

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 8th August 2025 at 11am

Present:

Councillor D. Clark (Chair of Hearing)

Councillors H Clark, A Davidson 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 18th July 2025, were approved as a correct record.

4. **Licensing Act 2003 – Licensing Act 2003: Full Variation of a Premises Licence: The Courtyard, 12 Baddow Road, Chelmsford, CM2 0DG**

The Committee considered an application for a Full Variation of a premise 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 Committee was informed that the application had sought permission for an extension of the premises to include 14 Baddow Road and also the extension of permitted hours from 10am, as per the current, licence to an earlier time of 9am, an additional licensing hour.

As part of the proposed variation to the premises licence, the applicant was also requesting for licensable activities until 3am on certain non-standard days. These included Early May Bank Holiday Monday, Easter Monday, Spring Bank Holiday Monday, St. Patrick's Day, August Bank Holiday Monday, Christmas Eve, and New Year's Eve. Details of the licence application was detailed in the report.

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, three representations had been received objecting on the grounds of public nuisance.

Officers summarised the details of the report to the Committee.

The applicant informed the Committee that following conversations with Licensing Officers before the meeting, the proposed variation to the premises licence for licensable activities until 3am on certain non-standard days, as detailed in the report, was to be withdrawn and was not considered at this hearing. The applicant asked the committee to consider only the changes to the extension of the premises and the extension of permitted hours from 10am to 9am.

The Committee heard from a member of the public, who had submitted representations against the application. The objector shared that that the premises were not designed for loud music and noted the use of loudspeakers playing music externally was an issue for nearby properties. The objector explained that the noise complaint process was lengthy and often felt intrusive. It was stated that whilst they did not object to the licence, they expressed a strong desire for appropriate measures to be put in place to reduce the impact of noise on the surrounding community.

In response to questions from members of the Committee, the applicant confirmed that the extension to 14 Baddow Road would allow for promotion of the licensing objectives, supplying additional toilets and entrance/exit route to the premises as well as allowing for 40 additional customers. It was expressed that the changes from the extension would allow better access across the two bars. There were no plans for loudspeakers at this time and only repeater speakers would be installed for suitable ambient noise.

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 that:

A. Amended open/supply of alcohol time from 10am to 9am

The Director of Public Places be authorised to GRANT the variation in respect of the application to open and begin supplying alcohol at 9am every day

B. Amended premises – 14 Baddow Road being used for toilet facilities on the first floor and an entrance/exit on the ground floor, with space to increase capacity for 40 persons.

The Director of Public Places be authorised to GRANT the variation in respect of the application to expand the premises to the adjacent property, which would enable a route through the premises (including an entrance and exit), provide additional toilet facilities and increase capacity by 40 persons.

In reaching its decision on both of the above decisions, the Committee gave careful consideration to the application and relevant representations both written and made during the hearing, having regard to its statutory duty to take such steps as it considers necessary to promote the licensing objectives. The Committee also took into account section 34 of the Licensing Act 2003, the current Statutory Guidance under section 182 and Chelmsford City Council's licensing policy.

The Committee was mindful of the overriding requirement that all decisions on licensing applications must be evidence based and were mindful of the location of the premises in the busy Baddow Road and that a reasonable level of noise should be expected in such an area.

The Committee gave due weight to the fact that there were no objections to the application from any of the Responsible Authorities.

At this point in time there was no evidence before the Committee on which it could properly conclude that, if the licence were to be granted, the licensing objectives would be undermined.

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, 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 1990 etc

If local residents consider that they are experiencing unreasonable levels noise emanating from The Courtyard 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 11:45am

Chair