayed on the premises for the required timeframe and a public notice was placed in a local publication circulated within the area of the premises.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Under Article 1 First Protocol to the European Convention on Human Rights everyone is entitled to 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. 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
Sustainability	None
Ward-specific impacts	Saffron Walden being the ward within which the premises are situated
Workforce/Workplace	None

Situation

6. This premises is a 3 storey building, with 2 floors previously occupied by Laura Ashley as a retail outlet, the 3rd floor is a residential dwelling. The applicants are proposing to open a restaurant which offers live music and events, with and without amplified sound. The premises will be open from 11:00 every day till the evening 7 days a week. The premises is situated in the centre of Saffron Walden, surrounded by other businesses and some residential dwellings. The proposed licensable activities and times can be read on page 5 of the application form. (Appendix A).
7. The proposed licensable activities are below:

- i. Recorded Music
 - ii. Live Music
 - iii. Provision for Dancing
 - iv. Supply of Alcohol
8. Copies of this application have been served on all the statutory bodies and this did attract correspondence from Essex Police based on the Crime and Disorder and Protecting Children from Harm objectives. An agreement was reached to add conditions (Appendix L)
9. The statutory notices attracted representations listed in the background papers.
10. In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as set out in the Licensing Act 2003. These are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
11. There is no hierarchy of importance among the objectives, and all must be given equal weight.
12. The decisions that the Committee can make in respect of this application are to:
 - Grant the application
 - Modify the application by inserting conditions
 - Reject the whole or part of the application
13. When determining an application, due regard should be given to the Council's Licensing Policy and the Secretary of State's Guidance issued in accordance with the 2003 Act.
14. The Secretary of State's Guidance provides at paragraphs 10.8 and 10.10 the following assistance for members:
 - 10.8 "The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions must be included that are aimed at preventing illegal working in licensed premises."
 - 10.10 "The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions."

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

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

1 = Little or no risk or impact

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

3 = Significant risk or impact – action required

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

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/We David Miles of The Plough Bar & Grill Ltd T/A The L.A. Grill
(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

The L.A. Grill Trevax House 10, Hill Street.			
Post town	Saffron Walden	Postcode	CB10 1JD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£63,500.00

Part 2 - Applicant details

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

Please

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) ☐
 - 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 type="checkbox"/>		Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname				First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>				Please tick yes
Nationality						
Current residential address if different from premises address						
Post town					Postcode	
Daytime contact telephone number						
E-mail address (optional)						
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)						

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		
Date of birth		I am 18 years old or over <input type="checkbox"/>				Please tick yes
Nationality						
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)						
Current residential 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 The Plough Bar & Grill Ltd T/A The L.A. Grill
Address The Plough Sampford Road Radwinter Essex CB10 2TL
Registered number (where applicable) 09394361
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	082022

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

DD	MM	YYYY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

A Modern two storey former Laura Ashley retail store in Saffron Walden town centre'

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

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (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					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur					
			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (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					
Thur			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Fri					
Sat					
Sun					
			<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 6)		

C

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

D

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

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	23.30	<u>Please give further details here</u> (please read guidance note 4) Live bands and other artists, with and/or without sound amplification. Indoors only.		
Tue	11.00	23.30			
Wed	11.00	23.30	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	11.00	23.30			
Fri	11.00	24.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11.00	24.00	A further hour on allowed timings on Sunday and Monday of May. Spring/whitsun and August bank holidays.		
Sun	11.00	23.00	A further additional hour on allowed timings on Thursday, Sunday and Monday of Easter bank holiday weekend. A further additional hour on allowed timings on Christmas Eve and Boxing Day. From the end of allowed timings on New Year's Eve to the end of allowed timings on New Day.		

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	24.00	<u>Please give further details here</u> (please read guidance note 4) Background music, DJ's, Open mic.		
Tue	11.00	24.00			
Wed	11.00	24.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	11.00	24.00			
Fri	11.00	00.30	<u>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</u> A further hour on allowed timings on Sunday and Monday of May. Spring/whitsun and August bank holidays. A further additional hour on allowed timings on Thursday, Sunday and Monday of Easter bank holiday weekend. A further additional hour on allowed timings on Christmas Eve and Boxing Day. From the end of allowed timings on New Year's Eve to the end of allowed timings on New Day.		
Sat	11.00	00.30			
Sun	11.00	23.30			

