

**MINUTES**

of the

**LICENSING COMMITTEE HEARING**

held on 25 February 2022 at 11am

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, A.E. Davidson, D.G. Jones and I.C. Roberts

1. **Apologies for Absence**

Apologies for absence were received from Cllr Lee. Cllr Davidson was their substitute for the hearing.

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. **Minutes**

The minutes of the meetings on 5 November and 3 December 2021 were agreed as correct records and signed by the Chair.

4. **Licensing Act 2003 – Application for a new premises licence – TK retailer Ltd, 1 Norman Court, Burgess Springs, Chelmsford, CM1 1DR**

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 of Alcohol all week from 8am to 10pm**

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:

- ***Mr Mathivannan (Applicant)***
- ***Mr Kanapathi (Licensing Agent)***

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting.

The Chair invited the applicant to present their case. The applicant's agent stated that the building was new and had been designed with commercial units underneath the residential flats. The Committee was informed that the shop would be beneficial for the local community and that the applicant had five years experience running a similar business. It was noted that the premises would be professionally run and would be a positive addition to the local area. The agent stated that the views of the eight residents who had objected had been taken into account. It was noted that a number were similar, but the licensing objectives were always being looked at and the application itself had addressed a number of the concerns raised when it was submitted. The Committee heard that the premises would follow all rules in terms of ID checks for alcohol sales and as it was a very public place, the applicant knew it would be important to look after the area and to prevent litter. It was noted that there was a plan in place for this and a bin would also be placed outside the premises.

The applicant's agent, noted that longer licensing hours could have been applied for, but the applicant had been sensible in only requesting the sale of alcohol between 8am and 10pm, which were not unreasonable hours. It was also noted that the applicant had agreed with the proposed conditions from Essex Police. The applicant's agent noted that no evidence of anti-social behaviour or similar issues had been provided and that the applicant would work in line with the Licensing Objectives to prevent any.

In response to a question from a member of the Committee, Licensing Officers noted that it was too resource intensive to carry out spot checks on all licensed premises, but that if issues were reported then these would take place.

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 terms applied for (including the conditions agreed with Essex Police) .

### Reasons for Decision

*In reaching its decision the Committee has taken into account the public representations and is satisfied with the steps that the Applicant proposes to promote the Licensing objectives.*

*The Committee had carefully considered the 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 none of the responsible authorities were objecting to the application. Furthermore, the Committee noted that some elements to the objections did not relate to any of the four licensing objectives (e.g. the reference to there being other places in the area where alcohol could be purchased) and thus the Committee could not take these into account when reaching its decision.*

*The Committee would remind the parties that if subsequently there is evidence of public nuisance or crime and disorder arising out of the use of the premises for the sale of alcohol or other unacceptable behaviour which undermines one or more of the four licensing objectives then it is open to anyone to request a review of the licence, in which case the matter would come back to the Committee.*

#### **Informative**

*If the applicant wishes to place tables and chairs outside the premises (for patrons to drink coffee at etc) they are advised to check whether they need to apply for a table and chairs licence.*

Chair