

Licensing Committee Agenda

HEARING TO CONSIDER AN APPLICATION FOR A FULL VARIATION OF A PREMISES LICENCES

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

22nd November at 11am

Remote Meeting

MEMBERS OF COMMITTEE INVITED TO ATTEND HEARING

Councillor R. Lee (Chair)

and Councillors H. Clark, A. Davidson and J. Hawkins

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. If you would like to find out more, please telephone Dan Sharma-Bird in the Democracy Team on Chelmsford (01245) 606523 or email dan.sharma-bird@chelmsford.gov.uk.

Licensing Committee

22nd November 2024

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 on 25th October 2024

4. Licensing Act 2003 – Application for a Full Variation of a Premises Licence: The Star and Garter, 159 Moulsham Street, Chelmsford, CM2 0LD

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 25th October 2024 at 11am

Present:

Councillor R. Lee (Chair of Hearing)

Councillors H. Clark, J. Hawkins and P. Wilson

Also in attendance
Cllr C. Tron

1. [Apologies for Absence](#)

No apologies for absence were received.

2. [Declaration of Interests](#)

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

3. [Minutes](#)

The minutes of the meeting held on 3rd October, were approved as a correct record.

4. [Licensing Act 2003 – Application for a New Premises Licence – The Duckquiri, 44 The Green, Writtle, Chelmsford, CM1 3DU](#)

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 the below licensable activities:

Sale or supply of Alcohol	Everyday	08:00 – 23:00
Provision of Recorded Music	Everyday	08:00 – 23:00
Provision of Live Music	Friday – Sunday	12:00 – 23:00

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

- Mrs W

Objectors

- Three members of the public

Officers informed the Committee that during the course of the application, five representations had been received from local residents. The Chair advised that the written representations had been read and considered by the Committee in advance of the meeting.

The applicant addressed the Committee to summarise their application. They stated that they understood the concerns raised by neighbours and wanted to adopt any changes that would allow everyone to be comfortable with the licensable activities and that the hours could be adapted to suit surrounding residents. They informed the Committee that they were happy to discuss the representations so they could understand, what exactly they could alter to ensure compliance with the licensing objectives.

The Committee heard from local residents, who lived in very close proximity to the premises and they highlighted the following concerns with the application;

- The hours applied for were not consistent with the proposed use as a tearoom or café and were much more appropriate for a bar or pub.
- A verbal agreement with the owners that the extended hours would only be for occasional events, would not be helpful if the business were to be sold in the future and a future owner made use of the longer hours that had been applied for.
- The nearby properties were period properties, with single glazing so any nearby noise could be very disruptive.
- The applied for hours could lead to noise issues until 11pm every night of the week, which would be unacceptable for those living nearby.
- The hours applied for were very different to the planning application that had been granted in 2019, limiting opening hours to 7pm in the evening.
- The idea of a tearoom was supported and would be of benefit to the village, but the hours that had been applied for could be far too impactful.
- The changes of use over the years, highlighted an escalation in the impact from the property and with extended hours a future owner could use the venue as a pub or bar.
- That the hours should not be any more extensive than those detailed in the 2019 retrospective planning application.

In response to the points raised and questions from the Committee, the applicant confirmed that;

- There had been a lot of demand for prosecco and cocktails with afternoon tea bookings so they had applied for alcohol sales to cover this and also for events such as baby showers or anniversaries.
- They were keen to be able to serve alcohol and play music during the day in the tearoom and would then use the evening hours for occasional events.
- They had not been made aware of the planning application that limited the opening hours of the premises, but would speak with the Planning department as a result.
- They had applied for longer hours so there would be an opportunity for a middle ground on the licensable hours to be met and due to other premises in the vicinity serving alcohol until 11pm or later in some instances.
- They were happy to have a noise limiter installed but did not have a suggestion on the decibel limit.
- The building could accommodate 80 people when also using the outside space.
- They would be happy with just one Friday or Saturday a week permitting alcohol sales and music until 11pm rather than every night.

Members of the Committee raised concerns about granting licensable hours outside of the hours stipulated for use of the building in the approved planning application. They also stated that the applicant would be able to look into altering the hours set by the Planning department and could then re apply for a longer licence if the Planning department granted longer opening hours. It was noted there was not a guarantee that the Licensing Committee would grant longer hours though as a result.

