

# Licensing Committee Agenda

HEARING TO CONSIDER AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE

This meeting will consider only licensing matters delegated under the Licensing Act 2003

**25 October 2019 at 10am**

**Crompton Room, Civic Centre,  
Duke Street, Chelmsford**

## **MEMBERS OF COMMITTEE INVITED TO ATTEND HEARING**

Councillor L.A. Mascot (Chair)

and Councillors L. Ashley, D.G. Jones and I.C. Roberts

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement.

If you would like to find out more, please telephone Daniel Bird in the Democracy Team on Chelmsford (01245) 606523 email [daniel.bird@chelmsford.gov.uk](mailto:daniel.bird@chelmsford.gov.uk), call in at the Civic Centre, or write to the address above. Council staff will also be available to offer advice in the Civic Centre for up to half an hour before the start of the meeting.

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**LICENSING COMMITTEE**

**HEARING TO CONSIDER AN APPLICATION FOR A VARIATION OF A PREMISES  
LICENCE**

**25 October 2019**

**AGENDA**

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATION OF INTERESTS**

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. **MINUTES**

To consider the minutes of the meeting held on 18<sup>th</sup> September 2019

4. **LICENSING ACT 2003 – APPLICATION FOR A FULL VARIATION OF A  
PREMISES LICENCE – THE FOLLY BISTRO, THE TYE, EAST HANNINGFIELD,  
CHELMSFORD, CM3 8AA**

A report regarding this application is attached.



## MINUTES

of the

### LICENSING COMMITTEE HEARING

held on 18 September 2019 at 7pm

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, A.E. Davidson, R.J. Lee. and I.C. Roberts

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda, none were made.

3. **Minutes**

The minutes of the hearings held on 19<sup>th</sup> and 21<sup>st</sup> August were confirmed as correct records and signed by the chair.

4. **Licensing Act 2003 - Application for a New Premises Licence – Danbury Wine Estate, Hyde Lane, Danbury, Essex, CM3 4LN**

The Committee considered an application for a new premises licence in respect of Danbury Wine Estate, Hyde Lane, Danbury, Essex, CM3 4LN.

**Performance of Live Music:**

Every Day - 10:00 – 00:00

**Playing of Recorded Music:**

Every Day – 10:00 – 00:00

**Late Night Refreshment:**

Every Day – 23:00 – 01:00

**Sale or Supply of Alcohol:**

Every Day – 09:00 – 01:00

It was noted by the Committee that there were three options namely;

1. Grant the application, on the terms and conditions applied for.
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
3. Refuse the application in whole or in part.

The following party attended this hearing and took part in it:

### ***The Applicants***

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting. The Licensing Officer informed those present that two of the representations against the application had been withdrawn ahead of the hearing. It was noted that therefore the representations on pages 37 and 44 of the agenda pack should be disregarded by the Committee. It was also noted that this left five public representations against the application to be considered by the Committee. The Chair invited the applicant to introduce their application.

The applicant introduced their application to the Committee and explained that they had lived at the site for a number of decades. They informed the Committee that in recent years they had started to produce wine due to the excellent microclimate the location provided. They stated that a winery had been built on site and had recently also built two four-bedroom houses on the site, one of which was for family and another for the winemaker and their family. The Committee was informed that the site would not be open to the public and industry professionals would be invited to attend small scale wine tasting events or dinners. It was noted that the dining room on the premises seated up to 12 people. The applicant stated clearly that they would not be opening as a café or bar and would supply alcohol for tastings, but that any sales would be corked bottles to consume off premises. The applicant confirmed that the site would continue to be very quiet, with very limited traffic to and from the site.

