



**MINUTES of  
LICENSING SUB-COMMITTEE  
16 JANUARY 2013**

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**2:15pm**

**PRESENT**

<b>Purpose of the Hearing:</b>	Licensing Act 2003 – to determine the Application for the grant of a Premises Licence for Mayland Masala, 62 Imperial Avenue, Maylandsea, Chelmsford, Essex, CM3 6AH
<b>Premises:</b>	Mayland Masala, 62 Imperial Avenue, Maylandsea, Chelmsford, Essex, CM3 6AH
<b>Chairman (Presiding)</b>	Councillor H M Bass
<b>Councillors</b>	B S Beale MBE and S J Savage
<b>Representing the Licensing Authority:</b>	Ms Alex Maschas, Licensing Officer Mr Peter Chown, Licensing Officer Mr Derek Jones, Principle Solicitor Miss Philippa Turvey, Committee Services Mr Ian Haines, Head of Environment Services
<b>Applicant:</b>	Mr Miah (Applicant) Ms Leigh Jones (Applicant) Ms Melody Hastings (Witness)
<b>Interested Parties:</b>	Mr Wayne Shaddick (Objector) Mrs Carla Shaddick (Objector)
<b>Responsible Authorities:</b>	Ms Vicky Powell (Essex Police)
<b>Members of the Public:</b>	None
<b>Members of the Press:</b>	None

**1. ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor H M Bass be elected Chairman of the Licensing Sub-Committee for this meeting.

IN THE CHAIR: COUNCILLOR H M BASS

**2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE MAYLAND MASALA, 62 IMPERIAL AVENUE, MAYLANDSEA, CHELMSFORD, ESSEX, CM3 6AH**

The Chairman introduced the other Members of the Committee and Officers. It was noted that one of the Applicants, Mr Miah, was not present.

### **3. ADJOURNMENT OF MEETING**

**RESOLVED** that the meeting be adjourned to allow time for the Applicant to arrive.

### **4. RESUMPTION OF BUSINESS**

**RESOLVED** that the meeting resumes in formal session. The Applicant, Mr Miah was now in attendance.

The Licensing Officer then presented the report of the Head of Environment Services on the Application for the Grant of Premises Licence in respect of Mayland Masala, 62 Imperial Avenue, Maylandsea, Chelmsford, Essex, CM3 6AH. The Licensing Officer advised that a further letter had been received from the Interested Party, after the deadline, which had been approved for consideration by the Applicants.

The Chairman asked those present to introduce themselves. The Committee noted that one Interested Party had registered their wish to speak in relation to this application and that an objection had been received from Essex Police, a responsible authority. Confirmation was then sought that all those present were in possession of and had read the report of the Head of Environment Services and Appendices A to E of the report.

The Chairman invited Mr Miah to make his representation to the Committee. Mr Miah outlined the desired opening hours of the restaurant, proposed plans to play recorded music and proposal to sell alcohol.

Mr Miah was asked if he had any witnesses to call and he confirmed that he would be calling Ms Leigh Jones and Ms Melody Hastings to speak regarding the late letter of objection.

The Interested Party, Mr Wayne Shaddick, was then called to speak. Mr Shaddick explained that he had lived above the premise in questions since 2006 and after becoming a restaurant the noise from the premise had increased significantly. He outlined his concern that if a licence was granted the noise would be further increased and other problems would follow.

The Chairman invited the Essex Police, as a responsible authority, to speak. Ms Vicky Powell stated that it was Essex Police's opinion that the granting of this licence would undermine the 'prevention of crime and disorder' licensing objective.

It was then confirmed that Mr and Mrs Shaddick had asked Mr Miah and Ms Jones to turn the music down on more than one occasion, although Ms Jones commented that the restaurant was a small one and not noisy.

After questioning by the Committee it was established that the new proposal would have three doors, which would all be clear. Mr Miah was asked about the event detailed in the Police Objection (Appendix D to the report), which stated that if Mr Miah was convicted of the alleged offence it would come under 'relevant offences' as described in Schedule 4, Licensing Act. Mr Miah responded that he would be pleading not guilty, but accepted the report as accurate.

The Chairman then invited the Applicant's witnesses to respond to the late letter of objection. Ms Jones confirmed that they refuted the events that were outlined in the letter, stating that a private family party was taking place that evening and they were the victim of an abusive attack. Essex Police confirmed that the incident had been reported and that, if they had been made aware of it before the deadline, they would have submitted further objection. It was confirmed that Mr and Mrs Shaddick were not present when the incident took place.

The Sub-Committee adjourned to determine the application at 3:02pm.

## **5. DETERMINATION OF THE APPLICATION**

The Sub-Committee re-convened at 3:19pm.

The Chairman advised that the Sub-Committee noted the late letter of objection, the challenge to this letter and the Police's comment, but would not be considering this as evidence.

The Chairman advised that having heard the submissions from all parties, particularly the letter of objection and the Essex Police objection and having regard to the following licensing objectives:

- Prevention of crime and disorder; and
  - Prevention of public nuisance,
- that the application be refused.

**RESOLVED** that a Premises Licence be **REFUSED** in respect of Mayland Masala, 62 Imperial Avenue, Maylandsea, Chelmsford, Essex, CM3 6AH.

It was noted that the applicant had the right to reapply if their circumstances changed.

The Chairman closed the meeting at 3:20pm.

H M BASS  
CHAIRMAN