

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 17th October 2023 at 3pm

Present:

-

Councillor R. Lee (Chair of Hearing)

Councillors D. Clark, A. Davidson and P. Wilson

1. **Apologies for Absence**

No apologies for absence were received.

2. **Declaration of Interests**

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

3. **Minutes**

The minutes of the meetings on 25th July 2023 were confirmed as a correct record.

4. **Licensing Act 2003 – Application for a new Premises Licence – The Clay Pigeon, 26 Robin Way, Chelmsford, Essex, CM2 8AS**

The Committee considered an application for a new premises licence made under Section 17 of the Licensing Act 2003 and had regard to the representations made during the consultation period. These related to the promotion of the below 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

Licensing officers and applicant also received documentation listing conditions set by Essex Police.

The application was for the below licensable activities:

Sale or supply of Alcohol	Monday – Thursday	12:00 – 23:00
	Friday – Saturday	12:00 – 01:00
	Sunday	12:00 – 22:00

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

- Grant the application, on the terms and conditions applied for
- Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the licensing objectives.
- Refuse the application in whole or in part.

The following parties attended the hearing and took part in it:

Applicant

- Mr T

Objector:

- One Member of the Public

Officers informed the Committee that during the course of the application, one representation had been received. The Chair advised that the written representation had been read and considered by the Committee in advance of the meeting.

The applicant addressed the Committee and responded to the points that had been raised in objection to their application. The applicant advised that the interest of the local community would be a priority. It was advised that whilst some noise might still be heard, it was ensured that soundproofing conditions would be met. It was also noted that no resident had complained so far but it was ensured that noise would be monitored closely. It was ensured that inappropriate behaviour and anti-social behaviour would be prohibited and that staff would be respectful of the neighbours. It was ensured that weekend hours would match those of other premises in the local area and that the applicant would be open to dialogue in the community.

The member of the public highlighted their representations against the application;

- Their home was at close proximity to the pub and they expressed their concern regarding the noise as this was a common problem before.
- Whilst 11pm was an appropriate time for the music to end, anything beyond that would affect their day-to-day routines such as work and school runs.
- The member of public had made several complaints before regarding the noise but this had not been either actioned or rebuffed by staff.
- They felt that the noise seriously affected their enjoyment and welfare.
- It was noted that the residents were not familiar with the application and that they had not seen any notices regarding this. The Licensing Officer then responded to this and confirmed that the application was correctly publicised.

In response to the points raised by the member of the public, the applicant stated that;

- They were happy for the music to stop at 11pm and they ensured that there would not be any speakers outside.
- They were disappointed by the staff not responding to the complaints and apologised to the member of the public.
- In response to the clearing of the bottles, the applicant advised that there would be no noise at all after 11pm.

The legal adviser noted that there was no specific part of the application regarding music but that the applicant implied verbally at the hearing that they would want

music. The applicant responded that only the juke box and DJ would provide music and there would not be live bands.

In response to questions from the Committee regarding managing noise when drinking outside, the applicant confirmed that they would act and prohibit anyone making noise. It was also added by the Licensing Officer that noise at 1am should be reported to the Council and Environmental Health would be able to investigate considering that music was not part of the application. Music could only take place in the premises with no more than 500 people.

The Committee thanked the applicant, member of the public, and the officers for their input and advised that the decision would be made during the deliberation after the meeting. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties within a few working days via email.

The Committee gave careful consideration to the relevant representations both written and made in the course of the remote hearing.

RESOLVED that the Director of Public Places be authorised to grant the application on the terms applied for but subject to the imposition of the following conditions:

- 1) The Mandatory conditions and the conditions which were set out in Appendix C to the application.
- 2) No patrons shall be permitted to go out into the garden after 11pm.
- 3) No disposal of bottles in external bins between the hours of 23:00 and 07:00

Reasons for Decision:

In reaching its decision, the Committee gave careful consideration to the application and relevant representations both written and made in the course of the hearing, having regard to the requirement to promote the licensing objectives. The Committee also took into account section 17 of the Licensing Act 2003, the current Statutory Guidance under section 182 effective from December 2022 and Chelmsford City Council's licensing policy.