G

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

H

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 Provision of facilities for dancing (Indoors)		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	11.00	23.30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11.00	23.30	<u>Please give further details here</u> (please read guidance note 4) Live or recorded musical accompaniment.		
Wed	11.00	23.30			
			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Thur	11.00	23.30			
Fri	11.00	24.00	<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 A further hour on allowed timings on Sunday and Monday of May. Spring/whitsun and August bank holidays. A further additional hour on allowed timings on Thursday, Sunday and Monday of Easter bank holiday weekend. A further additional hour on allowed timings on Christmas Eve and Boxing Day. From the end of allowed timings on New Year's Eve to the end of allowed timings on New Day.		
Sat	11.00	24.00			
Sun	11.00	23.30			

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			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<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)		
Sat					
Sun					

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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11.00	23.30			
Tue	11.00	23.30			
Wed	11.00	23.30			
Thur	11.00	23.30	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 A further hour on allowed timings on Sunday and Monday of May. Spring/whitsun and August bank holidays. A further additional hour on allowed timings on Thursday, Sunday and Monday of Easter bank holiday weekend. A further additional hour on allowed timings on Christmas Eve and Boxing Day. From the end of allowed timings on New Year's Eve to the end of allowed timings on New Day.		
Fri	11.00	00.30			
Sat	11.00	00.30			
Sun	11.00	23.30			

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 Marc Saggars	
Date of birth	<input type="text"/>
Address The Plough Sampford Road Radwinter	
Postcode	CB10 2TL
Personal licence number (if known) PA0779	
Issuing licensing authority (if known) Uttlesford D.C.	

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).

NONE

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	9.00	24.00	
Tue	9.00	24.00	<u>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</u> (please read guidance note 5) A further hour on allowed timings on Sunday and Monday of May. Spring/whitsun and August bank holidays. A further additional hour on allowed timings on Thursday, Sunday and Monday of Easter bank holiday weekend. A further additional hour on allowed timings on Christmas Eve and Boxing Day. From the end of allowed timings on New Year's Eve to the end of allowed timings on New Day.
Wed	9.00	24.00	
Thur	9.00	24.00	
Fri	9.00	01.00	
Sat	9.00	01.00	
Sun	9.00	24.00	

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

Run an orderly House, be vigilant on all matters
Effective and responsible management of premises
The use of CCTV
Effective training for all staff.

note 10)

b) The prevention of crime and disorder

Effective and responsible management of premises
Discourage abusive language and aggressive behavior. Run an orderly House, be vigilant on all matters. reasonably monitor public areas and WC's for indications of illegal activity.
Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs or adoption of industry best practice
The use of CCTV

c) Public safety

Effective and responsible management of premises
Comply with relevant legislation for Health and Safety and provide adequate lighting. Run an orderly House, be vigilant on all matters
The use of CCTV
Suitable and sufficient risk assessments
provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons

d) The prevention of public nuisance

Effective and responsible management of premises

Display prominent signage for patrons to leave the premises quietly. Discourage abusive language and aggressive behavior on the premises. Run an orderly House, be vigilant on all matters. Install air conditioning so that the doors and windows can be kept closed other than for access and egress whilst amplified music is being played after 23.00.

The use of CCTV

Effective ventilation systems to prevent nuisance from odour

e) The protection of children from harm

Effective and responsible management of premises

To oblige parents and guardians to keep their children under supervision whilst on the premises. Discourage abusive language and aggressive behavior by adults. Run an orderly House, be vigilant on all matters, enforce current legislation re: children in licensed premises.

The use of CCTV

Measures to ensure children do not purchase, acquire or consume alcohol

Acceptance of accredited "proof of age" cards and/or "new type" driving licences with photographs

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 or my share code issued by the Home Office online right to work checking service (please read note 15). ☐


IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS

APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	05-07-2022
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 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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local

authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share

code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in
the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

