

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 18th July 2025 at 11am

Present:

Councillor D. Clark (Chair of Hearing)

Councillors Hawkins, Lee and 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 20th June 2025, were approved as a correct record.

4. [Licensing Act 2003 – Licensing Act 2003: Application for a Full Variation of a Premises Licence: The Clay Pigeon, 26 Robin Way, Chelmsford, Essex, CM2 8AS](#)

The Committee considered an application for a Full Variation of a premise 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 a variation to the provisions of; live and recorded music, late night refreshments and alcohol sales as detailed in Appendix B of the agenda item.

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
- Members of the public

Officers informed the Committee that in response to the application, 24 representations had been received, one of which had been a joint representation from the City ward Councillors. The remaining were from members of the public. Six representations were withdrawn following discussions with the applicant.

The Committee was provided with the original premises license prior to the publication of the agenda.

Officers informed the Committee that the variation of the license was for the extension of the provision of live and recorded music inside the premises on Friday and Saturday to 12pm until 1am. Additionally, for the extension on the hours to serve hot food/drinks on a Friday and a Saturday from 11pm to 1am. The application also included use of an external bar as an area to serve customers on days of warm weather between the hours of 12pm to 11pm.

The applicant informed the Committee that they applied for the variation as in the report. The later provision of hot food and drink was due to concerns that customers would still be eating past 11pm and specified this in the variation application to cover themselves if people were still eating after this time. The applicant explained that the garden closes at 9pm and the variation was so that it could be used up until 11pm, however, in the agreed conditions the applicant would not use the beer garden/outdoor areas after 9pm on Sunday to Thursday and 10pm on Friday and Saturday.

The Committee heard from members of the public, who had submitted representations against the application. The objectors highlighted the concerns from their written representations which included, that the pub was located in a quiet, family-oriented residential estate, directly surrounded by homes, including those with young children and elderly residents. Neighbours reported a range of serious and ongoing issues already associated with the venue, including excessive noise from music, patrons and the extractor fan from the kitchens, shouting, fights, and antisocial behaviour such as purported drug use, public urination and smashed glass.

Residents shared that they felt unsafe in their own homes and gardens, with some reporting that glasses and bottles had been thrown into private gardens from the pub's outdoor areas. Representations were made stating that the pub's structure was not soundproofed, meaning that music and noise carried into nearby homes, especially during warmer months when windows were open. Parents were worried about the impact on their children's sleep and wellbeing.

Some residents acknowledged positive changes under new ownership, it was argued that commercial success should not come at the expense of the community's safety, peace, and quality of life. It was highlighted that some representations had

voiced concerns and complaints to environmental health but had felt that they were not being heard by Chelmsford City Council.

In response to questions from members of the Committee, the applicant confirmed that under the new proposed license the garden would actually close earlier than it did under the current license. A question was asked in relation to the outside bar that was being proposed, the applicant stated that the bar was renovated and was used by previous owners however it was noted by officers that the outside bar was not on the original license.

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 the relevant representations both written and made during the remote hearing.

RESOLVED as follows:

A. Provision of Live Music and Recorded Music (08:00 – 23:00)

The Director of Public Places be authorised to GRANT the variation application in respect of the provision of live and recorded music between 08:00 – 23:00 Mondays to Sundays.

Reasons for this decision

- 1) The Committee noted that under sections 177A-B of the Licensing Act 2003 (as amended by the Live Music Act 2012 and the Deregulation Act 2015), the provision of live and recorded music between 08:00 and 23:00 to an audience of no more than 500 persons on premises licensed for on-sales of alcohol falls outside the definition of “regulated entertainment” provided that at the time when the live and/or recorded music takes place the relevant licensed premises (‘The Clay Pigeon’) are open to the public for the sale of alcohol for consumption on the premises. and does not therefore require a licence.
- 2) It follows, therefore, that notwithstanding the application, no authorisation is required (as the law presently stands) for the provision of live music and recorded music at The Clay Pigeon at any time between the hours 12:00 and 23:00 provided the premises are open to the public for sale of alcohol for consumption on the premises. The Council, as the Licensing Authority, has no power on an application of this kind to cut back on or otherwise interfere with the scope of these deregulation rights. (The legal position is different if the licence comes back to the Committee for review.)