They also stated that they had no intention of using the site for weddings or parties and the level of visitors would be kept to an absolute minimum. The applicant informed the Committee that the late-night refreshment aspect of the application, was to allow after dinner coffees and other hot drinks to be served. The Committee heard that the site had extensive security measures and CCTV systems. It was also stated by the applicant that the premises were on a private road owned by them and that they had adequate parking provision available. In terms of noise it was noted that the applicant and their family lived on the site so they would not want to be disturbed themselves. The applicant stated that any live music would be in the style of a string quartet, or a soloist performer and would be very quiet, as would any recorded music which would be used for background music. The applicant also drew the Committee's attention to the fact that the two objectors who visited the premises did then withdraw their representations.

In response to questions from the Committee, the applicant stated that:

- The sale of alcohol aspect of the licence had been applied for until 01:00 to allow the sale of corked bottles to customers who have attended wine tasting dinners and then decide to make a purchase at the end of the evening. It was made clear by the applicant that the bottles would not be allowed to be consumed on the premises.
- In terms of recorded music they would be using a very small portable speaker for background music during wine tastings.

The Committee retired at 7.22pm to deliberate on the matter and returned at 7.40pm.

**RESOLVED** that the Director of Public Places be authorised to grant the application on the terms applied for.

The Chair provided a summary of the reasons for the Committee's decision and advised that a formal decision notice would be sent out in due course to the relevant parties.

*In reaching its decision the Committee has taken into account all representations and is satisfied with the steps that the Applicant proposes to promote the Licensing objectives.*

*The Committee had carefully considered the written concerns expressed by the objectors but considered that there was no evidence to indicate prospective harm at this stage. The Committee was mindful of the fact that none of the responsible authorities were objecting to the application.*

*In granting the licence the Committee has been influenced by the applicants representations to the effect that whilst the application has been made in wide terms in reality, the licensable activities carried out at the premises will be very low level (involving small groups for wine tastings and purchases) and would not involve the holding of large scale events e.g. weddings.*

*In consideration of concerns raised by local residents, the Committee would remind the parties that if, subsequently, there is evidence of public nuisance (e.g. unacceptable levels of noise), or Crime and Disorder, or other problems relating to one or more of the licensing objectives arising from the use of the premises during the operation of the licensable activities. Then it is open to people to request a review of the licence, in which case the matter would come back to the committee.*

*(7pm to 7.42pm)*

The meeting closed at 7.42pm.

Chair



**LICENSING COMMITTEE**

**25<sup>th</sup> October 2019**

**AGENDA ITEM 4**

<b>Subject</b>	<b>LICENSING ACT 2003 - APPLICATION FOR A FULL VARIATION OF A PREMISES LICENCE: THE FOLLY BISTRO, THE TYE, EAST HANNINGFIELD, CHELMSFORD, CM3 8AA</b>
<b>Report by</b>	<b>DIRECTOR OF PUBLIC PLACES</b>

Daniel Winter (01245) 606317,  
Email (int./ext.) Daniel.Winter@chelmsford.gov.uk

**Purpose**

To consider an application for a Full Variation, having regard to a representation received and the requirement to promote the four licensing objectives:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

**Options**

Members are advised that they have the following options when determining this application.

- (i) Grant the application, on the terms and conditions applied for
- (ii) Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
- (iii) Refuse the application in whole or in part.

The Committee is reminded that the applicant or any person making representation in relation to this matter may appeal the decision of the Council to the Magistrates' Court.

<b>Corporate Implications</b>	
Legal:	The Licensing Act 2003
Financial:	None
Personnel:	None
Risk Management:	None
Equalities and Diversity:	None
Health and Safety:	None
IT:	None
Other:	None

<b>Consultees</b>	None
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<b>Policies and Strategies</b>
The Council's Statement of Licensing Policy as required, by the Licensing Act 2003.

## 1. Introduction

1.1 Members are requested to consider an application by Mr Michael Kirkham made under Section 17 of the Licensing Act 2003, for a Full Variation in respect of The Folly Bistro, having regard to representations received and the requirement to promote the four licensing objectives, namely:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

## 2. Background

2.1 The application is in relation to a ground floor extension to the rear of the property increasing the internal area used as a coffee shop will include the sale of alcohol. Use of existing rear garden for consumption of alcohol purchased in the coffee shop.

