

Committee:	Licensing and Environmental Health Committee	Date:	Monday, 19 November 2018
Title:	Application for a Premises Licence Queen Victoria Great Dunmow		
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Summary

1. This report sets out details of an application for a new premises licence in respect of The Queen Victoria, 79 Stortford Road, Great Dunmow. CM6 1DL. Representations have been made by Essex Police in response to this application so therefore this matter has been referred to the Committee for adjudication.
2. The Queen Victoria restaurant is situated on the outskirts of the town of Great Dunmow. A plan showing the location of the premises in the village is attached as Appendix D.
A previous licence has been held at these premises by different persons which was revoked by the Licensing & Environmental Health Committee on 11 September 2018.
The previous licensees were directors of the Applicants limited company and scrutiny of the company records at Companies House shows they resigned within 7 days of the licence revocation.
There are concerns that the new directors are too closely connected with the former management to be a new business.

Recommendations

- 3 That the application is determined.

Financial Implications

- 4 None

Background Papers

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 (Appendix A)
- (b) Plan of premises (Application B)
- (c) Representation from Statutory consultee (Essex Police) (Appendix C)
- (d) Location map of premises (Appendix D)
- (e) Revised Guidance issued under section 182 of the Licensing Act 2003

- (f) Uttlesford District Council Statement of Licensing Act 2003 Policy 2017-22

Impact

Communication/Consultation	Details of the application was conveyed to Members of Uttlesford District Council, The Parish Council, and adjoining residents
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	<p>Under Article 1 First Protocol to the European Convention on Human Rights 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	Newport being the ward within which the premises are situated
Workforce/Workplace	None

Situation

- 5 In accordance with the Licensing Act 2003 where an application is made for a premises licence then an operating schedule must accompany the application. This should demonstrate how the licensing objectives will be met and also outlines what licensable activities are sought. This can be read on part M of the application form (appendix A).
- 6 The licensable activities being sought on the application are listed below:

(J) Supply of Alcohol for consumption on the premises (on the premises)

Monday to Saturday 10:00 to 23:00

Sunday 10:00 to 22:30

(L) The opening hours of the premises

Monday to Saturday 10:00 to 23:30

Sunday 10:00 to 23:00

- 7 Copies of this application have been served on all of the statutory bodies and this has attracted a representation from Essex Police based on the crime and disorder objective. Details of these representations can be seen at Appendix C.
- 8 In carrying out the statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:-
- a. The prevention of crime and disorder
 - b. Public safety
 - c. The prevention of public nuisance
 - d. The protection of children from harm
- 9 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
- 10 When determining an application due regard should be given to the Council's licensing policy and the Secretary of State's Guidance issued in accordance of the Act.
- 11 The Secretary of State's Guidance issued in April this year includes new guidance in respect of immigration issues.
- 12 Paragraph 2.6 thereof says the prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters.
- 13 Paragraph 11.27 states 'There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously for employing a person who is disqualified from that work by reason of their immigration status in the UK.
- 14 The relevant sections of the Council's Licensing Policy are:

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

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.

16 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 may 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.

- 17 If the Committee in their discretion wishes to impose conditions, the only conditions that can be imposed are those that are appropriate and proportionate to promote the licensing objective relevant to the representations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

Risk Analysis

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 crime and disorder.	1The new Directors must ensure right to work checks are in place otherwise the licence would be subject to a further review.	2 The undermining of the licensing objective relating to the prevention of crime and disorder would be treated as a serious matter by the Licensing Authority	None

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.