The Committee's legal advisor confirmed that the Committee were not bound by the planning conditions and could grant longer hours, but that the planning decision was an acceptable consideration to take in account.

The Committee thanked the applicant, local residents 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 to grant the application on the terms applied for, as scaled back in relation to the opening and sale of alcohol hours set out below and subject to the imposition of the following conditions:

1. The Mandatory conditions 1-4 as per Schedule 1 of the Licensing Act 2003 (Mandatory Conditions) Order 2010.
2. The licencing hours to be:
10am-7pm, Tuesday to Saturday
Closed, Sunday, Monday and Bank Holidays

It is noted that live and recorded music fall within the deregulation of regulated entertainment for this application (i.e. no license permission is required for the performance of live amplified music and the 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 the audience does not exceed 500). The alcohol licencing hours granted fall within this provision; therefore, no licence is required for live or recorded music between the hours granted. It is noted that the applicant confirmed that the premises can hold up to a maximum of 80 individuals, well within the limits above.

Reasons for Decision

In reaching its decision the Committee gave careful consideration to the application and the relevant representations both written and made in the course of the virtual hearing. All decisions on licencing applications must be evidence based. The Committee is mindful that there were no objections from Responsible Authorities.

The Committee did consider planning conditions attached to planning permission (19/00998/S73), restricting the operating hours of the premises. Whilst not bound by this decision, the Committee gave relevance to these conditions.

The Committee also had regard to the close proximity of the premises to private residential properties in the vicinity and the potential nuisance (particularly late-night noise nuisance) that could be caused given the proximity of these residences. There was concern that the use, as applied for, could disrupt the surrounding area, impacting the quality of life for neighbouring residents.

The applicant confirmed at the hearing that they were happy to modify the hours in response to concerns raised by the objectors.

The Committee was satisfied that there was no evidence at this point in time, of prospective harm if the application were to be granted and considered in all circumstances, that it was appropriate the application be granted on the terms as set out above.

If problems arise in the future, the review mechanism can be used, and the conditions/scope of the licence can be re-visited.

Informative

The Committee gave consideration to the imposition of a condition requiring the installation and operation of a noise limiter condition. However, the applicant was not able to provide a decibel level for the noise limiter and it was outside of the technical expertise of the Committee to ascertain and decide on the appropriate decibel level.

Furthermore, the Committee is precluded by law from imposing a condition relating to live/recorded music where such music is not regulated entertainment.

The Committee noted that the applicant was prepared to offer up/agree a noise limiter condition and the Committee would, notwithstanding the absence of a noise limiter condition, strongly advise the applicant to install

and operate a noise limiter when live and recorded music is taking place on the premises.

The Committee would also bring to the applicant's attention, the fact that if the matter were to be brought back to the Committee for review, the Committee would, if appropriate for the promotion of the licencing objectives, then have the power to impose conditions relating to live and recorded music, irrespective of whether they are regulated activities.

The meeting closed at 11:55am

Chair



Chelmsford City Council Licensing Committee

Date: 22nd November 2024

LICENSING ACT 2003 – APPLICATION FOR A FULL VARIATION OF A PREMISES LICENCE: THE STAR AND GARTER, 159 MOULSHAM STREET, CHELMSFORD, CM2 0LD

Report by: Director of Public Places

Officer Contact:

Simon Parnham, Licensing Officer, Simon.Parnham@chelmsford.gov.uk, 01245 606727

Purpose

The purpose of this report is for members to consider a Premises Licence Application given by The Star and Garter, made under section 34 of the licensing act 2003, for a Full Variation of a premise licence in respect of 159 MOULSHAM STREET, CHELMSFORD, CM2 0LD having regard to the representations received and the requirement to promote the four licensing objectives. These are:

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

Recommendations

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

- 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.

An appeal in respect of any determination made in connection with this application may be made to the Magistrates Court, within 21 days of the notification given by the licensing committee, by the licence holder, Chief officer of police, or any other person making relevant representation.

1. Background

- 1.1 The Star and Garter is located on Moulsham Street and is near to residential properties. A map of the area is attached as **Appendix A**.