The Committee noted that there were no objections from Responsible Authorities. The Committee carefully considered the concerns expressed by the objectors but considered that, with the imposition of the conditions referred to which were discussed and largely agreed upon at the meeting, there was no evidence to indicate prospective harm at this stage.

The Committee was mindful of the fact that with the imposition of the conditions referred to, none of the responsible Authorities were objecting to the application. The committee was unable, by virtue of s.177A of the Licensing Act 2003, to impose conditions relating to performances of live or recorded music on this premises licence.

The Committee would remind 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 premises licence, in which case the matter would come back before the Committee.

At a review of the premises licence, the Committee would be able to impose conditions relating to live or recorded music (if this was deemed necessary).

(3.02pm to 3.25pm)

5. [Licensing Act 2003 – Application for a new Premises Licence – Layby Off A414, Main Road, Danbury, Chelmsford](#)

The Committee considered an application for a new premises licence made under Section 17 of the Licensing Act 2003 and had regard to the representations made during the consultation period. These related to the promotion of the below 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

The application was for below licensable activity:

Sale or supply of Alcohol Friday to Sunday 08:00 - 18:00

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

- Grant the application, on the terms and conditions applied for
- Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the licensing objectives.
- Refuse the application in whole or in part.

The following parties attended the hearing and took part in it:

Applicant

- Mr A

Objectors:

- A Member of Danbury Parish Council

Officers informed the Committee that during the course of the application, two representations had been received. One representation had been withdrawn when further information was provided regarding the conditions set by Essex Police. The Chair advised that the remaining written representation had been read and considered by the Committee in advance of the meeting.

The applicant addressed the Committee and responded to the issues raised in the objection of their application. They advised that the Think 25 policy would be enforced on every alcohol sale and they were aware that it was illegal to sell alcohol

under the legal age. They advised that they prioritise customer safety and that they were a roadside florist with no public footpath thus their business would only attract a certain type of client. In relation to drinking outside the premises, they advised that there were no public spaces where this would be possible and, should this issue arise, they would ban people if necessary.

A councillor representing Danbury Parish Council raised a few points in addition to their objection to the licence:

- They advised that there was a public footpath nearby where the shop would be accessible by foot.
- They were concerned regarding the signage of the shop impacting the visuals.
- Traffic would build up considering the road by the layby was busy.
- As the applicant was a lone trader, they were concerned about the safety as there were reports of robberies on two shops in the same layby and queried whether Essex Highways have considered this.

In response to the points raised by Danbury Parish Council, the applicant advised that:

- They would update the existing signage to include the sale of alcohol.
- They reiterated that during their seven years of trading, they had never encountered anti-social behaviour from their customers nor customers drinking by the layby.
- There were no footpaths leading to the layby unless customers would cross the grass verges.
- Regarding being a lone trader, they advised that a mobile phone would be always on them for emergency but emphasised that they had never experienced animosity from customers and advised that they would deal with it in an appropriate manner should they have a confrontation.

A member of the Committee noted that whilst there was a public safety aspect on the licensing objectives, they were unclear on whether the licensing authority would be concerned regarding the vulnerability of lone workers. The legal adviser advised that this could be considered, but it would be up to the applicant on how they work on that regard. The licensing officers advised that lone workers would normally have extra provisions. The applicant advised that extra staff would not be needed as there would be limited stock in their shop and that the alcohol sales would only be an opportunity to diversify and help their business.

The Committee thanked the applicant, member of the public, and the officers for their input and the decision would be made during the deliberation after the meeting. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties within a few working days via email.

RESOLVED that the Director of Public Places be authorised to grant the application on the terms applied for but subject to the imposition of the following conditions:

- 1) The Mandatory conditions and the conditions which were set out in Appendix C to the application.

Reason for Decision:

In reaching its decision, the Committee gave careful consideration to the application and relevant representations both written and made in the course of the hearing, having regard to the requirement to promote the licensing objectives. The Committee also took into account section 17 of the Licensing Act 2023, the current Statutory Guidance under section 182 effective from December 2022 and Chelmsford City Council's licensing policy.

The Committee carefully considered the 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 with the imposition of the conditions referred to, none of the responsible Authorities were objecting to the application.

(3.25pm to 3.47pm)

The meeting closed at 3.47pm

Chair