- 3) Technically, the application for the provision of live music and recorded music during these hours is still to be regarded as valid to the extent that it seeks authorisation for the provision of live music and recorded music in the very limited scenarios where the deregulation rights do not apply.
- 4) In the light of the deregulation rights, there is no basis for the Sub-Committee to refuse the application.

B. Provision of Live Music and Recorded Music (Fridays & Saturdays: 23:00 – 01:00)

The Director of Public Places be authorised to REFUSE the variation application in respect of the provision of live and recorded music between 23:00 – 01:00 on Fridays and Saturdays.

Reasons for this decision

- 1) 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 remote hearing. The Committee also had regard to the current statutory guidance issued under section 182 and Chelmsford City Council's licensing policy.
- 2) The Committee was mindful of the overriding requirement that all decisions on licensing applications must be evidence based.
- 3) The Committee had given due weight to the fact that there were no objections to the application from any of the Responsible Authorities.
- 4) The Committee also took into account the fact that Public Health and Protection Services, whilst not objecting to the application, had requested that certain conditions be attached to the grant of any varied licence and had agreed these proposed conditions with the Applicant. These proposed conditions are set out in Appendix E to the Committee report.
- 5) The Committee did, however, have serious concerns about the potential for public nuisance and especially noise nuisance if the provision of live and recorded music were permitted to take place on Fridays and Saturdays between the hours of 23:00 and 01:00. Although the Committee was required to have due regard to the fact that Public Health and Protection Services had not raised any objections to the application, having agreed proposed conditions with the applicant, this did not preclude the Committee from assessing the

potential for prospective harm and reaching its own findings, based on the evidence available and its own local knowledge of the area. Indeed, under the Licensing Act 2003 the Committee was required to undertake this exercise and reach its own findings.

- 6) A significant number of objections to the application had been received from local residents, many of whom lived in very close proximity to The Clay Pigeon. These objections are set out at Appendix D to the Committee report, and it is not necessary to reproduce them in this decision notice. A number of these objectors attended the hearing to amplify or expand on their concerns. In particular, concern was expressed by the objectors that if live and/or recorded music were permitted to continue after 23:00 and up until 01:00 then this would result in noise that would substantially and unreasonably interfere with people's sleep and use and enjoyment of their homes. Young children would be especially affected by such. The objectors had stated that they had already experienced high levels of noise (e.g. music and patrons shouting over the music to be heard) emanating from The Clay Pigeon which could be heard from within their own homes. It was even worse during warm days/evenings when they had their windows open. Reference had been made by objectors to The Clay Pigeon, by reason of its age/construction, lacking adequate sound proofing. The applicant had not provided a response to this assertion.
- 7) The Committee noted and gave weight to the fact that The Clay Pigeon was located in the very heart of a residential area, being bordered on three sides by homes. It was not in dispute that that The Clay Pigeon was a well-established public house and feature of this housing estate. It had been there for many years. It appeared to the Committee that from the historic perspective The Clay Pigeon, by reason of its location, had been intended to operate as a community pub serving the local area and thus its character differed from, say, a public house located in, say, a busy city centre. There was evidence before the Committee that following a relatively recent change in ownership/management The Clay Pigeon had ventured into providing regular entertainment evenings, with the emphasis being on provision of music. Objectors had made reference to The Clay Pigeon being more like a nightclub or disco venue rather than a community pub.
- 8) Although the Committee was required to adopt an evidence-based approach it was not a court of law bound by formal rules as to admissibility of evidence. It was entitled to draw appropriate inferences from, among other things, the close proximity of the application premises to these residential properties and to objectors' accounts of being able to hear live/recorded music etc from their properties on occasions when the premises has been operating in the evening

under its current licence.

