

MINUTES

of the

**LICENSING COMMITTEE
HEARING**

held on 4 March 2019 at 7pm

Present:

Councillor L. Millane (Chairman of Hearing)

Councillors, R.A. Alcock, J. De. Vries and F.B. Mountain

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 21 January 2019 were agreed as a correct record and signed by the Chairman.

4. **Licensing Act 2003 – Application for a New Premises Licence – Chelmsford Museum, Moulsham Street, Chelmsford, Essex, CM2 9AQ**

The Committee considered an application for a new premises licence in respect of Chelmsford Museum, Moulsham Street, Chelmsford, Essex, CM2 9AQ. The licence being applied for was as follows:

Provision of Films:

Saturday 12:00-22:30

Sunday 12:00-22:30

Live Music:

Everyday 11:00-23:00

Christmas Eve 12:00-00:00

Boxing Day 12:00-00:00

New Year's Eve 12:00-01:00

Recorded Music:

Everyday 07:00-23:00

Christmas Eve 07:00-00:00

Boxing Day 07:00-00:00

New Year's Eve 07:00-01:00

Performances of Dance:

Everyday 12:00-23:00
Christmas Eve 12:00-00:00
Boxing Day 12:00-00:00
New Year's Eve 12:00-01:00

Supply of alcohol:

Everyday 11:00 – 23:00
New Year's Eve 11:00-01:00

The Committee and those present were reminded that a revised copy of Appendix C to the report had been published. It was noted that this had corrected a printing error and therefore included all of the correct information. It was also noted that copies had been posted to the Committee and relevant parties.

The Committee was also reminded that a premises with a licence for the on sales of alcohol did not require a licence for live or recorded music between the hours of 8 am and 11pm for under 500 people.

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**Objectors – Members of the Public**

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

The applicant informed the Committee that she was withdrawing the additional requested hours for the festive period. Therefore, the stated extensions for licensable activities on Christmas Eve, Boxing Day and New Year's Eve were no longer being applied for after discussion with local residents.

The applicant stated that she had been a personal licence holder for over 10 years and from living nearby the park understood the importance of the park and museum to local residents. She stated that objectors had expressed strong opinions on the licence application, and she wished to clarify points and work with local residents.

The Committee heard that there would be limited sales of alcohol and only for museum or private hire functions. The Committee was informed that alcohol would not be routinely sold in the daytime at the Hive Café and that access to the café and museum after 5pm would only be for pre booked private events. The Committee also heard that there were not plans to hold 18th Birthday and Stag do style events at the premises and it would be more catered towards sit down dinner style events. The Committee was also informed that 'museum lates' may take place where evening events could be held to display and present new exhibits to the museum.

The applicant stated that as mentioned by the Licensing Officer a licence was not required for music before 11pm but that there was not going to be major noise disturbances anyway. The Committee heard that the Hive Café currently had one small speaker for background music and there were no external set ups for music etc. It was also stated that no drinks would be consumed on the patio or elsewhere outside of the premises after 10pm to reduce any possible noise disturbances to nearby residents.

The applicant informed the Committee that many residents had expressed concerns regarding the operation of the entrance gates to the park. She explained that the usual procedures would continue for the gates unless evening events were taking place after 5pm. It was noted that in this instance anyone attending the private event would be informed that the gates would be open for a short period to allow guests to attend before then closing and being re-opened at a set time to allow guests to leave. It was noted that this would stop other members of the public entering the park after it's normal closing time and that a member of staff would be at the entrance gates checking invitations etc.

The applicant told the Committee that she understood residents had security concerns regarding the licence application. She informed the Committee that she was an experienced operator of licenced premises and felt that the presence of the café/museum being open on certain evenings would actually help to reduce other security problems experienced by residents in the park. It was noted that the presence of a lit building and museum would actually deter people from entering the park for anti-social behaviour etc. In summary the applicant stated that she was an experienced operator of licenced premises and felt that the steps put in place would be sufficient to support the four licensing objectives.

The local residents (who had made written representations) addressed the Committee and expressed the following concerns regarding the application;

- The café seemed too large for the museum and had taken up valuable exhibition spaces.
- The park already experienced drug and knife issues and the availability of alcohol would only serve to increase these issues.
- There were enough cafes or drinking establishments further down Moulsham Street already.
- Noise from the premises would easily reach neighbouring houses and lead to disturbances etc.
- Despite the festive operating hours being withdrawn, the licence holder would just be able to apply for temporary event notices anyway.