2. Application

- 2.1 The application has been properly given in accordance with The Licensing Act 2003 and all procedures correctly followed. The completed application form and a copy of their current licence, Part B, is attached as **Appendix B**.
- 2.2 The application form for the premises licence was received on the 2nd of October 2024, and correctly advertised by placing blue public notices at the premises and by publication in a local paper and on Chelmsford City Council's website.
- 2.3 There are substantial changes proposed to the current premise licence. Currently, the existing licence permits the sale of alcohol from 11am until midnight every day with opening hours of 11am to 1am on Friday to Sunday, and 11am to Midnight on Monday to Thursday. The application seeks to vary the sales of alcohol from Midnight to 02:00 on Friday and Saturdays, and until Midnight every other day. Regulated entertainment activities are sought from 23:00 – 02:00 on Fridays and Saturdays, until Midnight on Thursdays and 11:00 – 23:00 on Sundays to Wednesdays. These activities include Live and recorded music, performance of dance and the provisions of plays. Late night refreshment is also being applied for from 11pm until Midnight on Sunday to Thursday, and from 11pm to 2am on Fridays and Saturdays. Opening hours have been applied for until 1am on Thursday, until 3am on Friday and Saturday and until Midnight on Sundays to Wednesdays. The application form is attached as **Appendix B**.
- 2.4 Schedule 1 of the Licensing Act 2003 permits the use of regulated entertainment from 08:00- 23:00 on any licenced premise (for the sale of alcohol and (where the audience does not exceed 499) unless removed or cut back under a review of the premises licence.
- 2.5 Kirsty Hebden-Lambird is the current designated premises supervisor having obtained a personal licence from Chelmsford City Council.
- 2.6 The applicant has provided an operating schedule which promotes all four of the licensing objectives.

- 2.7 Members are asked to note that as this report is available in the public domain, personal details have been redacted from some documents. However, both the Authority and the applicant have received complete copies of all documents.

3. Representations

- 3.1 During the course of the application, Chelmsford City Council, in line with the Act, sent a copy of the application to all responsible authorities.
- 3.2 During the consultation period five representations were received from members of the public, objecting to the application. A copy of these objections is attached as **Appendix C**.
- 3.3. During the consultation period the applicant agreed conditions with Essex Police, please see attached as **Appendix D**

4. Conclusion

- 4.1 The Statement of Licensing Policy is brought to the attention of members and are as follows:
- Section 13. Nothing in the section affects this application.
- 4.2 This application has been correctly submitted.
- 4.3 At the conclusion of this hearing members are advised to consider the options as previously recommended at the start of this report.

Appendices:

- Appendix A – Map
- Appendix B - Premises Licence Application and copy of the current licence
- Appendix C – Representations
- Appendix D – Conditions agreed with Essex Police

Background reading:

Application held by licensing authority

Corporate Implications

Legal/Constitutional: The application has been dealt with in compliance with the Licensing Act 2003 and The Licensing Act 2003 (Hearing Regulations) 2005.