## 3. Application

3.1 The application was received from The Folly Bistro, on the 30<sup>th</sup> August 2019 for the following licensable activities:

- ground floor building extension increasing the licensable area for the sale of alcohol.

3.2 It has been clarified with the applicant that the licensable area, outlined on the original plans around the whole premise was not in fact the area in which they are intending to licence. The original red line around the site was made when the applicant requested plans from the planning department to outline the boundary. This was misinterpreted as the area in which they wish to licence as there were no other red outlined areas on the plans submitted. As described in the application form, the area which is to be licenced is the extension of the coffee shop. The applicant has resubmitted plans that clearly outline the intended area in which they wish to licence.

- 3.3 Members are advised that the hours for the current premise licence and the hours for the full variation are not changing in any way.
- 3.4 The application was properly made in accordance with The Licensing Act 2003. The completed application form is attached as **Appendix A**. The closing date for representations was set as 9<sup>th</sup> October 2019.
- 3.5 The applicant has provided conditions consistent with the operating schedule intended to promote the four licensing objectives which are detailed in the application form.

#### 4. Representations

- 4.1 During this application, in line with the Act, we sent a copy of the application to:

Essex Police

Essex County Fire and Rescue Service

Head of Planning Services

Principal Environmental Health Officer (Environmental Protection)

Head of the Children's Safeguarding Service

Essex Trading Standards

Principal Environmental Health Officer (Commercial)

Licensing Authority

Public Health Trust

Home Office

- 4.2 A response to the consultation on this application has been received from East Hanningfield Parish Council that covered one of the Licensing objectives, namely the Prevention of Public Nuisance. A copy of the representation received is attached to this report as **Appendix B**
- 4.3 Members are asked to note that as this report is published publicly, personal details have been redacted from some documents; however, the licensing authority and the applicant have received complete copies of all documents.
- 4.4 A plan indicating the intended licensable area is attached as **Appendix C**.
- 4.5 A plan indicating the current licensable area and original building plans is attached as **Appendix D**.
- 4.6 A copy of the current premise licences attached as **Appendix E**
- #### 5. Statement of Licensing Policy
- 5.1 There are no specific issues arising from this application relevant to the Council's statement of licensing policy.

5.2 The following extracts from the Council's statement of licensing policy are brought to the general attention of members:

(1.2) When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule to promote the four licensing objectives aim to achieve that outcome, as far as possible.

(1.37) Where relevant representations are made, the Council will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure promotion of the licensing objectives.

(1.41) The Licensing Authority recognises that all 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, and no condition will be imposed that cannot be shown to be appropriate and proportionate for the promotion of the licensing objectives.

**List of Appendices:**

Appendix A	Copy of application form
Appendix B	East Hanningfield Parish Council Representation
Appendix C	Plans detailing the current premise
Appendix D	Plan indicating the current licensable area and original building plans
Appendix E	Copy of the current Premise Licence

# APPENDIX A



**Chelmsford**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)  
Telephone: 01245 606727

\* required information

## Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="The Folly Bistro"/>
* Street	<input type="text" value="The Tye, East Hanningfield"/>
District	<input type="text"/>
* City or town	<input type="text" value="Chelmsford"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="CM38AA"/>
* Country	<input type="text" value="United Kingdom"/>

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="The Folly Bistro"/>
Street	<input type="text" value="The Tye, East Hanningfield"/>
District	<input type="text"/>
City or town	<input type="text" value="Chelmsford"/>
County or administrative area	<input type="text" value="Essex"/>
Postcode	<input type="text" value="CM38AA"/>
Country	<input type="text" value="United Kingdom"/>

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 18**

**VARIATION**

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

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.

