

Committee: Licensing Panel

Date:

Title: Application for a Premises Licence Little Barn
Café Ltd

12th March 2024

**Report
Author:** Angela Chapman, Licensing Support Office

Summary

1. The application before the panel today is for the grant of a Premises Licence for Little Barn Café Ltd. The application is dated 9th December 2023 and is made by Little Barn Café Ltd. This report sets out details of that application for the Premises Licence in respect of Little Barn Café Ltd, Little Barn, Park Road, Little Easton, Dunmow Essex CM6 2JH. Representations have been made in response to this application. As a consequence of these responses the matter has been referred to the Committee for determination.

Recommendations

2. The application is determined and the options open to the Committee, set out by law, are:
 - To grant the application
 - To modify the application by inserting conditions
 - To reject the whole or part of the application

Financial Implications

3. None

Background Papers

4. 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. Premises Licence Application
 - b. Plan of the Premises
 - c. Representation from Andrew Wise, Mill End, Little Easton
 - d. Representation from Joan Boulton, Mill End, Little Easton
 - e. Representation from Robert Boulton, Mill End, Little Easton
 - f. Representation from Sarah Boulton, Mill End, Little Easton
 - g. Representation from Patricia Jackson, Mill End, Little Easton
 - h. Representation from Victoria Newbury, Mill End, Little Easton
 - i. Representation from Warwick Newbury, Mill End, Little Easton

- j. Representation from Victoria Saunders, Mill End, Little Easton
- k. Representation from David Harmer, Park Road, Little Easton
- l. Representation from Jacqueline English, Mill End Little Easton
- m. Representation from Simon Saunders, Mill End, Little Easton
- n. Representation from Richard Meakin, Park Road, Little Easton
- o. Representation from Warren Storrar, Park Road, Little Easton
- p. No Objection from the Police but requesting Conditions to be imposed.
- q. [Uttlesford District Council Statement of Licensing Act 2003 Policy 2022-27](#)
- r. [Guidance issued under Section 182 of the Licensing Act 2003](#)

Impact

5.

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	<p>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.</p> <p>In the event that an applicant, responsible authority or interested party is dissatisfied with the decision of the committee there is a right of appeal to the Magistrates Court</p>

Sustainability	None
Ward-specific impacts	Thaxted and the Eastons being the ward within which the premises is situated
Workforce/Workplace	None

Situation

6. This premises is an existing coffee shop set in the 3 acre grounds of Little Barn, Park Road, Little Easton, Dunmow Essex CM6 2JH, which also has a swimming pool exclusively for children's swimming lessons. The café is not open to the general public and is for the use of the swimming club members only. The café currently provides a selection of coffee, cakes and snacks but would like to be able to offer bottled wines and beers to their customers. 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:
 - Supply of Alcohol for consumption both on and off the premises between the hours of 0800 and 2300 Monday to Saturday and 0800 and 2000 on a Sunday.
8. Copies of this application have been served on all the statutory responsible authorities and the public notice, which did attract representations from members of the public as per appendixes C-O. No objections were received from the responsible authorities however the Police have requested for a number of conditions to be added to the licence, as shown in appendix P
9. 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
10. There is no hierarchy of importance among the objectives, and all must be given equal weight.
11. 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
12. 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.
 13. 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."
 14. 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.
 15. The decision may be appealed by the applicant or any other party to the hearing within 21 days of the written notification of the determination made by the Committee.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
1 Either no conditions are attached to the licence, or the	2 There is a possibility that local residents will suffer from	2 Due to the availability of the review procedure and	In light of the objections received to this application members should

conditions do not satisfactorily achieve the licensing objectives the prevention of public nuisance	public nuisance even if what appears to be appropriate conditions are imposed.	inconvenience which may be suffered by local residents would be relatively short lived.	consider if this meets the licensing objectives
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1 = Little or no risk or impact

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

3 = Significant risk or impact – action required

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