- 9) The Committee's starting point was that that a balance has to be struck and that residents who live in close proximity to an historic and long established public house must be prepared, up to a certain point, to tolerate some degree of noise and disturbance (including live/recorded music) emanating from such premises and that such noise or disturbance is likely to be accentuated in the Summer months when the days are longer and the evenings warmer and windows may be open.
- 10) However, the Committee was of the view that during the hours of 23:00 – 01:00 on Fridays and Saturdays many local residents would be looking to sleep or otherwise retire for the night. Furthermore, it was reasonable for the Committee to accept the objectors' assertions that many of the residential properties in close proximity to The Clay Pigeon were occupied by families with young children. Certainly, some of the objectors had made reference to having young children. Having regard to all the evidence, the Committee concluded that if live and recorded music were permitted after 23:00 and up to 01:00 on Fridays and Saturdays there would be the likelihood of local residents experiencing noise nuisance which could impact on their sleep or otherwise interfering with their enjoyment of homes at this late hour.
- 11) On balance, therefore, the Committee found that granting a licence for live or recorded music would undermine the licensing objective of preventing public nuisance, and that no proportionate or workable conditions were available to mitigate this impact.

C. Provision of Late Night Refreshment (Fridays & Saturdays: 23:00 – 01:00)

The Director of Public Places be authorised to GRANT the variation application in respect of the provision of late night refreshment (indoors) between 23:00 – 01:00 on Fridays and Saturdays.

Reasons for this decision

- (1) There was no evidence before the Committee to indicate that the provision of late night refreshment (e.g. coffee) during these hours on Fridays and Saturdays would undermine the licensing objectives. In reaching this finding, the Committee took into account the fact that patrons were precluded from accessing the beer garden after 23:00 and thus late night refreshment could not take place in this location after that time.

- (2) The Committee noted that under the Licensing Act 2003 a late night refreshment licence was only required for the provision of hot food or beverage at any time between the hours of 23:00 and 05:00. Accordingly, and irrespective of where on the premises the hot food or beverages were served, no licence was required for the other times as applied for by the applicant in their application form (at section 12).

D. Provision of external bar in beer garden

The Director of Public Places be authorised to REFUSE the variation application for the provision of an external bar in the beer garden as indicated on the variation application plan at Appendix C to the Committee report.

Reasons for this decision

- (1) The external bar was not shown on the plan attached to the current (2022) premises licence but did appear on the plan relating to this application.
- (2) The Committee took into account the close proximity of The Clay Pigeon to residential properties and the objectors' accounts of being able to hear noise (e.g. shouting) emanating from the beer garden when the premises has been operating in the evening under its current licence. The Committee considered that on balance the provision of an external bar in the beer garden could not be regarded as a minor variation, as its presence could impact adversely on the licensing objective of preventing public nuisance. In particular, the Committee shared the view of the objectors that the operation of an external bar in the beer garden was liable to result in a substantial number of patrons congregating at the bar (including patrons diverting or migrating from the main bar inside the building) and in consequence such bar could become a focal point for loud talking, shouting and the like, to the detriment of nearby local residents.

INFORMATIVE(S):

1) Ability to request review of licence

The Committee would remind the parties that if there is evidence of public nuisance or other problems relating to one or more of the other licensing objectives (e.g. crime and disorder) arising from the use of the premises under the licence then it is open to anyone to call for a review of the licence., in which case the matter would come back to the Committee. All requests for reviews must be supported by evidence showing that one or more of the licensing objectives have been undermined. If, however, on a review the Committee finds that there is

evidence that this is the case then the Committee can cut back on the scope of the licence and/or impose conditions, or in serious cases revoke the licence in its entirety.

2) Environmental Protection Act 1980 etc

If local residents consider that they are experiencing unreasonable levels noise emanating from The Clay Pigeon then they are advised to log the date, time, and duration of such incidents and in the first instance to contact the Council's Environmental Health out of hours service, who may send an officer to attend the scene and assess the situation. If the noise is considered by the officer to amount to a statutory nuisance then a noise abatement notice can be issued under the Environmental Protection Act 1990. Evidence of complaints, noise readings, and logging of incidents can be used to support a review.

The meeting closed at 1.35pm

Chair