

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 20th June 2025 at 1pm

Present:

Councillor D. Clark (Chair of Hearing)

Councillors H. Clark, J. Frascona and L. Mascot

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 – Application for a New Premises Licence – 212 Watchouse Road, Galleywood, Chelmsford, CM2 8NF**

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 alcohol sales between the hours of 6am and 11pm, Mondays to Saturdays and 7am to 10pm on Sundays, 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, 22 representations had been received, one of which had been from a City Councillor, one from a Responsible Authority (Essex Fire and Rescue), with the remaining 20 from members of the public. The Committee were informed that since the publication of the agenda, Essex Fire and Rescue had withdrawn their representation, upon receipt of acceptable plans, so the Committee were left with 21 representations.

The applicant informed the Committee that they had supplied some supplementary info in support of their application, responding to the representations submitted, which had been circulated to Committee members and those who had made objections. They stated that they felt their application supported the licensing objectives and highlighted that Essex Fire and Rescue had withdrew their representation against the application.

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, a failure to promote the licensing objectives, a lack of suitability for a high volume retail outlet at the site, the need for a public infrastructure review if granted, noise from deliveries, a lack of parking, road safety concerns, sufficient sale of alcohol nearby already and the location being on a school route which would be affected by public nuisance from the premises. The Committee were also directed to specific sections of the Council's Licensing Policy, which covered a requirement for businesses to operate safely and responsibly, the potential significant impact of licensed premises and the need to consider the location of a premises and the proximity to open spaces and residential areas.

In response to questions from members of the Committee, the applicant confirmed that there had been an error in their supplementary document and the application was as initially advertised with a later start of 7am on Sunday's instead of 6am. The applicant also stated that a main weekly delivery would be carried out by themselves in a van during the daytime on Wednesday's with smaller deliveries for newspapers carried out by themselves in their own car. They also stated that the premises had an external litter bin and they would arrange weekly collections by a contractor, the premises would initially be staffed by themselves, but as new staff were recruited they would ensure they were trained in areas such as Challenge 25. In response to a question from the Committee's legal advisor, the applicant confirmed that they would be agreeable to a reduction in the licensing hours, perhaps to a 7am start every day of the week instead.

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 the Director of Public Places be authorised to grant the application on the terms applied for together with the conditions which Essex Police had put forward (set out in Appendix E to the Committee report) and which the applicant had agreed, **SUBJECT** to the limitation(s) set out below.

Limitation(s)

Notwithstanding the licensing hours applied for, the sale of alcohol shall only be permitted to take place between 08:00 hours and 22:00 hours Mondays to Sundays.

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 at the hearing and (ii) the representations (all of which were objections to the application) which had been made in writing by local residents. Several of these objections had been amplified and expanded on at the hearing by the persons who had made them or, in Cllr Mrs Potter's case, by her appointed representative from Galleywood Parish Council.
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, including paragraph 3.1 thereof which one of the objectors had emphasised in their submissions.
3. 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 gave due weight (as it was bound to do so) to the fact that with the exception of Essex Fire & Rescue none of the responsible authorities (which included Essex Police and the Council's Environmental Health department) had objected to the application. Essex Fire & Rescue

had subsequently withdrawn their application.

5. 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. Essex Police had in fact, signified that they had no issues or concerns with the grant of the licence provided that the conditions as set out in Appendix E of the Committee report were attached to the licence. The applicant had at the outset signified their agreement to the imposition of these conditions. The Committee had considered these conditions and was of the view that they were appropriate for the promotion of the licensing objectives.
6. The Committee recognised and accepted that those local residents who had objected to the application were strongly of the view that an off licence/convenience store in this part of Galleywood was inappropriate. They would prefer an alternative use. However, the Committee could only determine the application within the relatively narrow constraints of Licensing Act 2003 regime. Indeed, by virtue of regulation 19 of the Licensing Act 2003 (Hearings) Regulations 2005 the Committee was expressly directed to disregard any matters raised in representations which did not relate to any of the four licensing objectives.
7. Objectors had made reference to the fact that there were already other retail outlets in the area licensed to sell alcohol for consumption off the premises and questioned the need for another off licence outlet in the area. However, by law the Committee could not take need (or the lack of it) into account when determining the application.
8. This is because the issue of whether there is sufficient demand within a particular locality to support another licenced premises, or whether the community's interests would be better served if the application premises were put to a different use, are matters which do not relate to any of the licensing objectives.

