

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 26th November 2024 at 10.00am

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 interests where appropriate in any items of business on the meeting's agenda. None were made.

3. [Licensing Act 2003 – Application for a New Premises Licence – The Bassment, 16 Wells Street, Chelmsford, Essex, CM1 1HZ](#)

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 Committee noted the main changes that the new application had requested, were for an additional hour of licensable activities on Friday and Saturday nights, resulting in a 5am closing time rather than 4am and changes to some conditions. The Committee also noted that the previous licence was detailed at Appendix B to the report, with the new one at Appendix C.

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 below parties attended and took part in the hearing:

- Mr Dadds – Applicant’s solicitor
- Essex Fire and Rescue Service
- One member of the public

Officers informed the Committee that in response to the application, four representations had been received, two from local residents, one from a Ward Councillor and another from Essex Fire and Rescue Service. It was also noted that conditions had been agreed with Essex Police.

At this stage of the hearing, Essex Fire and Rescue Service, withdrew their application. They informed the Committee that their non-compliance concerns had now been addressed and after discussions with the applicant, wished to withdraw their representation. The Committee’s legal advisor confirmed that they could withdraw and advised the Committee that their representation should no longer be taken into account. The Chair advised that the remaining written representations had been read and considered by the Committee in advance of the meeting.

The applicant’s solicitor addressed the Committee to summarise their application. They informed the Committee that they were applying for an additional hour on Friday and Saturday night’s along with the removal of a couple of conditions. The Committee were also informed that all applications should be considered on their own merit, that no responsible authorities had objected and that conditions had been agreed with the police. The Committee were also informed that Environmental Health had not made any objections. The applicant’s solicitor also confirmed that the concerns raised by Essex Fire and Rescue had now been resolved and that if there was any major risk, then they would have intervened.

The Committee also heard that no complaints had been made directly to the venue or the Council, about noise concerns and that they used a dispersal plan to assist with noise from patrons exiting the venue. The Committee were also informed that with regard to the representation made by the ward Councillor, no complaints had been received by the premises from them and that need was not a relevant consideration, also that extra people would not be attracted by the additional hour, instead that some patrons would just stay longer, thereby aiding dispersal. The Committee were also shown a digital tool used by the premises, to track training records and incidents, that could be viewed by the Council.

The Committee heard from a member of the public, who had objected to the application. They raised concerns about noise from patrons exiting the venue at closing time and felt that the additional hour would make this issue worse. They also confirmed they had not complained previously and highlighted that the bench across the road from the venue in Townfield Street, opposite the Royal Steamer public house, was often used after the venue closed, leading to noise issues. The member of the public was reminded by the Committee, that they should report any concerns directly to the Council, so an evidence log could be kept. In response to the concern raised, the applicant agreed to place a member of door staff near to the bench, to direct patrons exiting the premises away from the bench.

The applicant’s solicitor also confirmed that in line with the agreed condition with Essex Police, they were happy to surrender their current licence, if the new one was

to be granted, but only once any appeal timeframe had elapsed. They also confirmed to the Committee, that they did not feel a condition for the bench issue was necessary, but that they would update their dispersal policy accordingly and also encouraged the member of the public to liaise with them over any future concerns.

The Committee thanked the attendees and 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 during the remote hearing. This included the representation made by a member of the public who did not attend.

RESOLVED that the Director of Public Places be authorised to grant the application on the terms applied including and subject to the mandatory conditions and the following condition.

The new licence shall not take effect unless and until the existing premises licence ref. 05/00869/LAPRE held by Asset Holdings Essex LTD ('the licence holder') has been irrevocably offered up by the licence holder for surrender provided that if (and only if) an appeal against this decision of the Licensing Committee has been duly lodged with the Magistrates' Court within the statutory 21 day period such surrender shall not come into operation unless and until either -

(a) the appeal is withdrawn, or

(b) the appeal has been determined by the Magistrates' Court and the decision of the Licensing Committee upheld in full or, if in part, the permitted hours under the new licence are still more extensive than those under the existing licence.

(The intention behind this condition is to reflect applicant's agreement with Essex Police that there should only be one premises licence in operation at the venue.)

It is also advisory* that the applicant will update its dispersal plan so as to provide for a member of the door staff to be positioned near the bench which is located across the road from the venue (i.e. in Townfield Street, opposite 'The Royal Steamer' public house) to direct / discourage patrons exiting the venue at dispersal time(s) from sitting on or otherwise congregating around the bench.

*This does not have the status of a licence condition as such but was offered up by the applicant at the hearing in response to an objector's (local resident) concerns and was considered by the Committee to be an appropriate measure to take.

Reasons for Decision

1. 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 remote hearing. The Committee also had regard to the current statutory guidance issued under section 182 and Chelmsford City Council's licensing policy.
2. All decisions on licensing applications must be evidence based. The Committee was required to give due weight to the fact that there were no objections to the application from any of the Responsible Authorities, whether on the grounds of crime and disorder, public nuisance, public safety or otherwise. (Essex County Fire & Rescue Service had withdrawn their objection at the commencement of the hearing.)
3. The Committee was bound to take into account that the venue already has and is operating under a premises licence ("the existing licence"). Whilst the application before the Committee is for a new licence, the reality is that the main difference between the existing licence and the one now sought is that the applicant wishes to be able to continue with licensable activities over the weekend (Friday and Saturdays) to 5.00 am. The existing licence requires licensable activities to cease by 4.00 am (4.30 am in the case of late night refreshment).
4. No complaints had been made directly to the venue or the Council about noise nuisance when the venue had been operating under the existing licence.
5. Furthermore, in the course of the hearing the applicant has maintained as a general rule the additional permitted hour (i.e. to 5.00 am) would not attract extra patrons. Instead, it would result in some of the patrons who were already on the premises staying longer, thereby facilitating a staggered dispersal. The Committee was of the view that this was correct.

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

The meeting closed at 10:29am

Chair