

# LICENSING SUB COMMITTEE HEARING



## AGENDA

**Date:** Thursday 31st August 2017

**Time:** 10.00am

**Venue:** Committee Room 1, Causeway House, Bocking End, Braintree

### Membership:

Councillor
Councillor
Councillor
Councillor

**Members are requested to attend this meeting, to transact the following business:-**

1. **Appointment of Chairman.** To appoint a Chairman to conduct the business of this Hearing.
2. **Apologies for Absence.**
3. **Declarations of Interests.** To declare the existence of any interests relating to items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.
4. To consider an application under the Licensing Act 2003 for the Variation of the Premises Licence in respect of **THE WHITE HORSE, CHURCH STREET, WITHAM** (Report and application attached).

If you require any further information relating to this Agenda, or you wish to forward your apologies for absence, please contact Alison Webb on (01376) 552525 Ext. 2614 or e-mail

[alison.webb@braintree.gov.uk](mailto:alison.webb@braintree.gov.uk)

Emma Wisbey  
Governance and Member Manager

<b>APPLICATION FOR A VARIATION OF PREMISES LICENCE FOR WHITE HORSE, CHURCH STREET, WITHAM</b>		<b>Agenda No: 4</b>
<b>Portfolio Corporate Outcome:</b>	<b>Environment and Place</b> <b>A sustainable environment and a great place to live, work and play</b> <b>A prosperous district that attracts business growth and provides high quality employment opportunities</b> <b>Residents live well in healthy and resilient communities where residents feel supported</b>	
<b>Report presented by:</b>	<b>John Meddings, Principal Licensing Officer</b>	
<b>Report prepared by:</b>	<b>John Meddings, Principal Licensing Officer</b>	
<b>Background Papers:</b>		<b>Public Report</b>
<ol style="list-style-type: none"> <li>1. Application for a variation of premises licence (Appendix 1)</li> <li>2. Representations (Appendix 2)</li> <li>3. White Horse, Witham Premises Licence (Appendix 3)</li> <li>4. Licensing Act 2003</li> <li>5. Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2017</li> </ol>		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
Members of the Licensing Sub-Committee are requested to consider an application for the variation of a premises licence following representations that have been received from interested parties.		
<b>Decision:</b> To determine one of the following options -		
In determining this application for White Horse, Church Street, Witham, the Licensing Sub-Committee can make one of the following decisions:		
<ol style="list-style-type: none"> <li>1. To Grant the application to vary the Premises Licence with conditions as described within the existing operating schedule to the Premises Licence.</li> <li>2. To Grant the application to vary a Premises Licence with additional conditions deemed necessary to promote the four licensing objectives.</li> <li>3. To Grant the application to vary a Premises Licence with amended activities or times.</li> <li>4. To Refuse the application to vary a Premises Licence.</li> </ol>		
The Licensing Sub-Committee is asked to give full reasons for its decision.		
<b>Purpose of Decision:</b>		

Members of the Licensing Sub-Committee are requested to consider the application made by Hawthorn Leisure Limited.

### Corporate Implications

<b>Financial:</b>	None
<b>Legal:</b>	The Licensing Sub-Committee is required to give reasons for its decision and any party who is dissatisfied may appeal to the Magistrates' Court within 21 days. If such an appeal is made by the premises licence holder then any decision taken is stayed until such time as an appeal is heard.
<b>Safeguarding:</b>	None
<b>Equalities/Diversity:</b>	The decision of the Licensing Sub-Committee may affect the business operations of the proposed licence holder.
<b>Customer Impact:</b>	The application has been advertised in accordance with statutory timescales.
<b>Environment and Climate Change:</b>	None
<b>Consultation/Community Engagement:</b>	A statutory 28 day consultation period has taken place. A public notice has been displayed at the premises and in a locally circulated publication.
<b>Risks:</b>	None
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Principal Licensing Officer
<b>Ext. No:</b>	2213
<b>E-mail:</b>	john.meddings@braintree.gov.uk