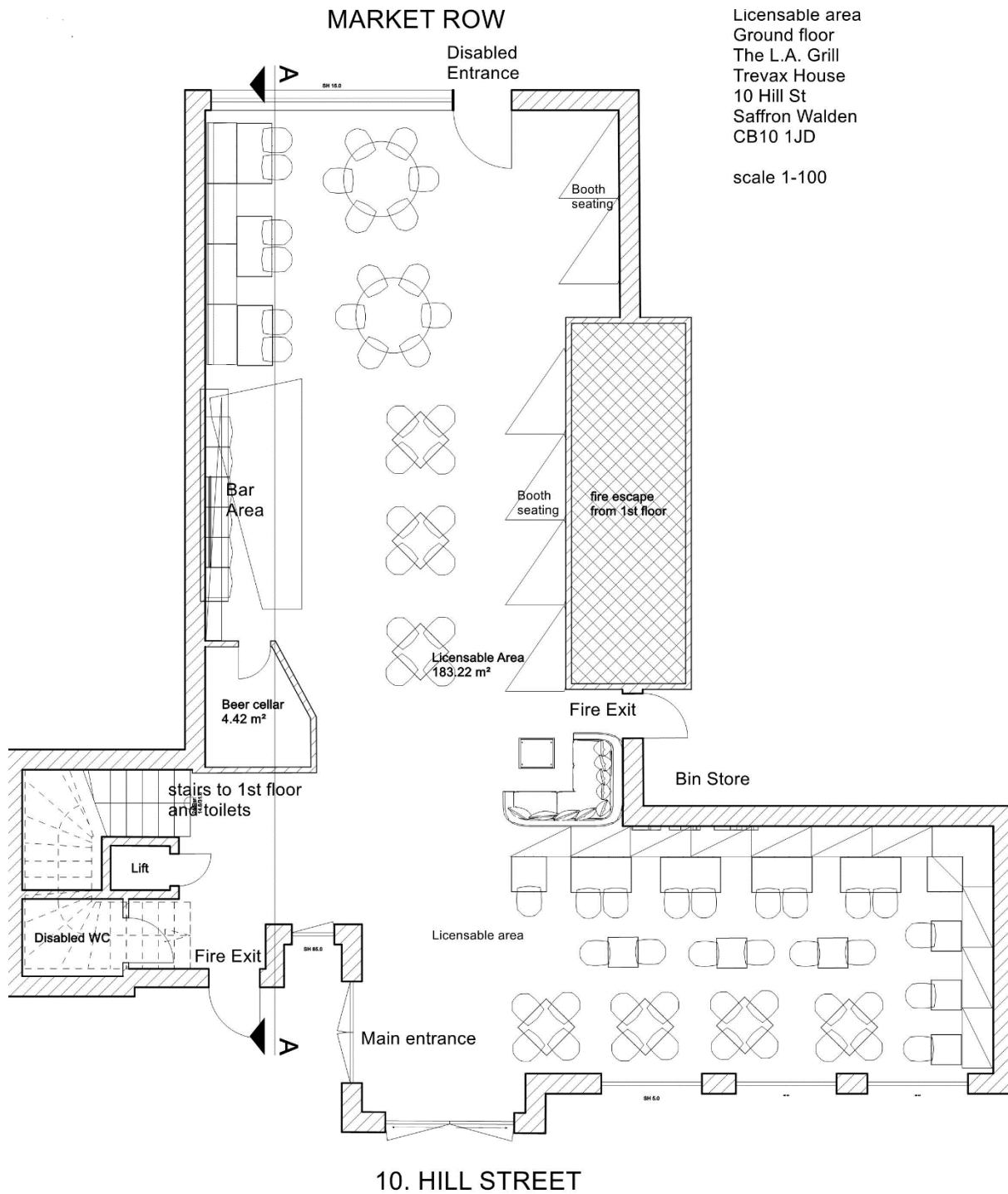
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share

