



Uttlesford District Council

Chief Executive: Peter Holt

Licensing Panel Hearing

Date: Tuesday, 12th March, 2024

Time: 1.00 pm

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

A panel of three members from the membership of the Licensing and Environmental Health Committee:

Chairman: Councillor **A Armstrong**

Members: Councillors M Ahmed, M Coletta, J Davey, A Dean, **G Driscoll (Vice-Chair)**, J Moran, A Reeve, B Regan and M Tayler

Substitutes: Councillors **S Barker**, N Church, M Foley, R Freeman and J Loughlin

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Application for a Premises Licence

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To determine an application for a new Premises Licence at Little Barn Café Ltd, Little Barn, Park Road, Little Easton, Essex CM6 2JH.

LICENSING HEARING PROCEDURE (PREMISE LICENCES)

Uttlesford District Council has an approved Statement of Licensing Policy, which can be viewed on the Council's website.

The Licensing and Environmental Health Committee is delegated to exercise the Council's functions under the 2003 Licensing Act, as required by section 6 of the 2003 Act. Determination of applications and notices are specifically delegated to a Licensing Panel consisting of three members of the Licensing and Environmental Health Committee, as provided by section 9 of the 2003 Act.

The Licensing Act 2003 (Hearings) Regulations 2005, as amended ("the Hearings Regulations") make provision for the holding of hearings under the 2003 Act. Subject to the provisions of the Hearings Regulations, each Committee and Panel may regulate its own procedure. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, as amended, set out the arrangements to be followed in relation to, applications, notices and representations under the 2003 Act.

Hearing Procedure

The Chair will be elected from the membership of the Panel for the duration of the meeting.

They will introduce all those in attendance including Members, officers and all other parties, asking the latter to confirm whether they are represented. The Panel will be assisted, where necessary, by a;

- Legal Advisor
- Democratic Services Officer

These officers attend to provide advice and procedural guidance to the Panel. They are the only officers who retire with the Panel and do not participate in the hearing or deliberations other than to clarify legal or procedural matters.

A hearing shall take the form of a discussion led by the Chair and proceed as follows:

Introductions:

1. The Chair is elected by the Panel for the duration of the meeting.
2. The Chair confirms that the notices and copies of the agenda were received by all parties.

Officer's Report

3. The Case Officer presents their report.
4. The Panel ask questions of clarification to the Officer.

Responsible Authorities

5. Each Responsible Authority who has made a valid representation will be permitted to speak for a maximum of 15 minutes each, unless the Chair agrees a different period in the circumstances of a particular case.

6. With the permission of the Panel, the Responsible Authorities may call on witnesses to speak. This forms part of 15 minutes.
7. The Panel ask questions of the Responsible Authorities and their witnesses who have been given permission to speak.

Other Persons

8. Those who have made a valid representation, or “Other Persons”, will be permitted to speak for a maximum of 15 minutes shared between unless the Chair agrees a different period in the circumstances of a particular case. Where there are multiple speakers, the Chair may request that they nominate a spokesperson to cover all the salient points from each person.
9. With the permission of the Panel, the Other Persons may call on witnesses to speak. This forms part of 15 minutes.
10. The Panel ask questions of the other parties to the hearing and their witnesses who have been given permission to speak.

The Applicant

11. The Applicant and/or their representative will be permitted to speak for a maximum of 15 minutes unless the Chair agrees a different period in the circumstances of a particular case.
12. With the permission of the Panel, the Applicant may call on witnesses to speak. This forms part of their 15 minutes speaking time.
13. The Panel ask questions of applicants and their witnesses who have been given permission to speak.

Closing Remarks

14. The Chair invites any closing remarks from the parties to the hearing. Such statements will be made in the following order: Responsible Authorities, Other Persons and the Applicant.

Making and Reporting the Decision

15. The Chair will announce that the meeting has been adjourned in order for the Panel to retire to make their decision. The Legal Advisor and Democratic Services Officer will be invited to join the closed session. During the private session the Panel will discuss the application, seek advice on legal or procedural matters, form a view on the application and make a decision by majority vote.
16. The Panel returns and the meeting is reconvened.
17. The Legal Advisor informs the hearing of any advice that they have given to the Panel during the private session.
18. The Panel’s decision will be given by the Chair, including their reasoning.
19. After the hearing and within five working days, officers will write to all parties to confirm the Panel’s decision, which will include the full reasoning.
20. The Chair will close the meeting.

Failure to Attend

If a party has informed the Council that they do not intend to attend or be represented at the hearing, the hearing can proceed in their absence.

If a party who has not so indicated fails to attend or be represented at a hearing the Sub-Committee may:

- Hear the case in the party's absence or;
- Adjourn the hearing when it be considered necessary in the public interest.

Where a hearing takes place in the absence of the party, the Panel must consider at the hearing the written application, representations or notice made by that party. Where an adjournment is made, the Council must notify the parties of the date, time and place to which the hearing has been adjourned.

Notification of the Decision

The Panel's decision will generally be given at the meeting. After the hearing and within five days, officers will write to all parties to confirm the Panel's decision and provide a full written decision notice.

The decision and reasoning will also be recorded within the minutes of the meeting which will be published on the Council's website.

Right to Appeal

Applicants and the other parties have the right to appeal a decision. The appeal must be made to the Magistrates' Court within 21 days from the date of receipt of notification of the decision by a party. Details of how to appeal and the grounds on which an appeal may be made are sent out with the notification letter.

To note, this would be a review of the decision, not a full rehearing and a Magistrates Court cannot grant a new licence.

Facilities for People with Disabilities

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact committee@uttlesford.gov.uk or phone 01799 510369/410/460/548 prior to the meeting.

Fire/Emergency Evacuation Procedure

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

For information about this meeting please contact Democratic Services

Telephone: 01799 510369, 510548, 510410 or 510460

Email: Committee@uttlesford.gov.uk

General Enquiries

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