## **1. Application**

### **1.1 Premises**

The White Horse  
Church Street  
Witham  
Essex  
CM8 2JL

### **1.2 Applicant**

Hawthorn Leisure Limited  
Touchstone Pinewood Business Park  
Coleshill Road  
Marston Green  
Birmingham  
B37 7HG

### **1.3 Designated Premises Supervisor**

Paul James Baker  
6 Ranulph Way  
Hatfield Peverel  
Chelmsford  
Essex  
CM3 2RN

## **2. Detail**

- 2.1 An application was received and validated from Hawthorn Leisure Limited on 30 June 2017 for a variation of a premises licence at The White Horse, Church Street, Witham (Appendix 1 (subsequently amended)). The application was deemed valid on 30 June 2017 and the consultation started.

The purpose of the variation application is to:

**Remove the conditions attached to the premises licence relating to children and to replace them with a new set of conditions.**

- 2.2 In accordance with the Licensing Act 2003, a notice was displayed on the premises for a period of no less than 28 days.
- 2.3 Within the operating schedule attached to this application, the applicant has described a number of steps which they intend to take to promote the four licensing objectives; these will become conditions of the licence if granted.

## **3. Representations**

- 3.1 The Section 182 Guidance for the Licensing Act 2003 states that, relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body, or business that has grounds to do so.

- 3.2 Following the 28 day consultation under the Licensing Act 2003, the Licensing Authority received three representations from interested parties which refer to the proposed variation of the conditions relating to children (Appendix 2).

#### **4. History**

- 4.1 The premises currently benefits from a premises licence which has been in place since the implementation of the Licensing Act 2003.
- 4.2 On the 3 June 2014 the premises licence was transferred to the existing holder, Hawthorn Leisure Limited.

**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Hawthorn Leisure Limited

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number W5/438
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
The White Horse Church Street Essex			
Post town	Witham	Postcode	CM8 2JL
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£11,500	

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	Touchstone Pinewood Business Park Coleshill Road Marston Green
Post town	Birmingham
Postcode	B37 7HG

### Part 3 - Variation

Please tick as appropriate

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

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
1	2	1	2	1	2	3	4

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1) ☐ Yes ☒ No

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

This application seeks to make the following changes to the premises licence permissions:

#### **Conditions**

Remove the restrictive children's conditions, and replace them with the following:

- Children are only permitted on the premises if accompanied by an adult.
- Children are not permitted in the main bar area during periods of regulated entertainment.
- No adult entertainment will be permitted at the premises.
- Children are permitted on the premises until 20:00h, with the exception of the function room and patio. Children are permitted in the function room and patio until 21:00h unless attending a private function where they are permitted in the function room or patio until their function finishes.

#### **Licensable hours**

Extend the sale of alcohol, recorded music and live music hours on a Friday and Saturday only as follows:

11:00h until 01:00h (currently permitted from 11:00h until 00:00h)

#### **Opening hours**

As a result of the above, the opening hours on a Friday and Saturday are to be amended as follows:

10:00h until 01:30h (currently permitted from 10:00h until 00:30h)

#### **Non-standard timings**

The non-standard timings are to be removed, and replaced with the below:

An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. An additional hour from the end of permitted hours will be allowed on each Bank Holiday weekend. An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday.

All hours are extended from the end of permitted hours on New Year's Eve, until the start of permitted hours on New Year's Day.

All other conditions and hours are to remain unaltered.

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



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- |  |                                     |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)  | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> <b>Standard days and</b> <b>timings (please read</b> <b>guidance note 7)</b>			<b><u>Will the performance of live music take place</u></b> <b><u>Indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4) The provision of amplified and unamplified live music.			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for</u></b> <b><u>the performance of live music at different times to those listed in</u></b> <b><u>the column on the left, please list</u></b> (please read guidance note 6)  An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. An additional hour from the end of permitted hours will be allowed on each Bank Holiday weekend. An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday. All hours are extended from the end of permitted hours on New Year's Eve, until the start of permitted hours on New Year's Day.			
	11:00					
Sat		01:00				
	11:00					
Sun		01:00				

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4) The provision of amplified and unamplified recorded music.		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
	11:00				
Sat		01:00			
	11:00				
Sun		01:00	An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. An additional hour from the end of permitted hours will be allowed on each Bank Holiday weekend. An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday. All hours are extended from the end of permitted hours on New Year's Eve, until the start of permitted hours on New Year's Day.		