code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

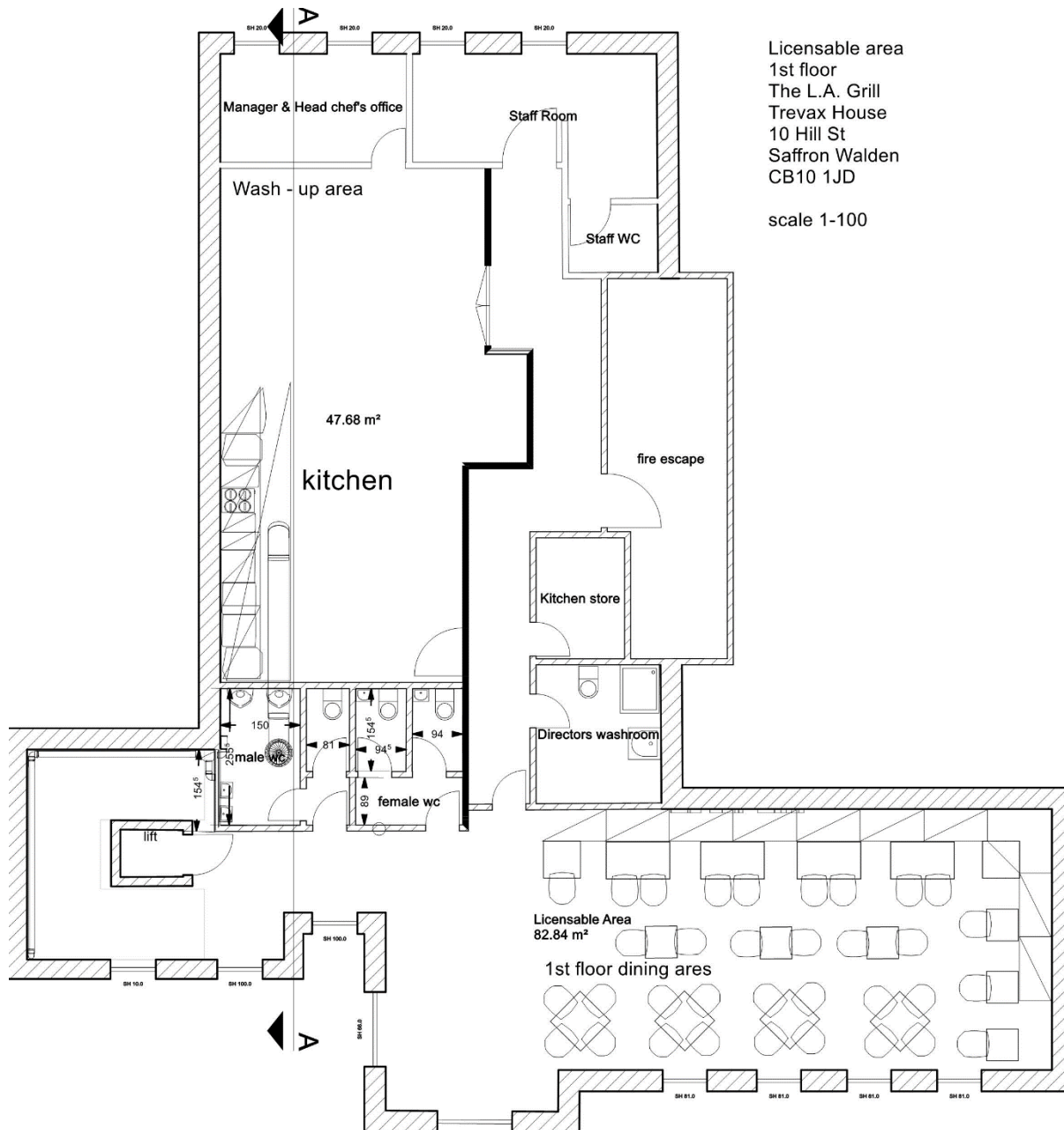
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