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

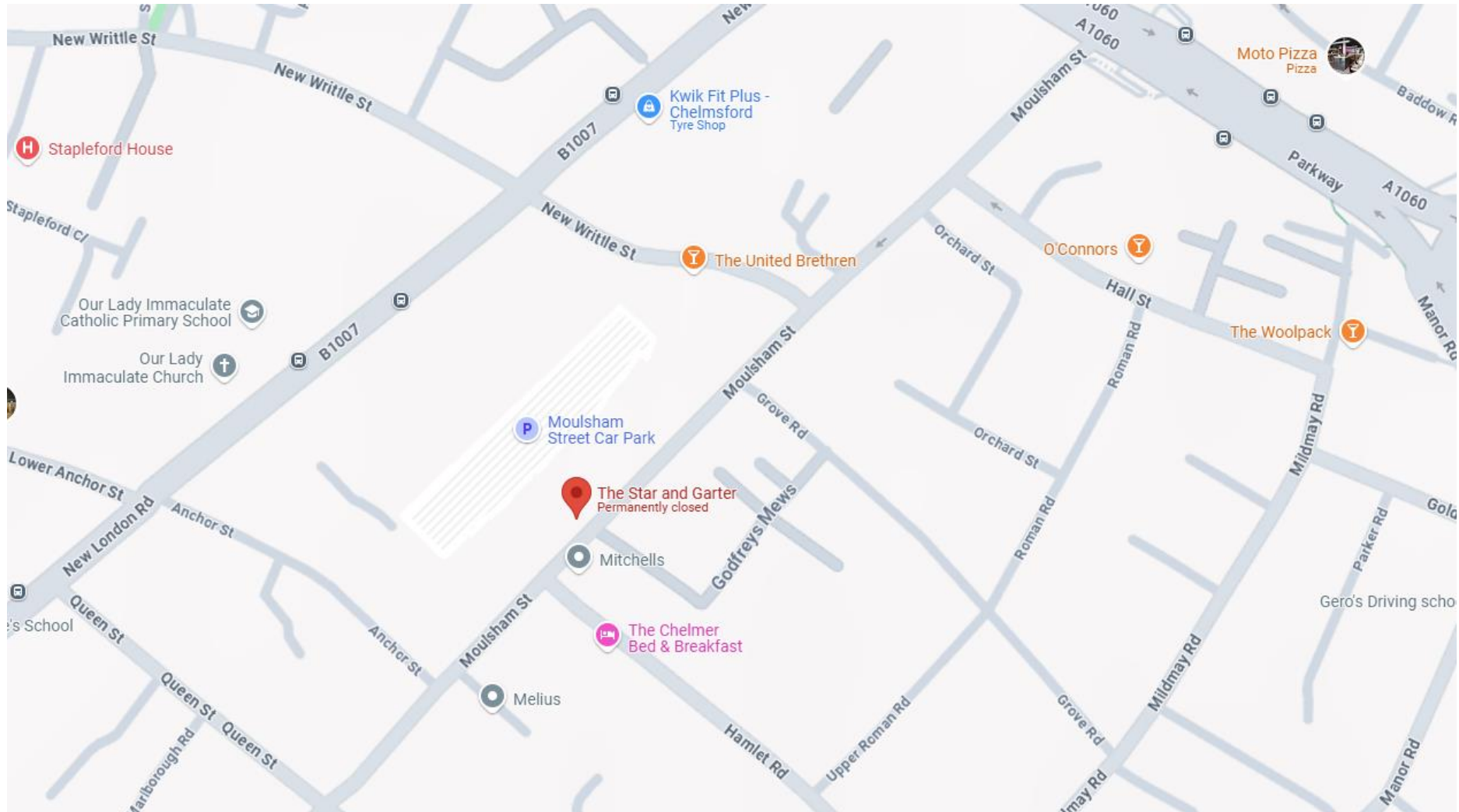
Consultees:

As per required by legislation

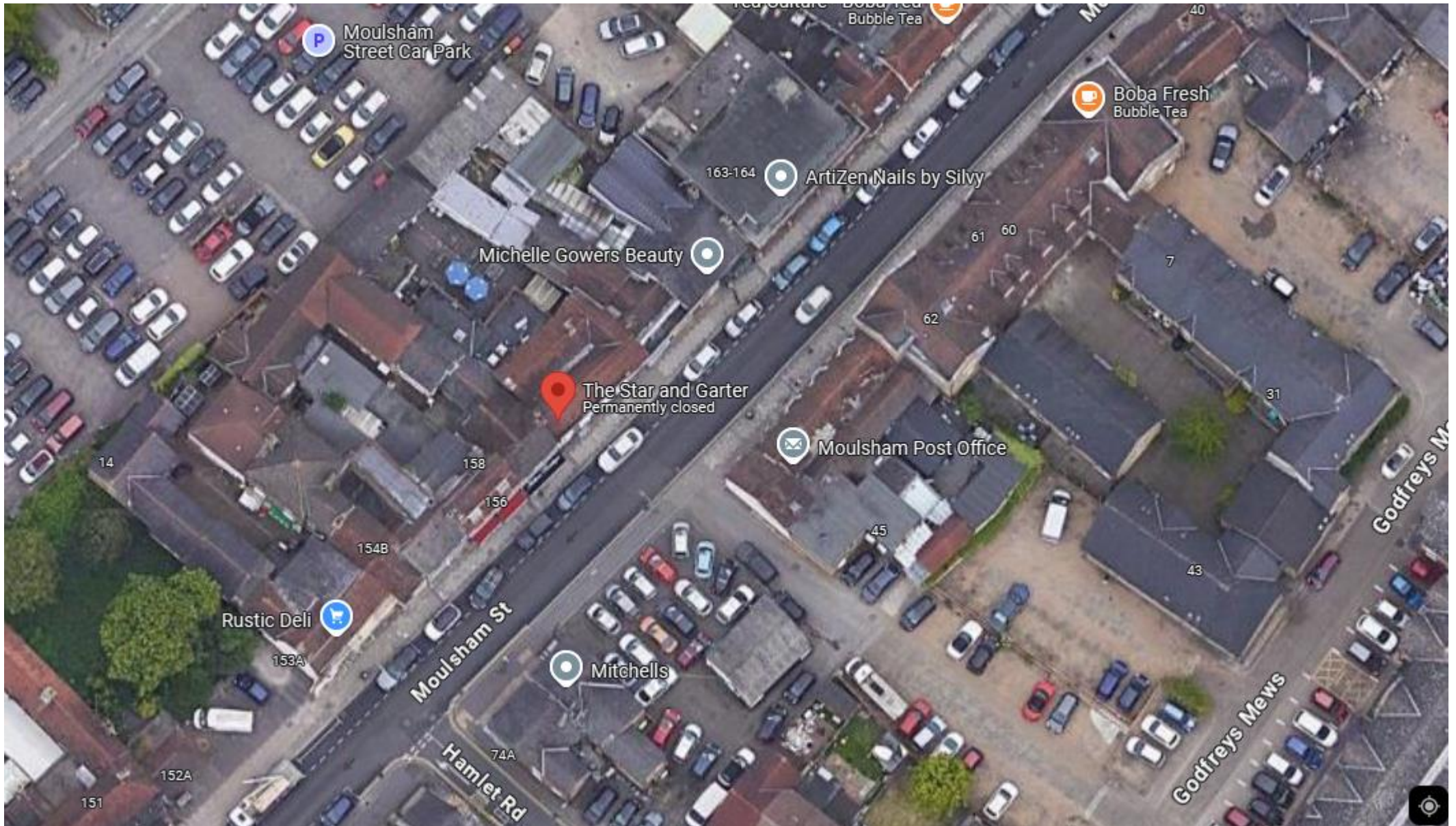
Relevant Policies and Strategies:

