

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 25th July 2024 at 1pm

Present:

Councillor R. Lee (Chair of Hearing)

Councillors S. Davis, J. Frasca and P. Wilson

1. **Apologies for Absence**

No apologies for absence were received.

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 meetings held on 20th and 28th March, were approved as correct records.

4. **Licensing Act 2003 – Application for a New Premises Licence – 122 Springfield Road, Chelmsford, CM2 6LF**

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 activity:

Sale or supply of Alcohol – Monday – Saturday 11:00 – 00:00
Sunday – 12:00 – 23:30
Good Friday – 12:00 – 23:30
Christmas Eve – 12:00 – 23:30

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 Yediayli
- Mr Seeley (Legal Representative)

Objectors

- Two members of the public

Officers informed the Committee that during the course of the application, four representations had been received from local residents. 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 to summarise their application and also responded to the points that had been raised in objection to their application. The Committee took a five minute break to also ensure that they had all read the witness statement provided by the applicant earlier that week.

In summarising their application, the applicant stated that it was a basic application for just one licensable activity, the sale of alcohol and that there had been no previous complaints or issues, apart from the illegal working incident that had resulted in the previous licence being revoked. They stated that the venue had run successfully and if granted, it was planned to continue with the same offering as previously with no changes to operations, apart from ensuring there would be no issues with illegal workers. The Committee heard that the applicant was an experienced licence holder and that they had offered a condition to detail that the previous licence holder Mr Kilic would not be involved in the operation of the premises at all. The applicant also highlighted to the Committee, that no responsible authorities had submitted representations to the application.

In response to the points raised in the objections from the public, the applicant informed the Committee of their recent discussions with some of them. It was noted that the hours applied for had replicated the previous licence, but may have raised concern as under the previous licence, the premises often shut earlier than it was licensed. The Committee heard that as a result, the applicant had agreed with the objectors, earlier closing times and less hours for alcohol sales. It was noted that the applicant was happy to in effect cut back the application on that basis, leading to a closing time of **10pm Sunday to Thursday, 11pm Friday and Saturday, with alcohol sales ceasing at 9.30pm and 10.30pm respectively.**

The Committee heard from two members of the public who were in attendance. They told the Committee that they had nothing to add to their initial representations and were happy with the reduced hours, as long as they were on the licence and legally binding.

In response to a question from the Committee, the applicant confirmed they would be happy to provide signage inside the premises, asking customers or delivery drivers to park sensibly when using the premises. The applicant also confirmed that if the licence were to be granted, they were happy with the reduced hours and the previously offered condition to exclude Mr Kilic from the operation of the premises.

The Committee thanked the applicant, members 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 (as scaled back by the applicants statement dated 18.07.24 in relation to the opening and sale of alcohol hours) and subject to the imposition of the following conditions:

1) The Mandatory conditions 1-4 as per the Licensing Act 2003 (Mandatory Conditions) Order 2010.

2) The condition (as proposed by the Applicant) that Mr Mehmet Kilic will have no involvement in the running or operation of the restaurant business at the premises, or in Ayna Limited (or any successor company that owns or runs the restaurant business at the premises).

3) Signage must be placed near entrance/exits to remind patrons to park considerately to the neighbours of the premises.

Reasons for decision

In reaching its decision, 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 17 of the Licensing Act 2003, the current Statutory Guidance under section 182 and Chelmsford City Council's licensing policy.

The Committee noted that there were no objections from Responsible Authorities.

The Committee carefully considered the concerns expressed by the local residents, but considered that, with the imposition of the conditions referred to which were discussed and agreed upon at the meeting, there was no current evidence to indicate prospective harm at this stage.

In the circumstances, the Committee was satisfied with the steps that the applicant proposed (and agreed to at the meeting) to promote the licensing objectives – that it was therefore appropriate to authorise the grant of the licence, subject to the proposed conditions referred to.

If problems arise in the future, the review mechanism can be used, and the conditions/scope of the licence can be re-visited.

5. [Licensing Act 2003 – Application for a New Premises Licence – 11 Chelmer Village Retail Park, Chelmer Village Way, Chelmer Village, Chelmsford, Essex, CM2 6XE](#)

The Committee considered an application for a new premises licence made under Section 17 of the Licensing Act 2003 and had regard to the representation 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 activity:

Provision of Late-Night Refreshment Monday – Sunday 23:00 – 05:00

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 Charalambides (Barrister)
- Mr Gallant (Fire, Safety and Licensing Officer for McDonalds)

Officers informed the Committee that during the course of the application, one representation had been received from a member of the public. The Chair advised that the written representation had been read and considered by the Committee in advance of the meeting.