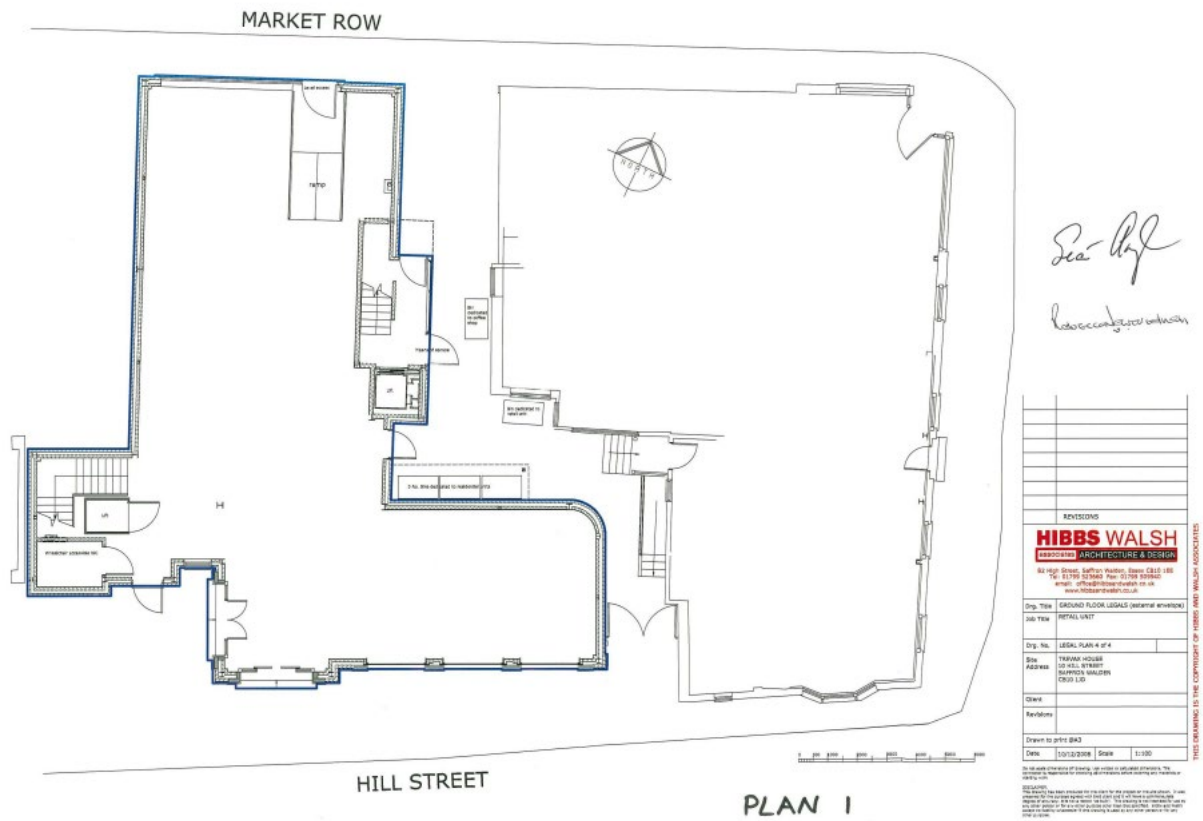
APPENDIX B - PLANS



APPENDIX B - PLANS



APPENDIX B - PLANS



APPENDIX C

Dear Karen,

In addition to my partners comments earlier this week, I too would like to formally object to the variation of premises licence submitted for the L.A Grill at 10 Hill Street.

The plans proposed by the L.A grill are for the first and second floor of Trevax house. As the owner of the third floor of Trevax house, the change of use would be devastating for not only myself, but any properties on Market Row.

I purchased [REDACTED] Market Row (with my partner William Davies) in February 2020. At this time, the property was above the homeware store Laura Ashley. I hope you can appreciate that the plans proposed are a dramatic difference from the original use.

My primary concerns surround noise, smell, litter, safety and traffic.

1. The noise from both a busy restaurant and kitchen will have a negative impact on my living environment. The proposal of live / recorded music 7 days a week until midnight (and more) will result in a loss of sleep. Market Row appealed to us as buyers due to its quiet and peaceful environment.
2. The addition of extraction fans for the kitchen fumes will create odour pollution directly outside our windows or rooftop.
3. We currently share access to bins with the White Horse Development and Starbucks. The courtyard holding the bins is often full and I fear that addition of further bins will create an unclean environment and attract vermin. In addition to this, the increased foot traffic and litter which a bar / restaurant brings is not in keeping with Market Rows tidy shopfronts and local businesses.
4. A loss of safety is inevitable. With a bar comes the drunk and disorderly. Again, one reason we opted to move to Saffron Walden was its safe and secure environment. In addition to this, the restaurant will require access to the fire exit which shares the entrance to our flat. This has the potential to increased risk of theft and damage to the property.
5. We own a garage on Market Row, which is also the entrance to our property. The increase of traffic and curb side parking on Market Row is inevitable, which will result in difficult access to our home. I suspect that increased traffic will also result in an increase in pedestrian accidents.

All of the above amounts to a huge loss in property value. Many mortgage lenders will not mortgage buyers if the property is above a restaurant or bar. The financial implications are huge. In addition, our home insurance will need to be reviewed - living above a restaurant and bar is more costly than living above a shop as the likelihood of fire, theft or property damage is greater. This is again a financial strain.

From the basic standpoint of increased noise and odour pollution, combined with decreased safety, property value and standard of living - I hope you can appreciate the devastating effect that the L.A Grill will have to not only myself, but the surrounding area.

Thank you in advance and please do not hesitate to contact me should you have any further questions.

Kind regards,
Jasmine Kilpatrick

[REDACTED]

APPENDIX D

To Whom It May Concern

I am emailing to strongly oppose the proposed application for a premises licence by LA Grill at Trevax House, 10 Hill Street, Saffron Walden CB10 1JD.

I live at ■■■ Saffron Barns, Hill Street, Saffron Walden CB10 1FD which is very close to Trevax House. The proposed provision of facilities for dancing, live music, recorded music and alcohol is not suitable as it would cause unacceptable late night noise, possible anti-social behaviour and unacceptable parking outside Saffron Barns (opposite the white H line). This part of Hill Street is also residential and we already have to put up with people walking home late at night from Wetherspoons sometimes inebriated causing no end of noise. Any late night parking would also mean the Waitrose/Tesco and petrol lorries have to mount the kerb outside my property in order to pass through Hill Street causing more noise and danger to the buildings, not to mention the noise that would be caused by people slamming car doors upon leaving the premises at 0100hrs. The proposed premises has 2 levels, which would mean the amount of people frequenting would be large and, therefore, unacceptably noisy at closing time.

I chose to move to Saffron Walden as it is a conservation area and proposed applications like this are not suitable.

Thank you and I look forward to hearing from you.

Kind regards,
Gill Hawley (Mrs)

APPENDIX E

Dear Karen,

Thank you for your time on the phone earlier - much appreciated.