Ground Floor Extension to the rear of the property - increasing the internal area used as a coffee shop will include the sale of alcohol.  
Use of existing rear garden for consumption of alcohol purchased in coffee shop.

#### Section 4 of 18

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 18

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

#### Section 6 of 18

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start 08:00

End 21:00

Start

End

SATURDAY

Start 08:00

End 21:00

Start

End

SUNDAY

Start 08:00

End 21:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

unamplified background music for restaurant & coffee shop

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve 08:00 - 01:00 (as per existing)

### Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

### Section 11 of 18

Continued from previous page...

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

None

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

WEDNESDAY

Start  End   
Start  End

THURSDAY

Start  End   
Start  End

FRIDAY

Start  End   
Start  End

SATURDAY

Start  End   
Start  End

SUNDAY

Start  End   
Start  End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

New Years Eve: 08:00 - 01:00

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve: 08:00 - 01:00

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

I have enclosed the premises licence

*Continued from previous page...*

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 18**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- The DPS attends to the property daily
- There is an experienced management team responsible for the premises
- Every member of the management team holds a current Personal License
- Regular training is undertaken by management

b) The prevention of crime and disorder

- The DPS attends to the property daily
- There is an experienced management team responsible for the premises
- Every member of the management team holds a current Personal License
- Regular training is undertaken by management
- We only accept accredited 'proof of age' cards or driving licence / passport
- Full CCTV covering internal & external of premises
- Full exterior lighting outside premises

c) Public safety

- Full risk assessments regularly updated in house and by a accredited 3rd party
- There is an experienced management team responsible for the premises
- Appropriate number of people employed to secure the safety of the premises and public
- Regular informal & annual formal training on Health & Safety
- Full Fire Risk assessment carried out annually by a 3rd party
- Provision of effective CCTV in and around premises
- Annual PAT Testing
- Annual Gas Certification
- 5 Yearly Fixed Wire Certification
- Annual Chimney Sweep & Inspection
- Monthly ducting & extraction deep clean by a 3rd party

d) The prevention of public nuisance

- There is an experienced management team responsible for the premises
- Appropriate number of people employed & trained to ensure operation's policy is upheld in terms of guests departure from the premises, appropriate time of emptying of bottle bins, securing the premises
- Deliveries limited to a small time period and directed in a specific area to prevent nuisance
- 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)
- Appropriate use & location of external lighting
- Effective ventilation systems to prevent nuisance from odour

*Continued from previous page...*

e) The protection of children from harm

- Limitations on the hours when children may be present, in all or parts of the premises
- Imposition of requirements for children to be accompanied by an adult
- Measures to ensure children do not purchase, acquire or consume alcohol
- Measures to ensure children are not exposed to incidences of violence or disorder

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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.

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- 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:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o 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;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o 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.

**Section 18 of 18**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. For instructions on calculating the fee payable in respect of this licence, please refer to: <http://www.chelmsford.gov.uk/apply-vary-licence>

\* Fee amount (£)

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Full name

Capacity

\* Date  /  /   
dd mm yyyy

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Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/chelmsford/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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.**

