

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 13th November 2023 at 2pm

Present:

Councillor R. Lee (Chair of Hearing)

Councillors A. Davidson and J. Frascona

1. **Apologies for Absence**

Apologies for absence were received from Cllr D. Clark.

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 meeting on 17th October 2023 were confirmed as a correct record.

4. **Licensing Act 2003 – Application for a new Premises Licence – Old Barn, Twitty Grange, Twitty Fee, Danbury, Chelmsford, Essex, CM3 4PG**

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 or supply of Alcohol Monday – Sunday 08:00 – 22:00

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:

Applicant

- Mr Conisbee (Licensing Consultant)

Objector:

- Danbury Parish Council
- Members of the Public

Officers informed the Committee that during the course of the application, nine representations had been received, from local residents and Danbury Parish Council. The Chair advised that the written representations had been read and considered by the Committee in advance of the meeting.

The applicant addressed the Committee and responded to the points that had been raised in objection to their application. The applicant advised that the premises had recently opened and that they had been engaging with the Parish Council in recent weeks, including attending local meetings. They stated that the initial application had been amended and they were now only applying for hours and numbers of users of the shop, as in one with the scope of the previously agreed planning conditions. They noted that they had informed each objector of this and therefore there would only be 75 club members at any one time, opening hours would be 8am-9pm Monday to Friday, 8am-12pm on Saturdays, with no opening on Sundays or Bank Holidays.

The Parish Council noted the amendments to the hours and the limit on number of users did bring the application in line with the previously granted Planning Permission. They stated that they were therefore, happy to withdraw their representation but highlighted they had not wanted to do so before, until it was clear that the changes had been made. A member of the public also addressed the Committee and raised concerns with planning matters, that were not related to the Licensing Application and also stated that there were errors on the application form. It was noted by officers and the applicant that these had been resolved by the amendment of the application, so it sat in line with the planning permission.

In response to a question from the Committee it was confirmed that the premises would not be open on bank holidays. The Committee also noted that the application was now in line with the previously agreed Planning Permission and that this addressed many of the concerns that had been raised.

The Committee thanked the applicant, member of the public, and the 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 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 imposition of the proposed conditions set out in Appendix C (Essex Police) but subject to the following modifications / additions:-

1) The licensing hours originally applied for (and as set out within Operating Schedule at Section 15) for the sale or supply of alcohol to be modified so that the permitted sale or supply of alcohol shall only take place on the following days and times:-

Monday to Friday: Start 08:00 End 21:00

Saturday: Start 08:00 End 12:00 (Mid-day)

2) The imposition of a condition to the effect that the supply or sale of alcohol shall be restricted to customers who belong to the members only retail club for Chelmsford Gospel Hall Trust Members in the Chelmsford / Danbury area and not available to the general public. Membership of the retail club shall be limited to no more than 75 club members at any one time (in line with condition 8 of planning permission 22/02109/FUL).

Reasons for decision

The Committee's reasons for its decision are set out below: -

1. In reaching its decision the Committee considered all representations made, including the concerns expressed at the hearing by local residents. The Committee also had due regard to the Guidance issued by the Secretary of State pursuant to section 182 of the Licensing Act 1982.
2. The Committee was, however, also mindful that Essex Police had no concerns regarding the proposed grant of the licence, subject to the imposition of the agreed conditions set out in Appendix C. Furthermore, Environmental Health had raised no objections to the application.
3. The applicant's agent had confirmed at the hearing that the applicant was happy to amend the application and agree to the imposition of conditions in the terms set out in A. above – so as to bring the licence (if granted) in line with condition 7 and condition 8 of implemented planning permission 22/02109/FUL which permitted the change of use of the premises from warehouse use (Use Class B8) to a retail members club.
4. The planning regime and the licensing regime are separate legislative regimes. However, the Committee noted and had due regard to the fact that planning condition 7, which stipulated (among other things) the permitted days and hours during which the premises could be open to members of the club had been imposed in the interests of protecting the living environment of occupiers of neighbouring dwellings. Condition 8, which restricted the use of the premises to a members only retail club for the Chelmsford Gospel Hall Trust members and which further limited the retail members club to no more than 75 members at any one time, had likewise been imposed in the

interests of protecting the environment of occupiers of neighbouring dwellings.

On balance, and having regard to all the circumstances, the Committee was of the view that it was appropriate for the promotion of the licensing objectives to grant the licence in the above terms.

The meeting closed at 2.30pm

Chair