Statement of licensing policy

Appendix A



Appendix A



Licensing Act 2003
Part B Premises Licence Summary

Premises Licence Number

23/00715/LAPRE

Premises Details

The Star And Garter Star And Garter 159 Moulsham Street Chelmsford CM2 0LD		
Telephone number		
Where the licence is time limited the dates		
Not applicable		
Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities are		
Sale or supply of Alcohol	Every Day	11:00 - 00:00
The opening hours of the premises are		
Opening hours	Friday to Sunday	11:00 - 01:00
Opening hours	Monday to Thursday	11:00 - 00:00
Where the licence authorises supplies of alcohol whether these are on and / or off supplies		
On the premises only		
Name, (registered) address of holder of premises licence		
TRANSPIRITDELIGHTS LTD 3 Bridon Close East Hanningfield Chelmsford CM3 8BA		

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

Not Applicable

Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

Kirsty Hebden-Lambird

State whether access to the premises by children is restricted or prohibited

N/A



Signed:
On behalf of the Licensing Authority

Dated: 18th October 2023

Valid from and issued on 16th June 2024 following a transfer and change of DPS

* 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.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

10,500

Section 3 of 18

VARIATION

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.

The premises is a one bar public house and is operated as an entertainment venue supplying DJ and Drag act cabaret nights. The Star & Garter has a sign with an alias of BAR PLUS and is promoted as a safe place for the LGBTQ+ community in Chelmsford and beyond. Poor behaviour, and anti-queer hate crime is positively managed. The decoration which is pro-LGBTQ+ is a natural deterrent for those who have an alpha-male attitude, and as such, enjoys trouble free trade with its customers. The numbers expected to attend would not exceed 100 people. There is minimal domestic neighbours, and since opening, there has been zero complaints and concerns for nuisance, noise, or disruption. The premises will not offer off-licence supplies, therefore there is no need to provide a place for consumption of off-supplies. This application is purely for a later license to aid the availability for customers to stay longer at the premises, and to benefit from increased sales. BAR PLUS at The Star & Garter operate a strict 25 years and over age policy for its customers. The premises actively, and positively denies any persons inebriated to consume further alcohol, and has a strict policy for anti-social behaviour inside and outside the premises.

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

Standard Days And Timings

Continued from previous page...

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

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of a play 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.

Provide further details here.

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.

