

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 25 July 2023 at 11am

Present:

Councillor R. Lee (Chair of Hearing)

Councillors D. Clark, A. Davidson and J. Frascona

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.

3. **Minutes**

The minutes of the meetings on 27th and 29th June 2023 were confirmed as a correct record.

4. **Licensing Act 2003 – Application for a New Premises Licence – The Leather Bottle, The Street, Pleshey, CM3 1HG**

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:

The Provision of Live Music: Friday and Saturday 12:00 till 00:00

The Provision of Live Music: Sunday 12:00 till 23:00

The Provision of Recorded Music: Monday to Thursday 11:00 till 23:00

The Provision of Recorded Music: Friday and Saturday 11:00 till 00:00

The Provision of Recorded Music: Sunday 11:00 till 23:00

The Sale of Alcohol: Monday to Thursday 11:00 till 23:00

The Sale of Alcohol: Friday and Saturday 11:00 till 01:00

The Sale of Alcohol: Sunday 11:00 till 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 Kilpin

Objectors:

- Members of the Public
- Member of Pleshey Parish Council

Officers informed the Committee that during the course of the application, 18 representations had been received. It was noted that at the time of publishing the report, 7 of these had been withdrawn due to the applicant clarifying and agreeing to amend their application in writing to officers and those who had made representations. It was also noted that two further representations had been withdrawn since the agenda had been published.

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 and responded to the points that had been raised in objection to their application. The applicant stated that they had amended their application significantly, in response to the concerns raised by local residents. They informed the Committee and those present that their new application would now suit residents of the village, with amended closing hours of 11pm every night of the week along with live music only on public holidays rather than every weekend. The applicant stated that they hoped this would suit residents of the village and that the live music would only be for one day over a bank holiday weekend.

Members of the public and a representative of the Parish Council, both addressed the Committee and highlighted their representations against the application;

- Music at the venue would affect those living in the village due to the loud volume and close proximity to neighbours in a small village.
- Parking issues would potentially arise when events were held at the premises, leading to blocked roads, affecting emergency services vehicles or those with prams.

- The Parish Council stated that they were in support of the premises re opening and supported the desire of the applicant to do so. They stated that the previous landlord had held very loud events frequently, that could be heard throughout the entire village. The Parish Council also noted that the premises was on a bus route, so any parking issues from the premises would have a knock on effect on traffic issues within the village.
- A decibel level should be set for any live music events.
- Would there be live or recorded music inside the premises that could be heard by local residents?

In response to the points raised, the applicant stated that;

- They did not want to restrict local residents from enjoying their homes, and music would only be for a few hours and would not consist of loud bands affecting residents. For example some events would be a karaoke event inside the premises.
- The premises did have a small amount of its own parking, but as most patrons would be from the village, it was expected that many would visit on foot or cycling, but that parking issues would be monitored and patrons would be asked to park sensibly.
- Music inside the pub would just be of a background level, similar to if the radio was on and there would not be loud music everyday until 11pm.

In response to a point raised by the Committee, the Committee's legal advisor clarified that under regulated entertainments (Paragraphs 12A-C of Schedule 1 to the Licensing Act 2003) any venue could have a performance of unamplified live music between 08:00 and 23:00 on any day and any licensed venue could have a performance of amplified live music between 08:00 and 23:00 on any day, provided that the audience didn't exceed 500. It was therefore noted that if a licence were to be granted, specific permission for the performance of unamplified or amplified music would not be required for the premises. The Committee were also informed that for recorded music no permission would be required during the above times either.

In response to a further question from the Committee, officers confirmed that they did not have records of complaints to licensing or environmental health about the premises under its old licence. Officers also highlighted that if environmental health had felt the new application would cause significant issues, then they would have submitted a representation against the application as a responsible authority. A member of the public stated at this point, that no complaints were on record as when selling a property you were then required to inform potential buyers of noise issues.

At this point of the meeting, the Committee retired to deliberate. 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 amended terms applied for by the applicant (as amended via

email dated 12th July 2023 and verbally at the hearing on 25/07/2023) BUT SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1) THE MANDATORY CONDITIONS AND THE CONDITIONS WHICH ARE SET OUT IN APPENDIX C to the Application.

(The Committee has noted that the applicant has agreed these conditions and is not disputing that they are required).

Reasons for Decision:

In reaching its decision, the Committee gave careful consideration to the application and relevant representations both written and those made at the hearing. 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, and while realised there was the potential for prospective harm, due to the Licencing Act 2003 can not, at this moment impose conditions.

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 – despite willingness from the applicant and the committee itself - 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 then be able to impose conditions relating to live or recorded music (if this was deemed necessary).

The meeting closed at 11.30am

Chair