

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 22 March 2023 at 4.30pm

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, A.E. Davidson, D.G. Jones and R. Lee

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.

3. **Minutes**

The minutes of the meeting on 23rd November 2022 were confirmed as a correct record.

4. **Licensing Act 2003 – Application for a Summary Review of a Premises Licence – The Bassment, 16 Wells Street, Chelmsford, Essex, CM1 1HZ**

The Committee considered an application for a summary review of the premises licence relating to The Bassment, 16 Wells Street, Chelmsford, Essex pursuant to section 53C of the Licensing Act 2003 made by Essex Police. The application had been made on the grounds of serious crime and disorder and had been accompanied by the required certificate of a senior police officer.

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

1. To Modify the conditions of the licence either permanently or for a period not exceeding three months.
2. To exclude a licensable activity from the scope of the licence, either permanently or for a period not exceeding three months.
3. Remove the Designated Premises Supervisor
4. To suspend the licence for up to three months
5. Revoke the licence

It was also noted by the Committee that any decision taken would not take effect until the end of the 21st day following receipt of the decision. Therefore, the Committee noted that under Section 53D of the Licensing Act 2003 they were also

required to formally review the previously imposed interim steps and consider whether, it was appropriate and proportionate for them to stay in place.

The Committee were reminded of the process that had already taken place in advance of the full hearing. It was noted that interim steps had been taken to suspend the licence. Following representations made by the Licence holder at a later date, the suspension had been lifted and 20 conditions were placed on the licence instead, with the agreement of Essex Police and the licence holder.

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

Applicant – Mr Gordon Ashford (Essex Police)

Licence holder legal representative – Mr David Dadds

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting.

Essex Police were invited to present their case to the Committee. Essex Police stated that they were happy that the previously agreed conditions were now in place and had checked they were being followed. They asked the Committee to impose the 20 previously agreed conditions as permanent ones on the Licence and for the interim steps to remain in place in the meantime. Essex Police confirmed the conditions adequately mitigated the harm that had been witnessed when the initial incident had taken place.

In response, the Licence Holder's representative confirmed that they were in agreement with Essex Police, that the 20 conditions should be made permanent. The Committee were also reminded that no other representations had been made by responsible authorities and that the Police were the main source of advice on matters such as this. In response to a question from the Committee, it was also confirmed that the angle of the cameras inside the venue had been amended to now cover the stairs adequately. It was also noted that the Licence Holder was happy for the interim steps to remain in place.

The Chair informed those present that the Committee would now retire to deliberate on the matter. It was noted that unlike previous meetings where everyone was present, this would be held remotely and a decision would be provided to the relevant parties via email within in a few days. The decision made is detailed below and was circulated to the relevant parties.

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 permanently modify the conditions of the licence as detailed below:

A. SECTION 53C DECISION (outcome of summary review)

Pursuant to section 53C of the 2003 Act the Committee has determined as that -

'The premises licence in respect of 'The Basement' (also known as 'The Bassment') at 16 Wells Street, Chelmsford, Essex CM1 1HZ be modified so that the twenty proposed conditions which have been agreed between the licence holder and Essex

Police (and which are set out in Appendix A to the supplementary bundle produced by Essex Police and put before the Committee at the hearing) be substituted for the conditions which are currently set out in Annex 2 to the premises licence .’

Reasons for decision

Having regard to all the circumstances the Committee considers it is appropriate for the promotion of the licensing objectives to take this step.

In particular the Committee has noted and given due weight to the fact that Essex Police have been in discussions with the licence holder and their representative and have confirmed to the Committee that they are of the view that these twenty proposed conditions will address the failings that led to the incident which resulted in Essex Police making an application for a summary review. In this regard, the Committee has also had regard to the Guidance issued by the Secretary of State pursuant to section 182 of the 2003 Act which makes it clear that the Committee is to look to the police as the main source of advice on crime and disorder matters.

The twenty proposed conditions mirror the interim steps conditions which were imposed by the Committee at the hearing on 09 March 2023. These interim steps conditions have been implemented by the licence holder and Essex Police have confirmed that they are working.

Furthermore, the Committee has noted and taken into account the fact that there have been no representations received from other responsible authorities or from any interested party.

B. SECTION 53D DECISION (interim steps pending the above-mentioned Decision coming into effect)

Pursuant to section 53D of the 2003 Act, the Committee has determined that it is appropriate that the interim steps conditions which were imposed by it at the hearing on 09 March 2023 remain in place until (i) the end of the 21 days given for appealing the decision made under section 53C, or (ii) if an appeal is made, the time the appeal is disposed of.

Reasons for decision

The interim steps conditions mirror the twenty conditions which are imposed by the Committee as a modification to the premises licence under section 53C. The Committee considers that if one or more of the interim steps conditions was not in place pending the section 53C decision coming into effect then there is a risk that the prevention of crime and disorder licensing objective could be undermined.

Note: At the hearing, the licence holder signified (through their legal representative) that they were in any event in agreement with the interim steps conditions remaining in place.

The meeting closed at 4.40pm

Chair