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					



# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)	
Wed				
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)	
Fri				
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)	
Sun				

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)  An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. An additional hour from the end of permitted hours will be allowed on each Bank Holiday weekend. An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday. All hours are extended from the end of permitted hours on New Year's Eve, until the start of permitted hours on New Year's Day.		
Fri					
	11:00				
Sat		01:00			
	11:00				
Sun		01:00			

**K**

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</p> <p>None</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)	
Day	Start	Finish		
Mon				
Tue				
Wed				
Thur				<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)</p> <p>An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. An additional hour from the end of permitted hours will be allowed on each Bank Holiday weekend. An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday. All hours are extended from the end of permitted hours on New Year's Eve, until the start of permitted hours on New Year's Day.</p>
Fri				
	10:00			
Sat		01:30		
	10:00			
Sun		01:30		

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

**Remove the restrictive children's conditions.**

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M**

**Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:**

**a) General**

As per the existing premises licence conditions.

**b) The prevention of crime and disorder**

As per the existing premises licence conditions.

**Public safety**

As per the existing premises licence conditions.

**d) The prevention of public nuisance**

As per the existing premises licence conditions.

**e) The protection of children from harm**

- Children are only permitted on the premises if accompanied by an adult.
- Children are not permitted in the main bar area during periods of regulated entertainment.
- No adult entertainment will be permitted at the premises.
- Children are permitted on the premises until 20:00h, with the exception of the function room and patio. Children are permitted in the function room and patio until 21:00h unless attending a private function where they are permitted in the function room or patio until their function finishes.

**Checklist:**

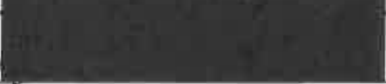
**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or  
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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.**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	29/6/17
Capacity	Solicitor to applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)</b> Rachel Kelly TLT Solicitors One Redcliff Street			
<b>Post town</b>	Bristol	<b>Post code</b>	BS1 6TP
<b>Telephone number (if any)</b>	[REDACTED]		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> [REDACTED]			

### Notes for Guidance

**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.**

1. 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.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give 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.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



**Webb, Alison**

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**From:** Michael Lager [REDACTED]  
**Sent:** 26 July 2017 11:13  
**To:** Licensing  
**Subject:** [POSSIBLE SPAM] Licence application 17/01065/LAPREM/LA  
**Attachments:** LicenceApplication.17\_01065.pdf  
  
**Importance:** Low  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please note and acknowledge the attached objection to granting this application.

Michael Lager

## **WHITE HORSE, WITHAM – Licence application 17/01065/LAPREM/LA**

My name is Michael Lager and my wife and I live at [REDACTED] The White Horse is about 50 yards away, and there are several other houses much nearer, including several immediately adjoining it.. I consider there are good reasons for the Council to reject this application. They are:

1. Adverse impact on the prevention of public nuisance: the public nuisance involved is noise late at night originating in the premises and clearly audible from where I live, and therefore even more so in nearer houses. This has been experienced on a number of occasions. At present there is a condition requiring windows to be closed but this is ignored, particularly in warm weather, and therefore cannot be relied upon to reduce or eliminate the nuisance during the later hours proposed. Residents cannot be expected to attempt to enforce any condition themselves, especially late at night and even more so in the early hours of the morning. Help from the Council is clearly not going to be readily available on anything more than an isolated occasion.