As discussed, I would like to formally object to the variation of premises licence submitted for the L.A Grill at 10 Hill Street. This location is directly below my property, which I purchased in February 2020. At the time of purchase, this property was above Laura Ashley. As you can imagine, this would be quite a stark change of use. I have several concerns which my neighbours and I share. These include;

-The unacceptable impact from noise pollution generated by a restaurant playing live and recorded music late into the evening will affect peace and quiet, especially on hot days when both premises windows will be open. Google reviews of the owners original restaurant The Plough often reference the volume of the music, which is a great concern. I have neighbours above Richard Riccio with a young child who would also be greatly affected by this new premises.

This is also covered in 4.1 of my leasehold agreement 'Quiet Enjoyment'. *"To permit the tenant to peacefully hold and enjoy the property during the term without interruption"*.

-Unacceptable disturbance from late night revelry disturbing local residents.

-Unacceptable noise and smell from kitchen extractor fans, directly at my outside space (which was a key feature of the property, and the reason for buying).

-Reduction in property value. Having consulted my mortgage broker, will affect my property value negatively, and can impact how mortgageable the property is if I choose to sell in the future.

-Prevention of crime and disorder on Market Row including Public Nuisance - Includes the worry of groups of diners outside my front door smoking.

-Public access and safety concerns on illegal parking on Market Row (already an issue, but will be heightened by a restaurant/bar that provides no parking).

I hope that this conveys the concerns my partner and I share, and that we didn't move to this location to live above a restaurant / American bar that plays live music. This is a property that we would live in for many years, being large enough for us to start a family, and settle in long-term, but with a noisy restaurant open late into the evening, this won't be an option for us. Please can you put forward our objection to this.

We appreciate that new restaurants will bring more life to the town, but with no parking, and so close to residents who bought properties down this road *because* it was quiet and there were no late-night licenses, is a real shame for the road.

I am away at work from today, so email is the best contact for me if you need more info on anything please let me know. Thanks for your time.

Kind regards,
William Davies

[REDACTED]

[REDACTED] Market Row,
Saffron Walden,
Essex,
CB10 1HB

APPENDIX F

I would like to formerly OBJECT to the above variation of premises licence submitted for the L.A. Grill
- closing date for objections 4 August 2022.

I LIST MY OBJECTIONS BELOW:

1. NOISE POLLUTION AND DISTURBANCE:

The application is for the premises to be open 7 days a week.

Monday to Thursday- 11:30pm close

Friday to Saturday-12 midnight close

Sunday-11pm close

With Live / Recorded Music on every night and the supply of alcohol until 11:30pm Monday to

Thursday-12:30am Friday to Saturday staying open until 1:00am.

This will beyond any doubt produce late night revellers exiting onto Market Row and Hill Street.

Market Row in particular being a very quiet narrow one way street. With not only businesses but residential properties.

2. FEAR OF CRIME:

There will undoubtedly be disorder on Market Row as well as Hill Street which will cause a public nuisance. I also have public safety concerns and fear of criminal damage to the businesses and residential properties in Market Row.

3. PARKING NUISANCE :

Public access and safety issues with illegal parking on Market Row (which is already an issue for businesses) as no parking/ loading /dropping or picking up customers allowed. This will also be an issue on Hill Street.

4. LITTERING and THE ENVIRONMENT :

Customers will no doubt wish to smoke outside of the premises both at the Market Row and Hill Street entrances and exits leaving cigarette butts on the street and may even come out with their drinks. There may be breakages of glass bottles/glasses etc.

Kind Regards

N A Saruti Ltd T/A The Piano

12 Market Row

Saffron Walden

Essex

CB10 1HB

Sent from Adile Egilmez

APPENDIX G

>> I would like to formerly OBJECT to the above variation of premises licence submitted for the L.A. Grill - closing date for objections 4 August 2022.

>>

>> I LIST MY OBJECTIONS BELOW:

>>

>> 1. NOISE POLLUTION AND DISTURBANCE:

>> The application is for the premises to be open 7 days a week.

>> Monday to Thursday- 11:30pm close

>> Friday to Saturday-12 midnight close

>> Sunday-11pm close

>> With Live / Recorded Music on every night and the supply of alcohol until 11:30pm Monday to Thursday-12:30am Friday to Saturday staying open until 1:00am.

>> This will beyond any doubt produce late night revellers exiting onto Market Row and Hill Street.

>> Market Row in particular being a very quiet narrow one way street. With not only businesses but residential properties.

>>

>> 2. FEAR OF CRIME:

>> There will undoubtedly be disorder on Market Row as well as Hill Street which will cause a public nuisance. I also have public safety concerns and fear of criminal damage to the businesses and residential properties in Market Row.

