

MINUTES

of the

**LICENSING COMMITTEE
HEARING**

held on 25 October 2019 at 10am

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, L. Ashley, D.G. Jones and I.C. Roberts

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda, none were made.

3. **Minutes**

The minutes of the hearing held on 18th September were confirmed as a correct record and signed by the chair.

4. **Licensing Act 2003 - Application for a Full Variation of a Premises Licence – The Folly Bistro, The Tye, East Hanningfield, Chelmsford, CM3 8AA**

The Committee considered an application for a full variation of a premises licence in respect of, The Folly Bistro, The Tye, East Hanningfield, Chelmsford, CM3 8AA.

- Ground floor building extension increasing the licensable area for the sale of alcohol

Members were advised that the hours for the variation were exactly the same as for the current licence.

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

1. Grant the application, on the terms and conditions applied for.
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
3. Refuse the application in whole or in part.

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

The Applicant

A representative from East Hanningfield Parish Council

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting. The Chair invited the applicant to introduce their application.

The applicant provided the Committee with information and context regarding the variation and the objection received. Firstly, the applicant informed the Committee that neighbouring properties had always surrounded the premises, many of whom were customers and a noise complaint had never been received. This was despite the garden area being in use. The applicant also stated that the proposed variation was not a major change and it was for a coffee shop proposal which would involve mainly daytime use. The applicant said that as a result there would not be extra noise in the evenings. The applicant confirmed that the garden was not licenced for the sale of alcohol but as currently, customers could purchase drinks inside to drink outside. The applicant informed the Committee that they already went to great lengths to encourage guests to leave quietly. The applicant also stated they were exploring having a hedge put in place near the entrance to help prevent road users using the gravel car park to turn around, therefore further reducing noise.

The Parish Council representative informed the Committee that residents had approached them to express concerns regarding noise nuisance from the premises. The representative also stated that they had concerns over the extra parking that would be required at the premises, considering it could potentially be doubling the number of customers. The representative also stated the parish council concern, that once the application and relevant planning application were granted, they could easily be extended further. The representative also stated that they would not be against irregular use of the premises for private events but to double the potential number of customers, on a daily basis, would impact local residents.

At this point in the hearing, the Chair clarified that the Committee could only consider matters under the Licensing Act 2003 and any planning considerations were to be resolved elsewhere. It was also clarified that the planning department could put on various conditions that would affect the use, but that was a separate matter.

The Committee retired at 10.14am to deliberate on the matter and returned at 10.26am.

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

The Chair provided a summary of the reasons for the Committee's decision and advised that a formal decision notice would be sent out in due course to the relevant parties.

In reaching its decision the Committee had considered all representations and was satisfied with the steps that the Applicant proposed to promote the Licensing objectives.

The Committee had carefully considered the concerns expressed by the objector but considered that there was no evidence to indicate prospective harm at this stage. The Committee was mindful of the fact that none of the responsible authorities had objected to the application. Furthermore, whilst the Parish Council had objected based on local residents suffering nuisance, the Committee noted that none of the local residents had individually sought to submit representations.

In the light of the parish council representations, the Committee reminded the parties that if subsequently there was evidence of public nuisance, e.g. because the business model had changed significantly causing unacceptable levels of noise. It was open to the Parish Council or local residents to request a review of the licence, in which case the matter would come back to the Committee.

(10am to 10.27am)

The meeting closed at 10.27am.

Chair