Therefore the proposals to extend the hours for sale of alcohol, provision of live and recorded music by the additional hour are contrary to this licensing objective. Furthermore, the proposal to extend the non-standard timings is equally objectionable and the current permitted hours should be retained. (It is noted that the current licence does not include New Year's Eve on the non-standard timings.) Particular objection arises on the proposal to allow the licensable activities from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day: there is no local tradition or custom to which this responds. The same rationale applies to the proposal to include in non-standard timings an additional hour on bank holiday weekends and to the day preceding a Friday bank or public holiday (again not a local tradition or custom).

2. Reduction in the protection of children from harm: the proposal has 4 clauses dealing with supervision, access to entertainment, adult entertainment, and hours:

- (a) supervision – the proposed words seem to reduce the protection by requiring them to be accompanied by any adult (rather than a "responsible adult" as in the current licence);
- (b) regulated entertainment - a reduction in permitted areas from "bar areas" to "main bar area";
- (c) adult entertainment – a new clause not objected to;
- (d) hours – minor changes in wording not objected to.

In conclusion it should be noted that on assuming the tenancy, a notice was displayed and remains on display saying that the White Horse was to be a "traditional family pub", but the installation of fruit and gambling machines together with these proposed additional hours of opening and trading are not compatible with that stated intention.

**Webb, Alison**

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**From:** Bernard Patrick [REDACTED]  
**Sent:** 18 July 2017 13:51  
**To:** Licensing  
**Subject:** Planning application W5/438

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The Licensing Officer  
 Braintree District Council

We have read with alarm and dismay the recent planning application (W5/438) by the owners of the White Horse public house (Hawthorn Leisure Ltd) in Church St, Witham, to extend the licensing hours on a Friday and Saturday evening from 00.30 to 01.30 am and extend the hours when music and live entertainment is permitted from midnight to 01.00.

You will be aware that this is not only a quiet residential area, but also a conservation area and the extension of the period of loud music is entirely inappropriate to the area and represents a potential public nuisance.

We are also objecting to the variation in the timing of access by children to the function room (at a private function), from 21.00 until the function finishes, which could be 01.30am. We consider 23.00 hrs as an appropriate time for children to be allowed on licensed premises, whether at a private function or not. Does not the local authority have a duty of care to protect children from harm?

There are two other public houses within a few hundred metres of the White Horse (the Railway and the Woolpack) and the application by the White Horse to extend its hours can only be to entice late night drinkers from the two other premises.

We appreciate that the landlord of the White Horse has to make a living, but we consider this should be done by making the premises more attractive to new customers, and not simply by extending the opening hours to the detriment of the local residents.

Bernard Patrick and Madeline Rainbow



**Webb, Alison**

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**From:** Bev Waller [REDACTED]  
**Sent:** 26 July 2017 20:36  
**To:** Licensing  
**Subject:** Licence Change to The White Horse, 2 Church Street, Witham, Essex CM8 2JL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam

We are writing to inform you of our very strong objections to the granting of the application of the White Horse Public House for the extension of licensing hours for provision of alcohol, live and recorded music.

The White Horse is located in the heart of a conservation area which has a dense residential population and not in a town or city centre where late licensing may be more acceptable.

The existing standard and non standard timings for both provision of alcohol and regulated entertainment are perfectly adequate as are the restrictions/prohibitions in the access of children to the premises.

There is a genuine risk of public nuisance which may be exacerbated by longer licensing hours. There have been numerous incidents over the years of public disorder in Chipping Hill, Church Street and surrounding areas including altercations, vandalism of vehicles, windows of properties being broken and bottles, cans and other litter being strewn over pavements, gardens and the Green.

Loud music has been played recently late at night with no regard for residents as no doors or windows were closed to help lessen the noise.

As we hope you will appreciate, we are extremely worried that one of the most picturesque and historic parts of Witham is to become an undesirable drunken, noisy and problematic place on a Friday and Saturday night should these licensing changes take place. We are two of many residents who have to be up at an early hour most weekends so being disturbed by revellers into the early hours is totally unacceptable.

A response to our concerns would be very much appreciated.