Karaoke songs performed by customers as live music until midnight [24:00] on Thursday evenings. Amplified live music sung by Drag Artists on Friday nights with recorded amplified music following on from the drag acts until 02:00 on Saturday mornings. Amplified recorded music played by DJ's until 02:00 on Sunday mornings. Amplified music and singing in a Open Mic talent style show performed by customers until midnight [24:00] on Sunday nights.

State any seasonal variations for performing plays.

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

No variation is requested.

Continued from previous page...

Non standard timings. Where the premises will be used for the performance of a play 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.

No non standard timings are requested.

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

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

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.

Continued from previous page...

TUESDAY

Start End
Start End

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

Will the performance of live 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.

Amplified live performances and dancing, recorder amplified music to be authorised.

State any seasonal variations for the performance of live music

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

No seasonal variations applied for.

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

Continued from previous page...

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

No non-standard timings applied for.

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Continued from previous page...

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.

Amplified live music and live performances, and amplified recorded music.

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.

No seasonal variations applied for.

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.

No non-standard timings applied for.

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

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

Continued from previous page...

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

Will the performance of dance 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.

Dancing during amplified live music and amplified recorded music.

State any seasonal variations for the performance of dance.

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

No seasonal variations applied for.

Non-standard timings. Where the premises will be used for the performance of dance 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.

No non-standard timings applied for.

Section 11 of 18

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

See guidance on regulated entertainment

Continued from previous page...

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

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

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Start

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start

End

Start

End

Provide a description of the type of entertainment that will be provided.

Drag artist cabaret live performances, Karaoke singing, Open Mic performances, amplified recorded music.

Continued from previous page...

Will this entertainment 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.

Live performances and recorded music will be amplified.

State any seasonal variations for entertainment.

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

No seasonal variations applied for.

Non-standard timings. Where the premises will be used for entertainment 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.

No non-standard timings applied for.

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

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

Continued from previous page...

THURSDAY

Start 11:00

End 24:00

Start

End

FRIDAY

Start 11:00

End 02:00

Start

End

SATURDAY

Start 11:00

End 02:00

Start

End

SUNDAY

Start 11:00

End 24:00

Start

End

Will the provision of late night refreshment 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.

amplified live music and amplified live performances with dancing would be authorised.

State any seasonal variations.

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

No seasonal variations applied for.

Non standard timings. Where the premises will be used for the provision of late night refreshment 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.

No non-standard timings applied for.

Section 13 of 18

Continued from previous page...

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol 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

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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

Continued from previous page...

No seasonal variations applied for.

Non-standard timings. Where the premises will be used for the supply of alcohol 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.

no non-standard timings applied for.

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.

No adult entertainment, activities, or other entertainment or matters ancillary to premises that may give rise in respect of children are applied for.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

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 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.

No seasonal variations applied for.

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.

No non-standard timings applied for.

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

The licence has no conditions currently imposed. This full variation is in respect of increasing times available for amplified recorded and live music, the sale of refreshments, the sale of alcoholic beverages on Thursdays, Fridays, and Saturdays for the times stated in this application.

- I have enclosed the premises licence
- 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

Continued from previous page...

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 prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm are objectives that are also important to us at Bar Plus. The reason for opening up our venue is to offer a safe place to the LGBTQ+ community in Chelmsford. We know that those who fall under the LGBTQ+ umbrella need a place where they can feel safe, and have a place to visit that is free from crime and disorder, that they are safe, and that applies to the general public as well. A venue that does not cause public nuisance, and protects children from harm. We at Bar Plus endorse and actively promote the need to protect the local community's peace and to reduce any concerns for the local residents. We adopt a 25 year policy for serving alcohol to all who use our venue when buying alcohol. Furthermore, we do not sell alcohol to anyone who is clearly inebriated, to the extent that some have been refused any further service and have had to leave disappointed.

b) The prevention of crime and disorder

Alcohol consumption has a potential for crime and disorder. For this reason, we advertise a strict policy for refusing the sale to anyone who is visibly unable to talk or act physically appropriately. We make it clear that, in our opinion, they have had enough to drink and that we are not going to serve them anymore on that occasion. This is a policy that we adopt, and train our staff to take extremely seriously. We are seriously aware of the responsibility we have for the actions of our customers when vacating our premises. Each customer is assessed on merit, and we are not afraid to refuse servicing alcohol to anyone displaying aggressive or drunken behavior.