- The area surrounding the park was residential and mainly made up of elderly residents or young families.
- The nearby pub on New London Road already caused major noise disturbances when it held special annual events.
- There was zero police presence in the park to deal with the existing drug and alcohol based issues.
- The availability of alcohol would create a possible overlap with existing anti-social behaviour issues within the park.
- This was a town centre park of only 5 acres in a residential area and was not similar to the much larger Hylands Park.
- The licence holder could not guarantee having control of those visiting the premises and there would be public safety issues as a result, especially for young children visiting and playing in the park or museum.
- The licence holder could also not guarantee that there would be no public nuisance as a result of the application.
- Oaklands Park and the museum should not be treated as a money-making venture for the Council and it would not be successful in the way that Hylands Park and House has been.
- Music from the premises would attract others to attend.
- Who was the landlord of the museum and if it is the Council is there not a conflict of interest in granting a licence.

In response to the concern of who the landlord was, it was confirmed by officers that the Council was the landlord of the park and museum. The Committee confirmed there was not a conflict of interest and as the licensing authority they were able to make a fair and informed decision.

In response to the other verbal concerns raised by the residents the applicant made the following points;

- The constant presence in the museum and café would actually act as a deterrent to drug users or people consuming alcohol in the park and they would work with the police to be vigilant and report any issues. The premises staff would essentially be an extra pair of eyes for other issues in the vicinity of the premises.
- That staff would be completely in control of alcohol consumed at the premises as corkage would not be allowed and they would therefore be in charge of every sale. There would always be the licence holder or the designated premises supervisor on the site when alcohol was being sold and excessive consumption would not be allowed.
- That they would be happy for a condition mandating the use of SIA security when alcohol was available.
- CCTV covered the entrance, exit and surrounding areas of the museum and café site.

- The wider park was not under the licence holders' control in terms of broken glass elsewhere in the park but she would make sure the premises didn't add to the problem with controlled areas for drink consumption and regular sweeps of the area etc.
- Those booking private functions would be informed that the gates would be open for a set time to allow entry and exit to the event and they would have to arrive at the set time to gain entrance etc.

A member of the Committee stated that there had been no representations received from the responsible authorities to the application. A member of the Committee also stated that the application seemed to be designed for small events rather than large events that residents seemed concerned over. Another member of the Committee stated that the points made by the applicant were comprehensive in adhering to the licence objectives. It was also stated that the applicant was not responsible for other issues inside the park and that the licence application should not be affected as a result of issues outside of the possible control of the licence holder. It was noted that the licence could not be decided on the basis of assumptions of future issues.

In response to questions from the Committee the applicant confirmed that;

- Additional parking was now available at the premises but those booking events would be informed that only limited parking was available.
- A member of staff would be present at the entrance gates for evening events to check invitations etc.
- The police had welcomed the opportunity for additional eyes in the park to help with anti-social behaviour issues etc.
- Drinks from large glass bottles would be decanted into smaller glasses but the use of plastic was not planned.
- It was not envisaged that events for more than around 50 people would take place in the café area. It was noted that the upstairs museum space could cater for more however.

In response to a further question from a member of the public, the Committee's legal advisor stated that it was not possible in this context to place a condition on the number of people visiting the premises. The Committee's legal advisor also sought clarification from the applicant on the condition she was offering regarding the use of SIA security staff. The applicant confirmed that she was offering a condition that whenever alcohol was being sold on the premises after 5pm that SIA trained security staff would be present and patrolling around the perimeter of the licensed area.

The Committee's legal advisor commented that on the face of it this appeared to be a rather onerous condition and was possibly more suited to a condition that would be placed on a licence which was being reviewed due to evidenced issues. Ultimately, however, it was for the Committee to decide whether to impose such condition (if it was minded to grant the application).

The Committee retired at 8pm to deliberate on the matter and returned at 8.15pm

RESOLVED that the Director of Public Places be authorised to grant the application on the terms and conditions applied for, excluding the additional hours requested on Christmas Eve, Boxing Day and New Year's Day as withdrawn by the applicant.

The Chairman 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 has taken into account all representations and is satisfied with the steps that the Applicant proposes to promote the Licensing objectives.

The Committee had carefully considered the concerns expressed by the objectors 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 were objecting to the application.

The Committee does not consider it necessary or proportionate to impose a condition requiring a member of security staff to be present during events taking place after 5pm where alcohol is served. This is a matter which should be left to the Licence Holder's discretion.

The Committee would remind the parties that if, subsequently, there is evidence of public nuisance (e.g. unacceptable levels of noise), or Crime and Disorder, or other problems relating to one or more of the licensing objectives arising from the use of the premises during the operation of the licensable activities. Then it is open to people to request a review of the licence in which case the matter would come back to the Committee.

The meeting closed at 8:17pm.

Chairman