Yours faithfully

[REDACTED]

W5/438

**PREMISES DETAILS**

**Postal address of premises or, if none, ordnance survey map reference or description**

**The White Horse PH  
Church Street  
Essex**

**Post Town: Witham**

**Post Code: CM8 2JL**

**Telephone number:** [REDACTED]

**Where the Licence is time limited the dates**

**N/A**

**Licensable Activities authorised by the Licence**

**a) The sale by retail of alcohol for consumption on and off the premises**

**Provision of Regulated Entertainment consisting of:**

**b) Live Music – Indoors**

**c) Recorded Music – Indoors**

**The times the Licence authorises the carrying out of Licensable Activities**

**a) The sale by retail of alcohol for consumption on and off the premises**

**Monday to Sunday Inclusive 11:00 to 00:00**

**Non Standard Timings**

**Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday,  
Easter Saturday, Sunday and Monday and all other recognised Bank Holidays  
11:00 to 01:00**

**Provision of Regulated Entertainment consisting of:**

**b) Live Music – Indoors**

**Friday and Saturday 23:00 to 00:00  
Sunday 23:00 to 23:30**

**Non Standard Timings**

**Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday,  
Easter Saturday, Sunday and Monday and all other recognised Bank Holidays  
23:00 to 00:30  
New Years Eve 23:00 to 01:00**

**c) Recorded Music – Indoors**

**Thursday to Saturday 20:00 to 00:00  
Sunday 12:00 to 00:00**

**Non Standard Timings**

**Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday,  
Easter Saturday, Sunday and Monday and all other recognised Bank Holidays  
18:00 to 00:30  
New Years Eve 18:00 to 01:00**

**The opening hours of the premises**

**Monday to Sunday Inclusive 10:00 to 00:30**

**Non Standard Timings**

**Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter  
Saturday, Sunday and Monday and all other recognised Bank Holidays 1:00 to  
01:30**

**Where the Licence authorises supplies of alcohol whether these are on and / or off  
supplies**

**On and Off Sales**

<b>Name, (registered) address of holder of premises licence</b>  <b>HAWTHORN LEISURE LIMITED</b> <b>Touchstone Pinewood Business Park</b> <b>Coleshill Road</b> <b>Marston Green</b> <b>Birmingham</b> <b>B37 7HG</b>
<b>Registered number of Holder, for example company number, charity number (where applicable)</b>  <b>Company number: 08791672</b>
<b>Name of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol</b>  <b>PAUL JAMES BAKER</b>
<b>State whether access to the premises by children is restricted or prohibited</b>  <b>Children shall only be permitted in the premises between 10:00 hours and 20:00 hours with the exception of the function room and patio where they shall be permitted to remain until 21:00.</b>  <b>No children shall be permitted in the bar areas during times of regulated entertainment.</b>  <b>Children must be accompanied by a responsible adult at all times. It will be the responsibility of the Designated Premises Supervisor to control this.</b>

**Premises Licence**

**Premises licence number:**

**17/00558/LADPS/LA W5/438**

**Part 1 – Premises Details**

**Postal address of premises or, if none, ordnance survey map reference or description**

The White Horse PH  
Church Street  
Essex

**Post Town: Witham**

**Post Code: CM8 2JL**

**Telephone number at premises:**

[REDACTED]

**Where the Licence is time limited the dates**

**N/A**

**Licensable Activities authorised by the Licence**

**a) The sale by retail of alcohol for consumption on and off the premises**

**Provision of Regulated Entertainment consisting of:**

- b) Live Music – Indoors**
- c) Recorded Music – Indoors**

**The times the Licence authorises the carrying out of licensable activities**

**a) The sale by retail of alcohol for consumption on and off the premises**

**Monday to Sunday Inclusive 11:00 to 00:00**

**Non Standard Timings**

**Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good**



**Friday, Easter Saturday, Sunday and Monday and all other recognised Bank Holidays 11:00 to 01:00**

**Provision of Regulated Entertainment consisting of:**

**b) Live Music – Indoors**

**Friday and Saturday 23:00 to 00:00**

**Sunday 23:00 to 23:30**

**Non Standard Timings**

**Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday, Sunday and Monday and all other recognised Bank Holidays 23:00 to 00:30**

