

**MINUTES**

of the

**LICENSING COMMITTEE HEARING**

held on 22<sup>nd</sup> November 2024 at 11.00am

Present:

Councillor R. Lee (Chair of Hearing)

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

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 25<sup>th</sup> October, were approved as a correct record.

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

The Committee considered an application for a full variation to a premises licence made under Section 34 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 proposed substantial changes to the current premises licence. The Committee noted that, the existing licence permitted 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 sought to vary the sales of alcohol from Midnight to 02:00 on Friday and Saturdays, and until Midnight every other day. Regulated entertainment activities were 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 included Live and recorded music, performance of dance and the provisions of plays. Late night refreshment had also been applied for from 11pm until Midnight on Sunday to Thursday, and from 11pm to 2am on Fridays and Saturdays. Opening hours

had been applied for until 1am on Thursday, until 3am on Friday and Saturday and until Midnight on Sundays to Wednesdays.

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 applicants attended the hearing, but none of the parties who had made objections attended.

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

The applicants addressed the Committee to summarise their application. They referred to their written submission that had been circulated to the Committee and highlighted that their venue was a safe space for vulnerable members of the community, who had expressed a wish for the venue to stay open later into the night, to allow customers to stay at the venue, rather than having to go elsewhere. The applicant also stated that they would not allow entry to the premises after midnight, therefore, the extended hours would only be used by patrons already at the premises, avoiding therefore customers coming in on the way home from other establishments who may already be under the influence of alcohol.

In response to questions from the Committee, the applicants stated that;

- They would not allow entry to the premises after midnight and were happy for that to be a condition or advisory note on any approved licence.
- A calibrated sound meter would continue to be used to monitor sound levels, both inside and outside the premises and measurements were taken close to residential properties. Again, they were happy for this to be a condition or advisory on any approved licence.
- The rear entrance/exit of the premises was used mainly as a fire escape rather than one that would be regularly used by customers.
- Construction work had been carried out to the rear outside area of the premises, which was now walled all the way round and had a roof, to prevent noise issues. It was also noted that the speakers were set at a much lower sound level in that outside area.
- They were happy for a condition or advisory to be placed on the licence, stating that music outside would be stopped before midnight.
- They were happy with the pre agreed conditions from Essex Police and just noted that they would need a bit of time to meet some of the conditions, such as the installation of extra CCTV.

The Committee's legal advisor stated that as the hearing was considering a variation, rather than a new application, conditions could not be added, so instead advisory notes would be added to the varied licence if granted. The legal advisor subsequently revisited this point of law after conclusion of the hearing and

determined that in all the circumstances the imposition of such condition(s) would be within the Committee's remit and therefore advised members accordingly. They also advised that any updated licence should come into affect 21 days after the decision notice, to allow for any appeal period and the applicants confirmed they were happy with this approach.

The Committee were also informed that the venue had recently operated to the later opening times, whilst using a Temporary Event Notice and Licensing officers had not been made aware of any issues following that event on 2<sup>nd</sup> November 2024.

The Committee thanked the applicant 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 variation application on the terms applied for, with the following conditions added (as agreed at the hearing).

Agreed conditions:

- Entry to the premises after midnight on any night to be refused to new patrons (patrons not already at the premises and coming in from elsewhere).
- A calibrated sound meter is to (continue to) be used to monitor sound levels, both inside and outside the premises and sound measurements to be taken close to residential properties.

These conditions were offered by the applicant and agreed at the hearing.

It is also advisory that no music is played on the outside speakers after midnight on Fridays and Saturdays (On the other evenings music cannot be played after midnight in any event).

This again was offered by the applicant and agreed at the hearing.

### **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 also had regard to the current Statutory Guidance under section 182 and Chelmsford City Council's licensing policy.

The Committee is mindful that there were no objections from Responsible Authorities. Essex Police were content with the application subject to the conditions they had agreed with the applicant prior to the meeting.

The applicant confirmed at the hearing that they were happy to refuse entry to new patrons after midnight, that they had already installed a calibrated sound meter and take readings regularly, and indicated they were happy to agree to a condition being placed on the licence that they continue with this practice.

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 for the promotion of the licensing objectives that the application be granted on the terms as set out above.

The varied licence will come into effect the day after 21 days from the date of this letter.

The meeting closed at 11:26am

Chair