c) Public safety

We make sure that the public are kept safe and are awaiting our creditation from Best Bar None. We follow Essex police Facebook group and connect with pubs who warn of dangerous individuals looking for pubs to visit. We keep our ears and eyes open for any warnings given to us so that the public is kept as safe as possible. We have also applied to become part of the townlink scheme, and look forward to keeping Chelmsford safer for residents and visitors. We have also become coordinator for 'Schemelink' as a way of sharing information and protecting Chelmsford's public safety.

d) The prevention of public nuisance

Public nuisance is reduced to zero through well designed courtyard buffer of sound by erecting a wooden pergola encasing the amplified sound produced. We also plan to admit and vacate customers via the car park on George street. This will reduce any potential nuisance for residents on Moulsham street. We advertise and make it clear that we are responsible for public nuisance, and that our customers must respect our neighbours by quietly vacating our premises, and to make their journeys home in a quiet and respectful way. Our licensing objectives are explained to our customers, and we make it clear that they have a responsibility to uphold the need for not creating a nuisance to public, and the residents of Chelmsford.

e) The protection of children from harm

We adopt a strict 25 year policy for all customers who buy and consume alcohol on our premises. We also have a 8pm curfew for any under age children in our venue. Meaning that under age patrons cannot use our facilities after 8pm. The management and staff are fully trained and aware of these conditions so that children are protected at our venue.

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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.

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

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)

Add another signatory

Continued from previous page...

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.chelmsford.gov.uk/business/licensing/alcohol-licensing/premises-licence/apply-to-vary-a-premises-licence/> 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.

**Representations received in relation to a New Premises
Licence – The Star and Garter, 159 Moulsham Street,
Chelmsford, CM2 0LD**

Representation 1

From: _____ <____>
Sent: 18 October 2024 20:13
To: Licensing <Licensing@chelmsford.gov.uk>
Subject: Objection to change of hours, Star & Garter pub, Moulsham Street,
Chelmsford

Please register my objection to a change of license to late opening , even to 3 a.m. on Saturdays. Music being played until late would create a noise nuisance for the residents of Chelmer Lodge. A considerable number of apartments face the Star and Garter pub, across the George Street car park. Departing, chatting customers of the S & G would certainly not be either quiet or prompt in exiting the car park and do please take this nuisance into consideration when looking at the license, and refuse the application for an hour's extension.

Thank you.

Representation 2

From: _____
Sent: 20 October 2024 09:15
To: Licensing <Licensing@chelmsford.gov.uk>
Subject: Star and Garter license

Dear Board,

I am writing to express my concern about the license application made by The Star and Garter. I think both the opening times quoted and the need for amplified music are extremely concerning. This establishment is a pub not a night club.

Moulsham Street is a commercial street but there are many dwellings in close proximity. The noise from loud music and people using George Street is already a nuisance.

I feel that reasonable opening hours and music played within the venue are acceptable but this should not be to the detriment of people living in the neighbourhood.

Yours faithfully

Representation 3

-----Original Message-----

From:

Sent: 21 October 2024 19:53

To: Licensing <Licensing@chelmsford.gov.uk>

Subject: Star and Garter license application

Dear Sir,

With reference to the application for a music/alcohol license at the Star and Garter, Moulsham Street, Chelmsford.

I live in New London Road and my apartment backs on to the George Street car park and Moulsham Street, this noise is very disturbing and I think this is a very bad idea and I strongly object to it as the UB and Black Horse already have loud music on. If they finish by 11pm it's bearable but to have music till 3am is ridiculous.

This is a residential area with many properties nearby. With the pubs all within hundreds of yards from each other I find this application difficult to understand with no consideration for neighbours.

Representation 4

LICENCING SECTION
Chelmsford City Council
Duke Street
CM1 1JE

24th October 2024

Dear Licencing Department

We are horrified to read that the public house Star and Garter, 159 Moulsham street, CM2 0LD, has applied for extended opening hours which appear to be 12 midnight on 5 days and even worse 2.am on the other two, plus closing time.

....., and therefore is affected by the existing noise, music?? and singing or flashing lights from 3 pubs that are very close by. At present they usually seem to have the extended hours to 11 or 12mn only occasionally mainly at weekends. At these times we have to increase radio/tv volumes and are not able to contempt sleeping until then end and sometimes there are disturbances from rowdy leavers.

We cannot imagine that this extension would be contemplated anyway when we understand that a number of living dwellings are being placed in the car park.

We beg you, Please do not grant this application which appears to totaly disregard local residents.

