

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 21st November 2023 at 1.30pm

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 Disclosable Pecuniary interests or other registerable 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 – 5 The Vineyards, Great Baddow, Chelmsford, Essex, CM2 7QS](#)

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 Monday – Sunday 06:00 – 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

- Mr Green (Licensing Solicitor)

Officers informed the Committee that during the course of the application, two representations had been received, from one local resident and Great Baddow Parish Council. 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 and also responded to the points that had been raised in objection to their application. The Committee heard that the premises would be turning into a Morrisons Daily convenience store, with significant investment and the applied for hours were in line with standard Morrisons hours, although there was no guarantee that the premises would actually be open to 11pm every day. The applicant also referred to the security guard present at the shopping centre until midnight every day and also the additional conditions agreed with the police as detailed in Appendix C. The Committee heard that in response to the two representations, it should be noted that no responsible authorities had submitted representations against the application. The Committee heard that alcohol sales already took place nearby and that shops could open till 11pm subject to planning permission already so in terms of noise nuisance, the sale of alcohol was not a relevant factor. It was also noted that not a single local resident from the properties very close to the premises had submitted an objection. In summary the Committee heard that any decision to restrict an application should be evidence based, not speculation based and that anyone could apply for a review of a granted licence, if issues arose in the future.

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 application on the terms applied for but subject to the imposition of the following conditions:

- 1) The Mandatory conditions and the conditions which were set out in Appendix C to the application.

Reasons for decision

In reaching its decision, the Committee gave careful consideration to the application and relevant representations both written and made in the course of the hearing, having regard to the requirement to promote the licensing objectives. The Committee also took into account section 17 of the Licensing Act 2023, the current Statutory Guidance under section 182 effective from December 2022 and Chelmsford City Council's licensing policy.

The Committee carefully considered the written concerns expressed by the objectors but considered that there was no evidence to indicate prospective harm at this stage.

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 meeting closed at 1.45pm

Chair