

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 20th April 2026 at 2pm

Present:

Councillor D. Clark (Chair of Hearing)

Councillors H. Clark, R. Lee 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. **Minutes**

The minutes of the hearing held on 30th March 2026 were approved as a correct record.

4. **Licensing Act 2003 – Application for a New Premises Licence – KFC, 271 Broomfield Road, Chelmsford, CM1 4DP**

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 were informed that the application had sought permission for recorded music and late-night refreshment for customers dining within the restaurant until 00:00 daily, in addition to authorising the operation of the drive through and takeaway service to provide late night refreshment until 05:00 daily. The Committee noted the existing premises licence in place, which already permitted late night refreshment until 00:30 every day.

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:

- Applicant – Legal Representative, Franchise owner
- Members of the public who had objected to the application

Officers informed the Committee that in response to the application, four representations had been received from members of the public, detailing concerns about the prevention of public nuisance and the prevention of crime and disorder licensing objectives. No representations had been received from Responsible Authorities, including Essex Police.

The applicant gave an overview of their application to the Committee, summarising that the business was operated by an experienced franchisee, with 18 KFC restaurants within their franchise, which were well supported by their significant head office function, along with significant branding controls from KFC. They stated that the premises already had a smaller late night refreshment licence, were not subject to any legal or enforcement issues and that conditions had been developed from existing ones, to support the request for longer hours. They highlighted that no representations had been received from the responsible authorities or the experts in their fields and that customer access to the inside of the premises would still cease at 00:00, with just the drive through and deliveries operating post 00:00. In response to the representations made, the applicant stated that they had not received any complaints from the Council and that the franchise owners regularly visited the site along with brand standard inspections from KFC. They also highlighted that they did not feel that the risk or potential for an issue, was a sufficient reason to refuse an application and that instead, it was down to the business to manage and mitigate those risks and that they were well aware of the importance to not cause a noise nuisance and to prevent crime and disorder. They also stated the importance of the national brand reputation that they were aware they had to protect too. The applicant also highlighted the use of temporary event notices to stay open until 2am in December in 2025 and that they had stayed open for those times, without any issues or complaints. The Committee also heard that the national guidance highlighted the need for Local Authorities to consider the need to promote growth and consider economic benefit. In summary, the applicant highlighted that no representations had been received from responsible authorities, alcohol sales were not being applied for and the levels of management oversight that would ensure the Licensing Objectives would not be undermined.

The Committee heard from some of the members of the public who had objected to the application. They highlighted concerns about the suburban area and that fast food did not need to be severed overnight in a residential area. They also raised concerns about litter from the premises.

In response to the points raised, it was confirmed by the applicant that:

- The issue of need was not part of licensing law or guidance and was not a matter for the Committee to consider.

- They had comprehensive litter policies in place and regularly did collections and inspections of their own land.
- They did not intend to stay open until 5am every day straight away and instead they would gradually work out which days they wanted to stay open later etc. It was noted that in the last hour of service at the moment, they had roughly twenty vehicles visit for example.
- The car park could not be closed, but they would not encourage customers to stay in the car park and would ask people to leave where appropriate.
- It was not within their own interest or the brands interest to be a bad neighbour and that they would look to resolve issues promptly if they arose.
- They were happy to withdraw the recorded music element of their application as this was not required.
- Deliveries of goods to the premises did not occur later than 8pm, or earlier than 6am.

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 this application for a premises licence and to all relevant representations both written and as expanded on in the course of the hearing. In addition, the Committee had due regard to the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and to the Council's own Licensing Policy.

RESOLVED that the Director of Sustainable Communities be authorised to grant the application on the terms applied (but excluding the reference to playing of recorded music*).

* The applicant formally confirmed at the hearing their intention to withdraw the application for playing of recorded music. In any event, the mere playing of "incidental music" at the premises does not require a premises licence as it is not within the definition of regulated entertainment.

Reasons for decision

1. In reaching its decision the Committee gave careful consideration to the application including (i) the case put forward by the applicant's legal representative at the hearing and (ii) the written representations (all of which were objections to the application) made by local residents and amplified and expanded on at the hearing, insofar and to the extent that such representations were relevant i.e. related to one or more of the four licensing objectives. In this regard the Committee noted that one of the representations queried the need for the premises to be open longer hours given the fact that there were two fuel/retail garages nearby that were open 24/7. However, the Committee was precluded by law from taking need (or lack of it) into account when determining a licensing application of this kind. This was because need did not relate to any of the four licensing objectives. The issue of whether there was a need or demand to open longer hours

was one solely for the applicant to decide and was a commercial matter.

2. The Committee also had due regard to the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and to the Council's own Licensing Policy.
3. Furthermore, in determining the application the Committee was mindful of the fundamental requirement (as set out in paragraph 9.43 of the section 182 guidance and reiterated by case law) that any determination made by it had to be evidence based and justified as being appropriate for the promotion of the licensing objectives.
4. The Committee was bound to give considerable weight to the fact that none of responsible authorities (including Essex Police and the Council's Environment Health department) had objected to the application. The section 182 guidance emphasised (at paragraphs 2.1 and 9.12) that licensing authorities should look to the police as the main source of advice on crime and disorder.
5. The premises already operated under a licence that permitted the provision of late night refreshment between the hours of 23:00 and 00:30 Mondays to Sundays and there was no evidence that this activity had undermined any of the licensing objectives – and in particular, the prevention of crime and disorder and the prevention of public nuisance. The Committee recognised and understood the concerns of the local residents. In particular, the risk of anti-social behaviour and/or public nuisance resulting from the operation of the drive-through facility during the extended licensing hours of 00:30 to 5:00 could not be entirely eliminated. However, from an objective standpoint these concerns or fears were speculative in nature and could not justify refusal of the application. The statutory review mechanism (see Informative below) existed as a safeguard where, subsequent to the grant of a premises licence, there was evidence to indicate that licensable activity carried on at the premises was undermining one or more of the licensing objectives.
6. Having given careful consideration to (i) the steps and measures (as set out in the written application) which the applicant intends to take to promote the licensing objectives and (ii) the applicant's record as an operator of similar licensed premises across the County of Essex (as set out in their written submissions document and further amplified by their legal representative at the hearing), the Committee considered it appropriate for the promotion of the licensing objectives to grant the licence.

INFORMATIVES

- 1) The parties are advised that if, subsequent to the grant of this licence, there is evidence that the operation of the premises for the provision of late night refreshment is undermining one or more of the licensing objectives (e.g. causing public nuisance) then the licence can be referred back to the

Committee for a review. Such review would involve the convening of a formal hearing before the Committee. If, on review of the licence, the Committee finds that the concerns/complaints are evidenced then it may impose conditions on the licence and/or cut back on the scope of the licence. In serious cases the Committee can even revoke the licence.

2) The Committee expects the applicant to abide by the commitment it gave in the course of its submissions to operate as a good neighbour and to take any complaints of noise or other public nuisance seriously. Among other things, the Committee would ask that the applicant uses its best endeavours to ensure that any motorists using the drive-through during the licenced hours who then park in the car park to eat their food are advised and encouraged to move on if causing unacceptable noise or other disturbance.

The meeting closed at 2.28pm

Chair