**OFFICE USE ONLY**

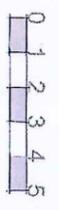
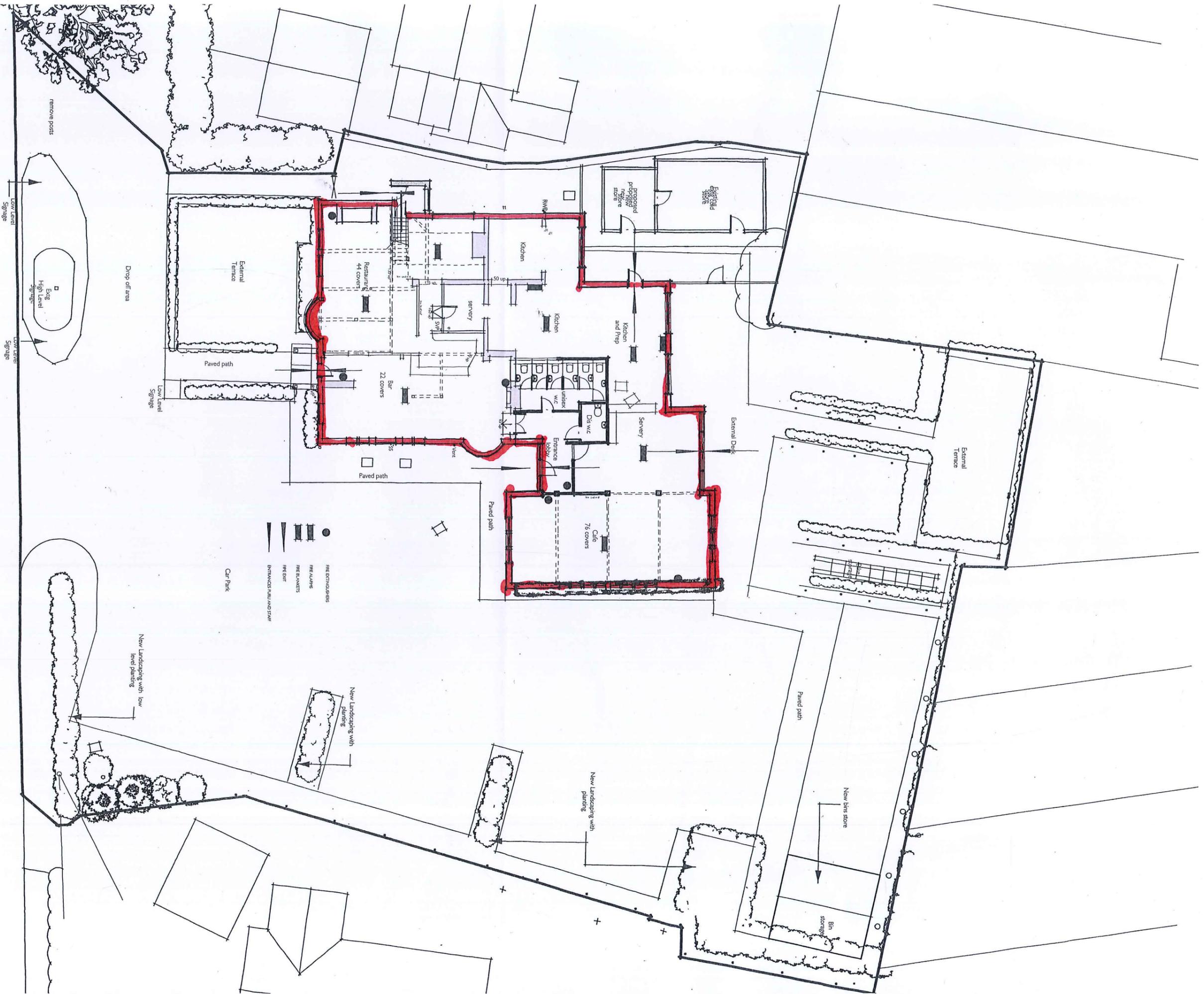
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Is Digitally signed	<input type="checkbox"/>

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## APPENDIX B

Proposed Full Variation on a Premises Licence by Michael Kirkham, The Folly Bistro, The Tye, East Hanningfield The Folly, formerly the Windmill, and proposed to also include a "Bakehouse", is surrounded by residential properties, so some attention needs to be given to minimising the impact of the business on the health and well being of neighbours. The Parish Council is aware that neighbours of the Folly find the noise, created by visitors to the premises, intrusive. Presently neighbours' complaints about the noise from the car park include the pulling away of vehicles on the gravel and loud conversations at night after closing time. Residents have to keep their windows closed to reduce the disturbance. Similarly, the use of the garden by customers can be very intrusive for residents whose gardens abutt the property, and some others who live nearby. The Parish Council therefore proposes that in order to prevent public nuisance, the licence for the consumption of alcohol in the rear garden should not extend beyond 6pm.