Yours faithfully

..

Representation 5

01 NOV 2024

30th October 2024

Application by The Star and Garter (159 Moulsham St) for variation of licence

Objection

I wish to object to the above application & register my dismay that the Council should grant this proposed variation or should even consider it. As the Council knows, the key document on which local authorities rely, in their role as licensing authorities, is the Guidance issued under section 182 of the Licensing Act 2003. This states that all representations [objections] must be relevant to the four licensing objectives, namely:

The prevention of crime and disorder (for example drug-related problems, disorder, drunkenness and anti-social behaviour)

Public safety (the physical safety of people using the venue)

The prevention of public nuisance (for example noise from music, litter and light pollution)

The protection of children from harm (including moral, psychological and physical harm)

Moulsham St is in the centre of a large residential area. Between Parkway and Queen St., there are four public houses (Black Horse, Star & Garter, the Anchor & the Cricketers. Additionally, there are some smaller licenced premises. Clearly the proposed variation will increase the risk of contravening these licensing objectives.

I would also remind the Council that this section of Moulsham St is part of the Public Spaces Protection Order which covers the city centre. This states that:

The Council is satisfied that activities have been carried out in the Restricted Area which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is or is likely to be of a persistent or continuing nature, is or is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by this order.

The activities carried out are as follows:

1. The consumption of alcohol in a manner that causes or is likely to cause harassment, alarm, distress, nuisance or annoyance to any person.
2. The distribution of free literature.
3. Fly-posting.
4. The stationing of advertising boards or other structures being used as such.
5. Threatening, abusive or aggressive behaviour

Clearly, extending the hours of a public house will increase the likelihood of activities 1 & 5.

I would also refer the Council to *R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312*

This case, referred to as 'Hope and Glory', is essential (my emphasis) reading for Responsible Authorities and licensing committees. It is relevant to most hearings.

The decision is important because it:

- illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation.

- confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises.

- sets out the approach that should be taken when making licensing decisions.

Once again, I strongly urge the Council to reject this application.

Appendix D

Good afternoon ,

I have been negotiation with the applicant on this variation and Essex Police representations are as follows :

- There shall be a personal licence holder on duty on the premises at all times when alcohol is offered for sale

- An individual may not supply alcohol unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder. A written record of this consent will be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority

- There shall be no events at the premises that are organised, promoted or advertised by an external promoter (i.e. by an individual/organisation not directly related to the management of the premises).

- On any occasion where the premises conducts licensable activities past midnight , at least two x (2) SIA licensed door supervisors must be on duty from 23:00 hours until at least {30} minutes after the premises closes

- The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:
 - i. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
 - ii. CCTV cameras shall cover {all public areas including} all entrances and exits and all areas where the sale of alcohol takes place;
 - iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of {31} days;
 - iv. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;
 - v. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;

Appendix D

vi. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.

- Signs must be displayed at all entrances {and exits} advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities

- An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:

(a) {all crimes reported to the venue}

(b) {all ejections of patrons}

(c) {any complaints received concerning crime and disorder}

(d) {any incidents of disorder}

(e) {all seizures of drugs or offensive weapons}

(f) {any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence}

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least {12} months from the date of the last entry.

- The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means.

This policy shall specifically include but not be limited to:

i. Searching practices upon entry;

ii. Dealing with patrons suspected of using drugs on the premises;

iii. Scrutiny of spaces including toilets or outside areas;

iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);

v. Staff training regarding identification of suspicious activity and what action to take;

vi. The handling of items suspected to be illegal drugs or psychoactive substances

vii. Steps taken to discourage and disrupt drug use on the premises

viii. Steps to be taken to inform patrons of the premises drug policy/practices

Appendix D

- A copy of this policy document shall be lodged with the police {and licensing authority}.
- A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe shall be installed at the {main entrance/location} and only the police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe.
- A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:
 - Biometric Home Office photo ID
 - European National ID Card
 - Ministry of Defence Form 90 (Defence Identity Card)
 - Passport (UK or International)
 - Photo Driving Licence (UK or European)
 - Proof of Age Standards Scheme (PASS) card
- The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.

At the point of sale, such signs shall be a minimum size of 200mm x 148mm

These conditions have been agreed with the applicant .

If these conditions are added to the premises licence Essex Police do not feel it is necessary to hold a Licensing hearing .