>>

>> 3. PARKING NUISANCE :

>> Public access and safety issues with illegal parking on Market Row (which is already an issue for businesses) as no parking/ loading /dropping or picking up customers allowed. This will also be an issue on Hill Street.

>>

>> 4. LITTERING and THE ENVIRONMENT :

>> Customers will no doubt wish to smoke outside of the premises both at the Market Row and Hill Street entrances and exits leaving cigarette butts on the street and may even come out with their drinks. There may be breakages of glass bottles/glasses etc.

Kind Regards

Nihat Yildirim

The Grill

11 Market Row

Saffron Walden

Essex

CB101HB

APPENDIX H

Dear Sirs

I'd like to write in support of the application for a premises licence in the hill street former Laura Ashley building by the current owners of the Plough at Radwinter.

They run a very good business already, are a good employer of young people locally and I am sure they would make a great success of running a similar business in the middle of Saffron Walden.

This is just the sort of restaurant that the town needs and will be popular with the expanding population of the town.

Sincerely

Alice Olley



Ashdon

Sent by iPhone

APPENDIX I

I would like to support the application of The Plough Radwinter to take over the old Laura Ashley building with a licensed premises. The residents of SW need somewhere of this nature to enjoy. I believe it would bring additional trade to other retailers & restaurants as well as being popular for all ages.

Regards

Celia Law



Thaxted Rd

Wimbish CB10 2XP

Sent from my iPhone

APPENDIX J

To Whom it may concern,

I would like to fully support The Plough Grill to get their licence.

The town is crying out for more restaurants / bars / music establishments. This is something that will be a great asset to the town. Other local towns have so many more places to go on nights out. As a local resident I find myself often leaving the town in the evenings to find a more buzzy atmosphere and something different.

These people have a business already so clearly know what they are doing and can make a great success of it.

Kind Regards

Michelle Murray

Sent from my iPhone

APPENDIX K

Hi

I would like to write in support of the above license application. Saffron Walden would benefit hugely from this addition to the offering the town has. There are so few places open in the evenings and so many of us looking for somewhere to eat and be entertained.

Also as a town centre business owner and premises owner in Market Row I can only see this as a positive for all of us in the town. I hope that UDC will approve this application and very much look forward to the LA Grill opening.

Kind regards

Julie Redfern
■ Market Row
Saffron Walden
CB10 1HB

APPENDIX L

UDC,

Please note that Essex Police have no representations against the grant of this licence subject to the inclusion of the conditions as agreed below.

Kind regards
Vicky

Licensing Officer 72551 Vicky Powell
Braintree & Uttlesford District Policing Area
North Local Policing Area

Email: [REDACTED] or licensing.braintree.and.uttlesford@essex.police.uk

Tel: [REDACTED]

CCTV

The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:

- i. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality (in all lighting conditions) particularly facial recognition;
- ii. CCTV cameras shall cover all entrances (and exits) and the areas where alcohol sales take place;
- iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of (31) days;

Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.

Signs must be displayed at all entrances (and exits) advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.

Staff Training

All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.

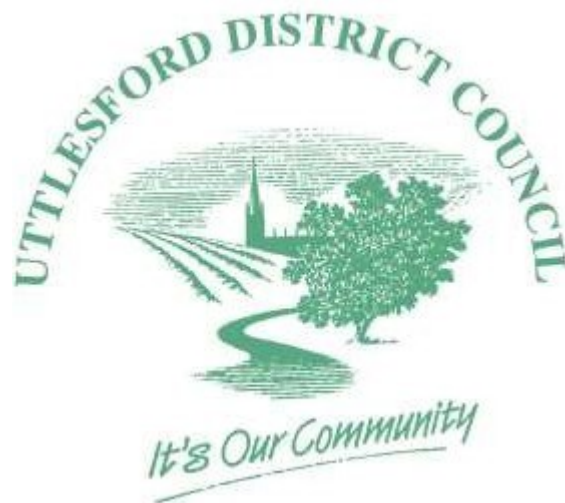
Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

Age Verification

A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement (photo, name, date of birth and either a holographic mark or ultraviolet feature) **and** is either a:

- Proof of age card bearing the PASS Hologram;
- Photocard driving licence;
- Passport; or
- Ministry of Defence Identity Card.

The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.



STATEMENT OF LICENSING POLICY

2017-2022

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

STATEMENT OF LICENSING POLICY

1.0 INTRODUCTION

Introduction

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

conditions, applicants should be aware that responsible authorities and others will scrutinise applications in the light of this policy. Failure to take account of the policy may therefore encourage representations.