Client Mrs Danielle Kirkham Drawing Licence Plan

Project The Folly Bistro, East Hanningfield Scale 1:200 @ A3

Status Planning

Drawn MP

Revision

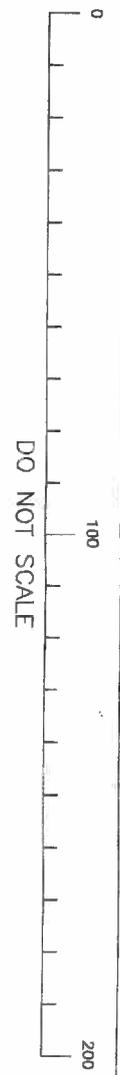
Number

909-LI-01

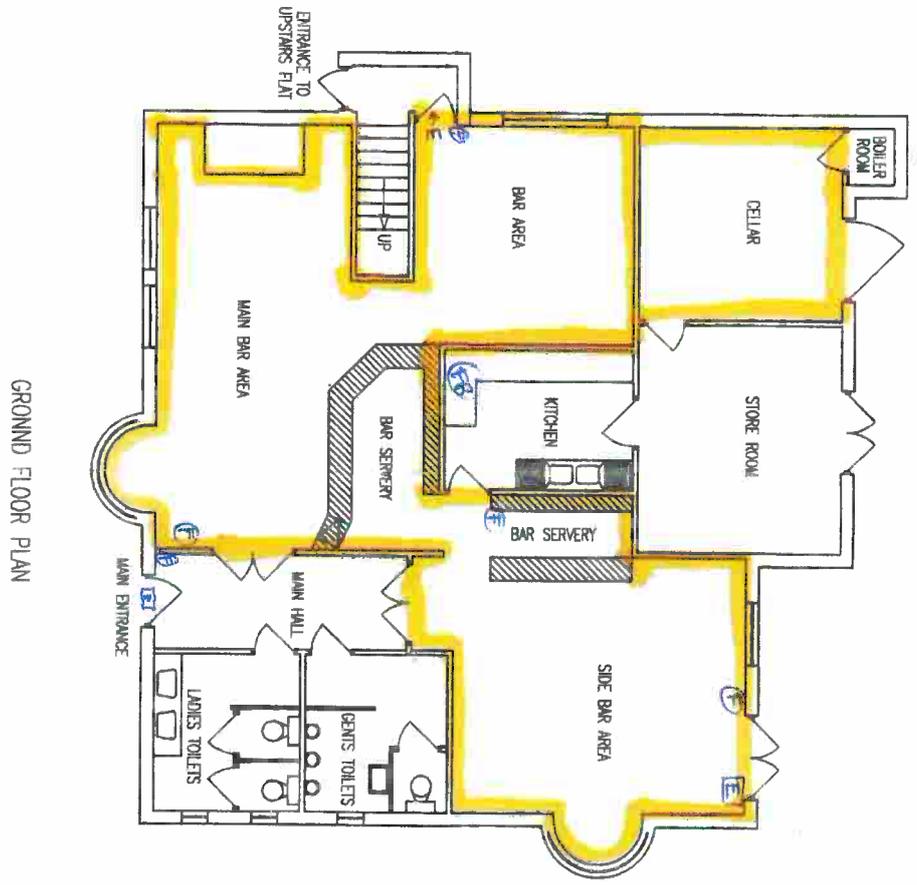
ROBERT HUTSON ARCHITECTS  
 THE MILL - THE TYE - EAST HANNINGFIELD - ESSEX - CM3 8AE Tel - 01245 400808 - mail@roberthutsonarchitects.co.uk  
 © Robert Hutson Architects  
 All dimensions to be checked on site drawing to be read with all contract documents any discrepancies to be reported to the contract administrator Do not scale this drawing



