

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 1st June 2026 at 11am

Present:

Councillor A. Thompson (Chair of Hearing)

Councillors H. Clark, R. Lee and S. Shah

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 27th April 2026 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 the sale of alcohol, Monday's to Saturday's between 07:00 and 23:00 and between 08:00 and 22:00 on Sunday's.

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 – Legal Representative and Designated Premises Supervisor
- Galleywood Parish Council representative
- Members of the public who had objected to the application

Officers informed the Committee that in response to the application, 15 representations had been received from members of the public and one from Galleywood Parish Council, stating that the application did not promote the Licensing Objectives. No representations had been received from Responsible Authorities, including Essex Police.

The applicant's representative gave an overview of their application to the Committee, summarising that the applicant was well qualified with the appropriate personal licence, had experience running similar premises and that the location had previously been granted a premises licence, which had since lapsed. They stated that the store would be for the community and that there was no reason why alcohol sales should not be included as part of the service, which would also include parcel collections, bill payments alongside other services. They highlighted the Section 182 guidance, which encouraged the support of new businesses and highlighted the economic and community benefits of the new store. The Committee also heard that the four licensing objectives would be promoted, with steps detailed in the operating schedule as part of the application. They also highlighted that no representations had been received from responsible authorities, including the police and that suitable conditions had been proposed, including the Challenge 25 system and the use of CCTV. The Committee also heard that the owners would actively seek to prevent public nuisance, by regularly checking the outside of the premises and with signage asking customers to leave the premises quietly, along with deliveries only occurring during the daytime hours. They also highlighted that despite being raised in the public objections, there was no evidence to demonstrate public nuisance and the hours applied for were suitable for the area.

The Committee heard from the representative for Galleywood Parish Council and some of the members of the public who had objected to the application. They highlighted concerns in their representations including, the shop not being currently open hence the lack of complaints regarding noise and impact on residents, the previous licence never being used, a lack of need for the store, the quiet area with families living in it, the previous shop shutting at 5pm, litter concerns, and a lack of engagement with residents from the applicant. The Committee also heard that the blue signage advertising the application had not been visible for the full 28 days due to building work, and that the building works had not complied with noise regulations.

In response to the points raised by those objecting to the application and questions from the Committee, it was confirmed by the applicant that:

- They were happy for alcohol sales to cease at 10pm instead of 11pm, in line with the planning permission for the site.
- The consumption of alcohol directly outside the premises would not be tolerated and staff would keep the area directly outside the store clean on a daily basis.

- They were happy to engage with neighbours and to listen to their views.
- The issue of need was not relevant for a licensing application and that their application should be judged on its own merits, rather than against matters that were not relevant within Licensing legislation.

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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 this application for a premises licence and to all relevant representations both written and as expanded on in the course of the hearing. In addition, the Committee 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.

RESOLVED that the Director of Sustainable Communities be authorised to grant the application on the terms applied for together with the conditions as agreed by the applicant with Essex Police **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 07:00 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 the Galleywood Parish Council and local residents. Several of these objections had been amplified and expanded on at the hearing by the persons attending the hearing.
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.

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 none of the responsible authorities (which included Essex Police and the Council's Environmental Health department) had objected to the 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 certain conditions sought by them (e.g. in relation to the provision of CCTV) and agreed by the applicant were attached to the licence. The Committee was also bound to have regard the advice contained within paragraph 10.15 of the guidance – namely that shops, stores and supermarkets should normally be free to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
6. The Committee recognised and accepted that local residents who had objected to the application held strong and genuine concerns about the sale of alcohol of alcohol for consumption off the premises taking place at this location and especially in the early morning and late at night. In summary, they feared that such activity would give rise to anti-social behaviour (e.g. noise and disturbance to residents), issues with individuals drinking in the vicinity and becoming intoxicated, littering, and would also potentially put children attending the nearby primary school and secondary school at risk. The view had been expressed that an off licence/convenience store in this part of Galleywood was inappropriate, being out of character for a quiet residential village area. Furthermore, there were already well established retail outlets in Galleywood selling alcohol and objectors queried the need

for another outlet. Concerns had also been expressed regarding potential disturbance from deliveries and waste collection and the adequacy of parking for patrons. Objectors would prefer that the premises be put to an alternative use.

7. 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.
8. 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.
9. 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 if the application premises were put to a different use, are matters which do not relate to any of the licensing objectives.
10. Furthermore, the Committee had no statutory remit or control whatsoever over the opening hours of retail outlets insofar as the sale of *non-alcoholic* 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-alcoholic 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.

11. 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 were committed to having 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.

12. 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 noise disturbance if the premises were permitted to sell alcohol beyond 22:00 hours in the evening. To this end, the applicant, in the course of the hearing, had intimated that she would be willing to cut back on the hours applied for by bringing forward the end time for sales of alcohol to 22:00 hours (i.e. from the originally applied for end time of 23:00 Mondays to Saturdays). Whilst a separate statutory regime, it was noted that this would bring the end time for sale of alcohol in line with the planning condition relating to the premises - which required the convenience store to shut by 22:00 hours in the interests of the amenity of local residents.

Informatives

- 1)** The Committee noted the applicant's assurance (given in the course of the hearing) that she would seek to build up a good working relationship with the local community. The Committee expects the applicant to use her best endeavours to work constructively with local residents, including listening to and engaging with any legitimate concerns, so as to ensure (so far as it is in her ability to do so) that the operation of the premises as a convenience store selling alcohol between the hours of 07:00 and 22:00 does not give rise to problems of anti-social behaviour, including noise nuisance.

- 2)** 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.

- 3)** The applicant is encouraged to ensure, in line with assurance given by their representative in the course of the hearing, that deliveries to the premises take place between 08:00 hours and 18:00 hours.

- 4)** The applicant is advised to ensure – and where appropriate confirm with the relevant authorities - that the rear access to the premises is compliant with all applicable fire regulations and building control legislation. The Committee has raised this Informative as it was asserted by one of the objectors in the course of the hearing (albeit not mentioned within any of the written representations or verified at the hearing) that works involving relocation of the ground floor WC had blocked the access to the rear fire exit.

- 5)** 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 the 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.

The meeting closed at 10.40am

Chair