

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