The applicant addressed the Committee to summarise their application and also responded to the points that had been raised in objection to their application. The Committee heard that the application was in line with the previously granted planning permission to allow use 24/7, there had been no representations from responsible authorities and that the operating schedule took into account both local considerations and national experience on how to operate the premises overnight. The Committee were also informed that, management were trained to deal with conflicts, challenges or issues and that various procedures were in place to deal with any issues. The Committee also heard that no alcohol containers were allowed on the premises and that as a company, they recognised their degree of responsibility on litter. The applicant stated that the premises would maintain a map as a living document on site and a number of employees were dedicated to litter picking at various times, with an even more regular rota in the near vicinity of the premises.

In response to the points raised in the objection from the member of the public, the applicant stated that they did not understand the points about unwelcome clientele, and also that they operated many similar premises, and they were very confident that the unevidenced fears raised, would not transpire at the site. They also stated that they did not have to provide reasoning as to why they wished to be open 24/7, but that it was not purely for commercial reasons. In summary, the applicant stated that there was no evidence in legal terms to refuse the application, given the stance of the responsible authorities and therefore it should be granted as applied for.

In response to questions from the Committee on litter, the applicant detailed the initial area they would focus on, nearby to the premises, but also noted that they could extend the area in the future if there were specific issues and that they worked closely with local authorities where required to provide extra bins, along with community litter picks and that they were always open to feedback from Environmental Health where appropriate. The applicant also confirmed they would be happy for a condition to be on the licence, detailing the requirement for daily litter picks. They also stated that the map kept at the premises detailed the areas where litter would be picked, along with the relevant policies, as was the case at all of their sites. The applicant also stated that when litter picking, they picked up any litter, not only their own and that they would look at any impact on nearby areas accordingly.

The Committee thanked the applicant 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 but subject to the imposition of the following conditions (as discussed and agreed with the applicant at the hearing)

1) The premises licence holder will carry out daily litter patrols within the vicinity of the premises. There shall be a minimum of three litter patrols between sunrise and sunset, the frequency of litter picks shall be kept under regular review. The premises will maintain and keep under regular assessment a litter patrol map.

(The Committee has noted that the applicant has agreed these conditions and is not disputing that they are required).

Reasons for decision

In reaching its decision, the Committee gave careful consideration to the application and the relevant written representation. The Committee also took into account section 17 of the Licensing Act 2033, the current Statutory Guidance under section 182 effective from December 2022 and Chelmsford City Council's licensing policy.

The Committee noted that there were no objections from Responsible Authorities.

If problems arise in the future, the review mechanism can be used, and the conditions/scope of the licence can be re-visited.

Exclusion of the Public

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for Item 6 on the grounds that it involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

6. Licensing Act 2003 – Application for a Personal Licence

Public interest statement: It is not in the public interest to disclose the content of the report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.

The Committee considered an application for a personal licence made under section 117 of the Licensing Act 2003, having regard to a representation that had been received and the requirement to promote a licensing objective, in this case, 'The prevention of crime and disorder'.

It was noted by the Committee that there were two options namely;

- Grant the application
- or
- Refuse the application

The following parties attended the hearing and took part in it.

- Applicant (Ms X)
- Mr Burke, Essex Police

Officers informed the Committee that as the applicant had a relevant conviction, the application and form and DBS certificate were sent to Essex Police for consultation in accordance with section 120 of the Licensing Act 2003. The Committee noted that Essex Police had then objected to the grant of the personal licence and their letter of representation had been appended to the report. The Chair advised that the written representation had been read and considered by the Committee in advance of the meeting.

The Committee heard from the applicant who stated that they wished to demonstrate to the Committee, that they would not undermine the Licensing objectives. They stated that they had now worked in the industry for over a year and that the licence would allow their career to progress. They stated that the relevant conviction had been a huge mistake in their life, that they had learnt a major lesson from, and that they had no other convictions on their record. In response to a question from the Committee, the applicant also stated that at the time of the offence, they had been going through a very difficult time in their personal life.

The Committee also heard from the Essex Police representative, who stated they did not have anything to add to the submitted representation and that it focused on the relevant conviction, which whilst the majority of it was spent, the mandatory licence endorsement still applied until November 2026, hence the representation. In response to a question from the Committee, the Essex Police representative stated that the conviction was not detailed on the DBS due to the different levels of DBS that could be applied for and that it was the mandatory DVLA endorsement that remained. The Essex Police representative also stated that in the majority of similar cases, they would object and there would need to be very special circumstances for them not to, when a relevant conviction was detailed.

RESOLVED that the Director of Public Places be authorised to grant the application as applied for.

Reasons for decision

The Committee had regard to the representations of the Police as required by Part 6 of the Licensing Act 2003 and to the those of the Applicant.

The Committee considered that whilst this was a very serious offence, the substantial part of the offence had already been spent, and only the licence endorsement remained unspent until 21 November 2026.

The Committee considered as per s.7(b) of Part 6 of the Licensing Act that it was not appropriate for the promotion of the prevention of crime and disorder objective, to reject the personal license.

Therefore, the personal licence was granted.

Every application must be considered on its own merits and the Committee had taken into account the Applicants representations and on balance, were satisfied that the applicant was now a fit and proper person to hold a personal licence.

Chair