IMPORTANT... THIS DRAWING HAS BEEN PRODUCED ON CAD AND MUST NOT BE ALTERED MANUALLY



# APPENDIX D



FINAL  
DIMENSIONS  
8.3.17.07.08

SCALE		DRAWING NO.		CLIENT	
1:100		TWT 001		THE WINDMILL TAVERN	
DATE		DRAWN		FILE LOCATION:	
17/07/08		DBL		THE TTE MAIN ROAD EAST HANNINGFIELD CHELMSFORD ESSEX CM3 8AA	
ISSUE		REVISIONS		JOB NO.	
A		FIRST ISSUE		ISSUE	
				A / A3	



# Appendix E



## Licensing Act 2003 Schedule 12 - Part A Regulation 33,34

### Premises Licence

Premises Licence Number

09/00030/LAPRE

#### Part I – Premises Details

The Folly Bistro The Tye East Hanningfield Chelmsford Essex CM3 8AA		
<b>Telephone number</b>	01245 400315	
<b>Where the licence is time limited the dates are</b> Not applicable		
<b>Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities are</b>		
Sale or supply of Alcohol	Monday - Saturday	11:00 - 23:00
Sale or supply of Alcohol	Sunday	12:00 - 22:30
Sale or supply of Alcohol	New Years Eve	11:00 - 01:00
Performance of Live Music	Monday - Saturday	19:00 - 23:00
Playing of Recorded Music	Monday - Saturday	12:00 - 23:00
Playing of Recorded Music	Sunday	12:00 - 22:30
Playing of Recorded Music	New Years Eve	12:00 - 00:30
<b>The opening hours of the premises are</b>		
Opening hours	Monday - Saturday	11:00 - 23:30
Opening hours	Sunday	12:00 - 23:00
Opening hours	New Years Eve	11:00 - 01:30
<b>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</b> On the Premise		

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

Not Applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

[REDACTED]

**Signed:  
On behalf of the Licensing Authority**

**Dated: 25<sup>th</sup> February 2009**

Issued 1<sup>st</sup> March 2015 following a variation to the Designated Premises Supervisor and change of premises name

## Annex I – Mandatory conditions

- 1 Where premises authorise the supply of alcohol no supply of alcohol may be made under the premises licence-
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 2 Where the film body has specified in the licence, admission of children (aged under 18) must be restricted in accordance with any recommendation made by that body.

Where

- a) the film classification body is not specified in the licence, or
- b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the licensing authority.

- 3 Where a premises licence includes a condition that at specified times individuals must be at the premises to carry out a security activity(s) each individual must, be licensed by the Security Industry Authority.

- 4 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)..
- 5 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—  
 (a) a holographic mark, or  
 (b) an ultraviolet feature.
- 7 The responsible person must ensure that—  
 (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—  
 (i) beer or cider: ½ pint;  
 (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and  
 (iii) still wine in a glass: 125 ml;  
 (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and  
 (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 8 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.  
 (2) For the purposes of the condition set out in paragraph 1—  
 (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);  
 (b) “permitted price” is the price found by applying the formula—  

$$P = D + (D \times V)$$
 where—  
 (i) P is the permitted price,  
 (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and  
 (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;  
 (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—  
 (i) the holder of the premises licence,  
 (ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4)(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions from Operating Schedule**

1. The challenge 21 scheme will be adopted and used on the premises. Acceptable forms of identification will be a photographic driving licence, passport or other accredited schemes.
2. Closed Circuit Television will be used on the premises and all recordings will be kept for a minimum of 28 days.
3. All doors and windows will be kept shut when live music is taking place on the premises.
4. Notices will be displayed at all exits, requesting customers leave the premises quietly
5. Live music will only be performed in the front restaurant / bar area and will not be amplified.
6. Recorded music will consist of background music only.

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

Not applicable

## **Annex 4 – Plans**

See attached