9. Furthermore, the Committee had no statutory remit or control whatsoever over the opening hours of retail outlets as far as the sale of *non-alcohol* beverages or other products (e.g. food, household items, clothing etc) was concerned. Provided that the use of the premises for retail activity was lawful under planning law (and subject to there not being any planning conditions restricting opening times) there was nothing to prevent the proprietor of a retail outlet opening 24/7 for the sale of non-alcohol products. Likewise, the Committee had no power to regulate deliveries to retail premises of non-alcohol products. The possibility that noise or other nuisance could arise from the carrying on of non-licensable activities in connection with the operation of a retail business could not, of course, be ruled out. However, if such problems were to arise they would fall to be reported to the relevant Council Service and dealt with under a separate regulatory enforcement regime e.g. the Environmental Protection Act 1990 or the Anti-social Behaviour, Crime and Policing Act 2014.
10. The Committee also considered that the applicant had demonstrated within their operating schedule and in the course of the hearing that they had experience of selling alcohol from retail outlets and, on the face of it, had in place management controls (including training programmes for retail staff) to ensure, so far as possible, that notwithstanding schools being located nearby, no underage purchases of alcohol would take place. The Committee was bound to give considerable weight to the fact that neither the police nor the relevant child protection authority had voiced any concerns in this regard.
11. In addition, the Committee also took into account its local knowledge of the application site and surrounding area. The Committee noted that the application premises were located in close proximity to a number of residential properties and also opposite a green. Whilst the Committee had no control over the opening hours of the premises for the sale of non-alcoholic items, *based on its local knowledge* of the area the Committee did harbour some concerns about the potential for the premises, if permitted to sell alcohol as early as 06:00 hours in the morning, to attract early morning

drinkers who might then loiter in the area to consume their purchased alcohol and end up causing some degree of anti-social behaviour. It only needed one or two drinkers to cause noise nuisance capable of being experienced by local residents living in close proximity to the premises. To this end, the applicant, in the course of the hearing, had intimated that he would be willing to cut back on the hours applied for by bringing forward the start hour to 07:00 hours.

12. On balance, however, the Committee considered it appropriate for the prevention of public nuisance that the start hour for the sale of alcohol from the premises be 08:00 hours (Mondays to Sundays). Likewise, the Committee considered it appropriate for the prevention of public nuisance for the sale of alcohol to end no later than 22:00 hours (Mondays to Sundays). Otherwise, the Committee considered that there was a risk that nearby residents could be disturbed by late night drinkers.

Informatives

1) The parties are advised that if, subsequent to the grant of the licence, there is evidence that the operation of the premises for the sale of alcohol is undermining one or more of the licensing objectives then the licence can be referred to the Committee for review. On review of the licence, and subject to Committee being of the view that the concerns are evidence based, the Committee may impose further conditions on the licence and/or cut back on its scope. In serious cases the Committee can revoke the licence. If local residents consider that the licensing objectives are being undermined (e.g. the sale of alcohol is resulting in anti-social behaviour (e.g. noise nuisance or other disturbance) in the immediate vicinity of the premises, then they should report such concerns to the appropriate authority e.g. the Council's Environment Health / Community Protection team in the case of noise nuisance, or the police in the case of crime. It should be noted, however, that the Licensing Committee can only take into account public nuisance or other anti-social behaviour, or crime, etc which can be shown to be linked to the sale of alcohol from the premises.

2) The applicant is encouraged to ensure, so far as is practicable, that deliveries to the premises take place no more than once a week and after 08:00 hours in the morning.

3) The applicant is encouraged to do all he reasonably can to work constructively with local residents to ensure that operation of the premises as a convenience store selling alcohol does not give rise to problems of anti-social behaviour, including noise nuisance.

4) The applicant is encouraged to ensure that there are regular litter sweeps of the frontage of the premises and that bins are regularly emptied out.

The meeting closed at 1.35pm

Chair