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

The Licensing Objectives

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

Statement of Licensing Policy

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

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

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

Consultation

- 1.10** There are a number of groups who have a stake in the leisure industry, including providers, customers, residents, businesses and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives. These are in addition to those authorities and agencies that the Council is statutorily required to consult with in accordance with Section 5(3) of the Licensing Act 2003
- 1.11** In developing this Policy, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the District, the Essex County Fire and Rescue Service and local representative for the Director of public Health in England) and persons/bodies representative of existing licence and certificate holders, the views of Ward councillors, Town and Parish Councils, Appropriate weight and consideration was given to the views of all those who responded to that consultation process.

Links to other Strategies

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

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

Regulated Entertainment

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

Applications

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

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

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

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

Representations

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

Conditions

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

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

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

Delegation of Functions

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

The Need for Licensed Premises

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

Cumulative Impact of a Concentration of Licensed Premises

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

- 1.37 The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting in unacceptable levels of crime and disorder or public nuisance.
- 1.38 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the district causing a cumulative impact on any of the licensing objectives.**
- 1.39 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Late night refreshment exemptions

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

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

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

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

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

- Motorway service areas;
- petrol stations;

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

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

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

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

Advice and Guidance

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

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

Reviews

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

Enforcement

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

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

2.0 LICENSING OBJECTIVES

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

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

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

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

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

3.0 PREVENTION OF CRIME AND DISORDER

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

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

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

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

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

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

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

Control Measures

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

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

Designated Premises Supervisor

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

4.0 PUBLIC SAFETY

4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. If representations are made **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

4.2 When addressing the issue of public safety, an applicant should consider those factors that impact on the standards of public safety. These may include:

- (a) the occupancy capacity of the premises
- (b) the age, design and layout of the premises, including means of escape in the event of fire
- (c) the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- (d) the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- (e) customer profile (e.g. age, disability)
- (f) the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- (g) Compliance with the Disability Discrimination Act etc

Control Measures

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

- (a) Suitable and sufficient risk assessments
- (b) Effective and responsible management of premises
- (c) Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- (d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons including the use of CCTV system
- (e) Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA))
- (f) Provision of effective CCTV in and around premises
- (g) Provision of toughened or plastic drinking vessels
- (h) Implementation of crowd management measures
- (i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

5.0 PREVENTION OF PUBLIC NUISANCE

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

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

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

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

6.0 PROTECTION OF CHILDREN FROM HARM

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

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

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

- 6.3** The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.
- 6.4** The Licensing Authority considers that there should be no presumption of giving or preventing children's access to licensed premises. The Licensing Authority will rarely impose complete bans on access to children. If representations are made then in exceptional circumstances, conditions restricting access or excluding children completely may be considered appropriate. Where no licensing restriction is appropriate, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 6.5** If representations are made **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**
- 6.6** Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should consider those factors that impact on harm to children. Areas that will give particular concern in respect of children include:
- (a) where entertainment or services of an adult or sexual nature are commonly provided
 - (b) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - (c) with a known association with drug taking or dealing
 - (d) where there is a strong element of gambling on the premises, and

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

Control Measures

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

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

Film Exhibitions

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

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

7. TEMPORARY EVENTS

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

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

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

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

8.1. As a responsible authority the Licensing Authority may make representations on applications for the grant or variation of a premises licence or club premises certificate and may also seek a review of a licence or certificate

8.2. Without imposing any limitations on its power to make such representations or to call for a review it is the view of the Licensing Authority that the other responsible authorities are generally better placed to determine whether representations are appropriate or whether a review should be called for. The Licensing Authority is therefore likely to exercise its powers in the capacity of a responsible authority only in exceptional circumstances. This in no way inhibits the right of the other departments of the Council which are responsible authorities in their own right (namely Environmental Health and Planning) to make representations or to apply for reviews if they consider it appropriate to do so

8.3. To ensure that the Licensing Committee are able to conduct a hearing impartially and to reach a conclusion on its merits the power of the Licensing Authority to make representations and to seek reviews has been delegated to the Licensing Enforcement Officer.

9. PERSONAL LICENCES

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

9.2 Provided that an applicant fulfils the requirements of Section 120 (2) (a), (b) and (c), of the Act, a licence will be granted unless the applicant has a relevant conviction or a foreign conviction as defined in the Act. In the event of such a conviction, the application will be referred to the Police, and if the Police give an objection notice, a hearing will generally be held. Whilst each application and objection will be considered on its merits, the application will normally be rejected if the Licensing Authority considers this appropriate for the crime prevention objective.

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

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

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

APPENDIX

(Outline of the District)

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

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