

**Committee:** Licensing and Environmental Health  
Committee

**Date:**  
16 January 2023

**Title:** Variation of a Premises Licence: Bear and  
Eden, Brewery Barn, 31 Lower Street,  
Stansted Mountfitchet, Essex, CM24 8LN

**Report  
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## Summary

1. The application before the panel today is for the grant of a variation to the current licence PL0398 in respect of Bear and Eden, Brewery Barn, 31 Lower Street, Stansted, CM24 8LN. The applicant seeks to extend the terminal hour for the sale by retail of alcohol from 18:00 until 23:00 Monday - Sunday and to amend the current sale of alcohol on the premises to include off sales. The application is dated 30 November 2022 and is made by Gemma Denman who has held the licence since September 2020 although the premises have benefited from a licence since at least 2019. This report sets out details of that application to vary the Premises Licence.
2. 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

3. The application is determined

## Financial Implications

4. None

## Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - a. Vary Premises Licence Application (Appendix A)
  - b. Current Licence (Appendix B)
  - c. Representations from Caroline & Richard Bedford (Appendix C)
  - d. Representations from Sophie Fletcher (Appendix D)
  - e. Representations from Annie Pressman (Appendix E)
  - f. Representations from Mr Murray Potter (Appendix F)
  - g. Representation from Mrs. J.A. White (Appendix G)
  - h. Representation from Mr B Barker (Appendix H)
  - i. Representation from Tony Taylor & Alison Springham (Appendix I)
  - j. Representation from Vanity Fayre (Appendix J)
  - k. Representation from Trevor Joel (Appendix K)

- l. Representation from Mrs A Lamprell (Appendix L)
- m. Representation from Mary Greaves (Appendix M)
- n. No Objections from any responsible authority.
- o. Uttlesford District Council Statement of Licensing Act 2003 Policy 2017–22

## Impact

6.

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	'Stansted North' being the ward within which the premises are situated,
Workforce/Workplace	None

## Situation

- 7. Bear and Eden currently operates as a coffee shop/restaurant in the village of Stansted Mountfitchet from 10am - 4pm daily. As a coffee shop they do not currently sell much alcohol. Due to the high running costs of the building they now need to operate during the day (as they currently do) and also of an evening as a family style restaurant and increase the allowed daily trading duration, which in turn will increase turnover to allow them to continue to trade and keep up with ever increasing running costs. They plan to operate of an evening as a family style restaurant selling evening food and alcohol. They are proposing to extend the licensing hours until 23:00 daily and add off sales of alcohol. The proposed licensable activities and times can be read on page 12 of the application form. (Appendix A).

8. The current licensable activities are below:
  - i. Supply of Alcohol served on the premises
9. Copies of this application have been served on all the statutory bodies and this did not attract any objections.
10. The statutory notices attracted representations listed in the background papers. As a consequence of these responses the matter has been referred to the Committee for adjudication.
11. 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
12. There is no hierarchy of importance among the objectives, and all must be given equal weight.
13. 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
14. When determining an application, due regard should be given to the Council's Licensing Policy and the Secretary of State's Guidance issued in accordance with the 2003 Act.
15. 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.”

16. 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.

17.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating Actions</b>
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.