**New Years Eve 23:00 to 01:00**

**c) Recorded Music – Indoors**

**Thursday to Saturday 20:00 to 00:00**

**Sunday 12:00 to 00:00**

**Non Standard Timings**

**Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday, Sunday and Monday and all other recognised Bank Holidays 18:00 to 00:30**

**New Years Eve 18:00 to 01:00**

**The opening hours of the premises**

**Monday to Sunday Inclusive 10:00 to 00:30**

**Non Standard Timings**

**Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday, Sunday and Monday and all other recognised Bank Holidays 1:00 to 01:30**

**Where the Licence authorises supplies of alcohol whether these are on and / or off supplies**

**On and Off Sales**

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of Holder of Premises Licence**

**HAWTHORN LEISURE LIMITED  
Touchstone Pinewood Business Park  
Coleshill Road  
Marston Green  
Birmingham  
B37 7HG**

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

**Company number: 08791672**

**Name, address and telephone number of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol**

**PAUL JAMES BAKER  
6 Ranulph Way  
Hatfield Peverel  
Chelmsford  
Essex  
CM3 2RN**

**Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol**

**P1283 – Braintree District Council**



**Corporate Director**

**31<sup>st</sup> March 2017**

**Date Granted**

**18<sup>th</sup> April 2017**

**Date of Issue**

## **Annex 1 – Mandatory Conditions**

### **All supplies of alcohol**

- 1. 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.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

### **Irresponsible drinks promotions**

- 3. (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)
- 4. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

#### **Age verification policy**

- 5. (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 licences 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.

#### **Alcoholic drink measures**

- 6. The responsible person shall 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
    - (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.

#### **The sale of alcohol below the cost of duty plus VAT**

- 7. (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(a);
- (b) “permitted price” is the price found by applying the formula –

$$P = D + (DXV)$$

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 the 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(a).
- (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 consistent with the operating Schedule**

### **GENERAL**

- 1. The Licence Holder shall ensure that all members of staff are trained and aware of their responsibilities and management controls are in place in respect of underage drinking, drunkenness on the premises, drunkenness in public, use of drugs, violent and anti-social behaviour and protecting children from harm.**

### **THE PREVENTION OF CRIME AND DISORDER**

- 2. The Licence Holder shall ensure that the premises is managed responsibly and that all staff are adequately trained and supervised.**
- 3. Best practice guides such as the Portman group on drink strategy and other voluntary codes of practice shall be adopted and put into practice as necessary.**
- 4. Persons who appear to be under the age of 18 years shall be required to produce proof of age by way of one of the following and if they are unable to produce such then the supply of alcohol will be refused:**
  - a. a recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)**
  - b. photo driving licence**
  - c. passport**
  - d. Citizen card supported by the Home Office**
  - e. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.**
- 5. The Licensee or Designated Premises Supervisor shall be a member of and use the local ring round scheme to notify other Licensees of potential crime and disorder problems.**
- 6. The Licence Holder shall ensure that sufficient litter bins are provided at the premises and litter is cleared and disposed of regularly and lawfully.**
- 7. The Licensee shall ensure that the outside areas of the premises are lit when in use and the lighting suitably maintained.**
- 8. The Licence Holder shall ensure that there will be no promotions that encourage the illegal, irresponsible or immoderate consumption of alcohol.**

## **PUBLIC SAFETY**

- 9. The Licence Holder shall ensure that the risk management assessments carried out at the premises are reviewed weekly and are effective.**
- 10. Suitable numbers of staff shall be employed at the premises to secure the safety of patrons using the premises.**
- 11. The Licence Holder shall ensure that all procedures, appliances and systems pertinent to safety are regularly tested and certified as appropriate.**

