

**CRICKETERS, MILL GREEN ROAD, FRYERNING CM4 0JD**

# **APPENDIX 1**

## **APPLICATION FORM**

*Application to Review a Premises Licence*

*Mill Green Conservation Society vs Gray & Sons (Chelmsford) Ltd.*

# Application for the Review of a Premises Licence or a Club Premises Certificate

Reference: RP229080569

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**Before completing this form please read the Review of a Premises Licence or Club Premises Certificate guidance notes.**

1. The ground(s) for review must be based on one or more of the licensing objectives.
  2. Please list any additional information or details, for example dates or problems which are included in the grounds for review, if available.
  3. The application form must be signed.
  4. An applicant agent (for example a solicitor) may sign on their behalf provided that they have actual authority to do so.
  5. This is the address to which we shall use to correspond with you about this application.
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I, Mill Green Conservation Society,  
apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1

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## Part 1 - Premises Details

Does the premises have a postal address?: Yes

Ordnance Survey reference or description:

### Premises Address

Flat number (if any)

House number / name    The Cricketers

Road name                Mill Green Road

Town                        Fryerning

County                     Essex

Post Code                 CM4 0RH

Name of premises licence holder (if known): Gray & Sons (Chelmsford) Limited

Number of premises licence (if known): PRM\_081 18/00017/LAPRE

## Part 2 - Applicant Details

I am: an individual or business other than a responsible authority

I am: a body representing persons living in the vicinity of the premises

### Details of Individual Applicant or Responsible Authority Applicant or Individual Applicant

Title:

First name:

Surname:

Name:

#### Address

Flat number (if any)

House number / name

Road name

Town

County

Post Code

Telephone number:

Email address:

I am aged 18 years or over:

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This application to review relates to the following licensing objective(s):  
the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm

Please state ground(s) for review (please read guidance note 1):

Ground for Review

Matters arising which undermine the licensing objectives,

1. The premises licence holder and or his agent has carried on the licensable activity of the sale of alcohol by retail (off-sale), which has encouraged customers to come to the premises, purchase drinks and congregate nearby and to consume their drinks.

The above activities have resulted in some customers causing anti-social behaviour, public nuisance, obstruction of the highway detrimental to the safety of the public and crime and disorder. Furthermore, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, required the closure of businesses to protect against the risks to public health and to prevent, protect against, control or provide a public health response to the incidence or spread of infection with the coronavirus. Therefore, the congregation of customers outside the premises, is likely to have undermined the public safety and crime and disorder objective of the Licensing Act 2003 ("LA03").

2. The use of the Marquee and outdoor bars are causing public nuisance and anti-social

behaviour.

3. The use of the outdoor bar (container bar) is being used otherwise than under and in accordance with a licence under the LA03. It is not authorised by the current premises licence and not shown and or included within the existing premises plans. The Sale of alcohol by retail from this container bar is unauthorised unless it is licensed and or authorised under and in accordance with the LA03 (incl. TENS).

4. It would appear that the licensed premises have been varied and therefore the layout plan does not appear to be the same as the plan exhibited to current licence. The premises appears not to be licensed as it is currently built and licensed under and in accordance with its premises plan.

5. Regulations made under the LA03 state that the premises plan must show:

i) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises.

ii) In a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity.

iii) In a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for the consumption of alcohol.

iv) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

v) In a case where the premises includes any room or rooms containing toilets or urinals, the location of the room or rooms.

vi) The location and type of any fire safety and any other safety equipment, the location of a kitchen, if any, on the premises.

6. s136, LA03, states a person commits an offence if—

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be so carried on.

7. The premises current operations undermine the four licensing objectives, and additional information will be provided in due course and within the next 28 days. The premises licence holder or their agent are aware of the concerns raised by local residents and have failed to take steps to promote the licensing objectives in the last 12 months, and therefore it has become necessary to make this application. Other residents in the area may feel the same and by using this review application and process it is hoped that a resolution can be found, where the premises operations do not adversely impact on the lives of residents and the premises promotes the licensing objectives.

8. The licensing authority may wish to consider restricting the use of outdoor activities. In particular, but not limited to, removing off-sales and regulated entertainment (external use after 21:30 hours) and introducing SIA provision when regulated entertainment is carried on to manage the dispersal of customers and outside use of the premises.

9. Lastly, it is suggested with respect, that the premises should (a) if necessary, make an application to vary the premises licence to regularise any alterations made to the premises without approval, (b) cease to use the outside container bar with immediate effect, unless a temporary

event notice is given which we would seek to pursue the Environmental Health Officer to object to (c) comply with conditions on its premises licence, particularly condition 3, "...Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly".

Footnotes:

1. These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and come into force at 1:00 p.m. on 26th March 2020.

2. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, regulation 23.

Please provide as much information as possible to support the application (please read guidance note 2):

Additional information from the above will be provided within the next 28 days to the licensing authority.

Have you made an application for review relating to this premises before?: No

If yes, please state the date of that application:

If you have made representations before relating to this premises, please state what they were and when you made them:

n/a

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I understand that copies of this application will be sent by the licensing authority to the responsible authorities and the premises licence holder or club holding the club premises certificate: Yes

**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.**

## Part 3 - Signatures

**Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 4). If signing on behalf of the applicant, please state in what capacity.**

Signature: David Dadds

Date: 19/07/2020

Capacity: Applicant's Solicitor

Is the correspondence name and address associated with this application different that which has already been given? (see guidance note 5): Yes

Correspondence name: Dadds LLP

### **Correspondence Address**

Flat number (if any)	Crescent House
House number / name	51
Road name	High Street
Town	Billericay
County	Essex
Post Code	CM12 9AX

Correspondence telephone number: 01277 631811

Correspondence email address: office@dadds.co.uk

**Please note: You must serve a copy of the application on the licence holder on the day that you made the application.**

**The Licensing Authority will also serve a copy of the application to each Responsible Authority.**