## **THE PREVENTION OF PUBLIC NUISANCE**

- 12. No amplified music noise, noise from the playing of instruments, nor noise from amplified voices emanating from the licensed premises shall be heard at such a volume at nearby residential premises so as to give reasonable cause for complaint by residents. Such noise shall be inaudible at occupied residential premises after 23:00 hours.**
- 13. No music shall be played outside the premises.**
- 14. When amplified music and/or live music/amplified voices are taking place within the licensed premises all external doors and windows are to be kept shut other than for access or egress.**
- 15. Clear legible notices shall be displayed at all exits and to the car park area requesting the public to respect the needs of the local residents and to leave the licensed premises quietly**
- 16. Regular checks of all parts of the premises including the patio and garden area shall be undertaken.**
- 17. The arrival and departure of customers, staff and traffic shall be managed, including liaison with public and private transport providers, to avoid public nuisance.**
- 18. The premises shall be properly ventilated and noxious smells shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.**

## **THE PROTECTION OF CHILDREN FROM HARM**

- 19. Sufficient numbers of staff with the appropriate training shall be present on the premises to secure the protection of children from harm.**
- 20. Children shall only be permitted in the premises between 10:00 hours and 20:00 hours with the exception of the function room and patio where they shall be permitted to remain until 21:00.**
- 21. No children shall be permitted in the bar areas during times of regulated entertainment.**

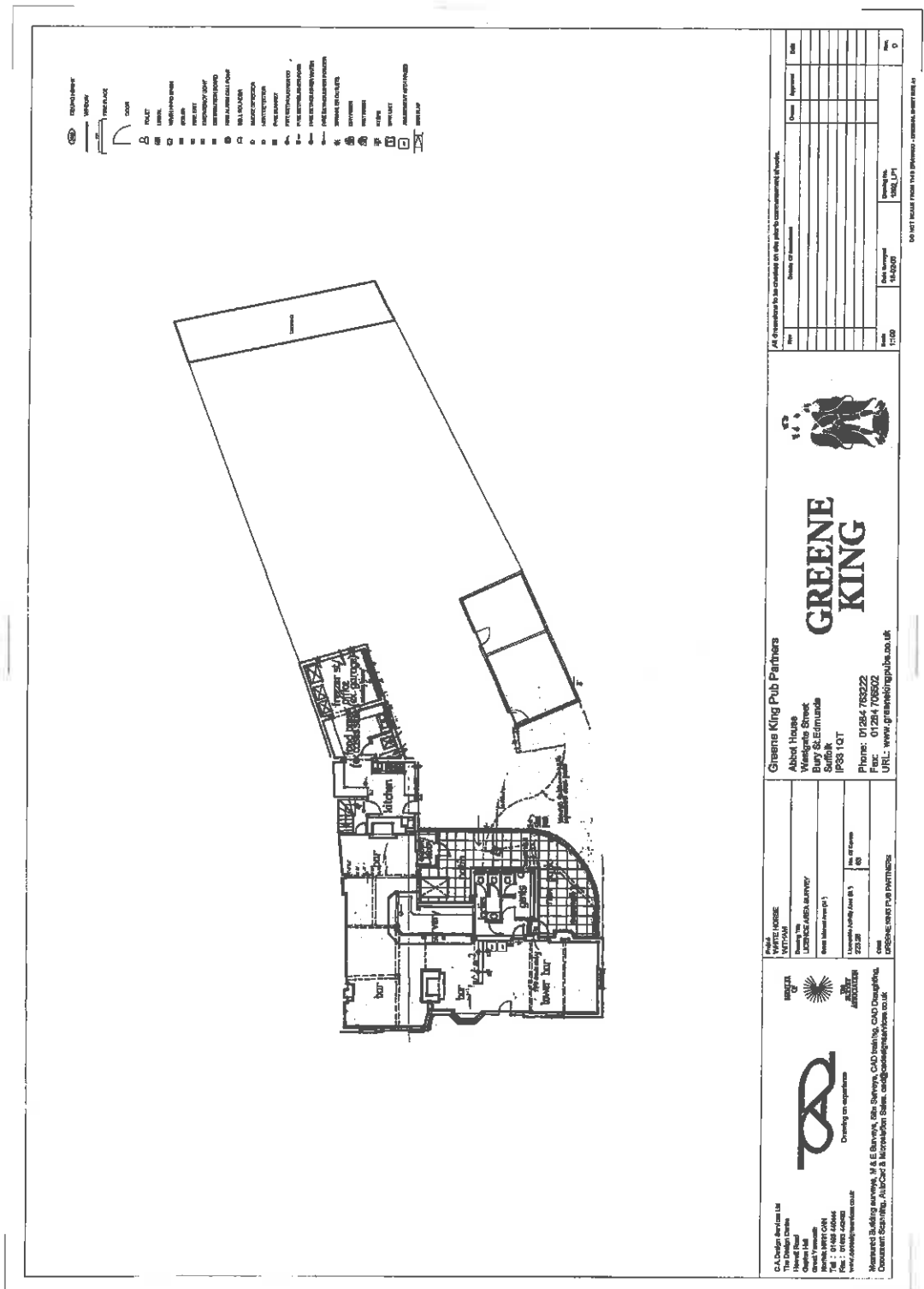
- 22. Children must be accompanied by a responsible adult at all times. It will be the responsibility of the Designated Premises Supervisor to control this.**
- 23. There will be no adult entertainment on the premises which will give rise to concern for children.**



**Annex 3 – Conditions attached after a hearing by the Licensing Authority**

**None**

## Annex 4 - Plans



**HEARING PROCEDURE FOR PREMISES LICENCES/CLUB PREMISES CERTIFICATES  
WHERE APPLICANT AND OBJECTORS ARE PRESENT**

**1. Welcome and Introduction**

- [1] The Chairman welcomes the people who are present and introduces the Members. He/she will ask the Members to confirm that they have no declarations of interest to declare in respect of the application.
- [2] The Chairman asks the Applicant to introduce himself/herself and then asks the Objectors to introduce himself/herself/themselves.
- [3] The Chairman then confirms that the hearing will be conducted in accordance with this procedure. If any party wishes to rely upon any evidence that has not been disclosed prior to the hearing, they must ask for the Chairman's permission at this point.

**2. The Applicant's Case**

- [1] The Chairman asks the Applicant or his/her representative to present his/her application for a licence.
- [2] The Applicant or his/her representative may then call any witnesses and/or give evidence in support of his/her application.
- [3] The Objector[s] or their spokesperson may then question the Applicant [if he has given evidence] and any witnesses.
- [4] The Chairman or any Member of the Sub-Committee may ask questions of the Applicant and any witnesses.
- [5] If there are any witnesses, the Applicant or his representative will then be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

**3. The Objector[s] Case**

- [1] The Objector[s] will give their reasons for objecting to the application.
- [2] The Objector[s] or their representative will then call any witnesses in support of their objection.
- [3] The Applicant or his representative may then question the Objector[s] [if they have given evidence] and any witnesses.

- [4] The Chairman or any Member of the Sub-Committee may ask questions of the Objector[s] and any witnesses.
- [5] If there are any witnesses, the Objector[s] or their representative will then be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

#### **4. Closing Statements**

- [1] By or on behalf of the Objectors. The Objectors may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2] By or on behalf of the Applicant. The Applicant or his/her representative may summarise any points they wish to make and comment briefly on the Objector's replies to questions. They cannot introduce new issues.
- [3] The Chairman will then ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is adjourned. The Sub-Committee will then retire to a separate room with the Legal Adviser and Member Services Officer to deliberate.
- [4] If the Legal Adviser gives legal advice to Members during the period of adjournment this advice will be repeated in summary form when the hearing reconvenes.

#### **5. Decision**

- [1] The Chairman will then announce the Sub-Committee's decision and ask the Legal Adviser to read out the details including the reasons.
- [2] Before closing the hearing, the Chairman will notify the Applicant and the Objector[s] of the rights of appeal available to the parties should they disagree with the decision. Such appeal should be made within 21 days of receiving written notification of the Sub-Committee's decision.