



**MINUTES of
LICENSING SUB-COMMITTEE
13 OCTOBER 2021**

PRESENT

Purpose of the Hearing:	To consider an application for a new Premises Licence under the provision of the Licensing Act 2003
Premises:	Chutney House, 116 High Street, Maldon, Essex, CM9 5ET
Councillors:	M W Helm, R H Siddall, Mrs J C Stilts and Mrs M E Thompson
Representing the Sub-Committee:	Mr D Winter, Licensing Officer Mr C Roberts, Licensing Apprentice Mrs E Holmes, Senior Specialist Legal
Applicant:	Ms N Begum
Interested Party:	Ms J Clark
Responsible Authority:	None

320. TO APPOINT A CHAIRMAN FOR THE HEARING

RESOLVED that Councillor Mrs J C Stilts be appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR MRS J C STILTS

321. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

In response to a question from the Chairman, the Senior Specialist Legal confirmed that the meeting could continue without the applicant being present.

322. APOLOGIES FOR ABSENCE

There were none.

323. DISCLOSURE OF INTEREST

There were none.

324. APPLICATION FOR A NEW PREMISES LICENCE, CHUTNEY HOUSE, 116 HIGH STREET, MALDON, CM9 5ET

The Chairman sought confirmation that all present were in possession of and had read the report of the Director of Service Delivery along with Appendices A to E. She drew the Committee's attention to the Aide Memoire found on page 2 of the meeting pack that outlined the procedure to be followed during the meeting.

The applicant Ms Begum joined the meeting at this point. In response to a question from the Chairman, the Licensing Officer restarted his brief presentation of the report.

The Chairman then called on the applicant, Ms Begum, to make her opening statement. Ms Begum outline the nature of the premises and how since its operation on complaints had been received. She provided additional information and clarification in response to the comments raised by the interested parties including noise, smell etc. Ms Begum informed the Sub-Committee that she had agreed to change the operating hours of the premises, closing room 5 early and stopping at 11pm. The applicant confirmed she would not be calling any witnesses.

Ms Clark, an interested party, then addressed the Sub-Committee outlining her concerns relating to the proposed premises licence, specifically the impact that live and recorded music would have on the surrounding area, including residents. She also referred to the public nuisance caused by music and lighting and public safety considerations for those using walking aids etc. Ms Clark confirmed that she would not be calling any witnesses.

At the request of the Chairman, Ms Clark then made a closing statement. In response to comments from Ms Clark, Ms Begum advised that she had invested in clearing up the outside of the premises and in respect of noise and light there would only be ten occasions, not every day.

Ms Begum then made a closing statement advising that they would abide by any decision made by the Council. Ms Begum asked if it would be possible to receive a decision before 16 October.

Following the statements from the applicant and interested party, Members raised a number of questions and in response to these Ms Begum provided further detail of the business, feedback from customers and clarified a number of points, including:

- Live music would be played ten times a year;
- The change to closing at 11pm had been agreed with Environmental Services. It was noted that this information had not been advised to the Licensing Officer. Following further question, Ms Begum confirm that she was happy that alcohol be limited to 11pm apart from the 10 occasions.
- Ms Begum explained that the showing of film and having live TV would be used to promote the business.

In response to questions from Members regarding the playing of films, the Licensing Officer clarified that exhibition of a film, for example showing a TV channel would require a licence.

In summary, Ms Begum advised Members that the alcohol license her number one priority.

The Chairman sought clarification from the Senior Specialist Legal and it was confirmed that the Committee when they consider its decision they could grant the application in whole or change conditions, including the hours of operation.

The Chairman thanked everyone present for their contributions and advised that the meeting would now close. The Committee would then consider the evidence and representations made before reaching its decision. All parties would be notified of the decision within five working days of this hearing.

325. POST COMMITTEE DECISION

The Sub-Committee carefully considered the report of the Director of Service Delivery and its related appendices along with evidence heard at the meeting from yourself and the interested parties who attended and who provided written representations. The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee may only determine the application based on the four licensing objectives and it was unable to take matters of litter and the standard of adjoining land into consideration.

The Sub-Committee has considered the objections of all 15 residents who raised objections.

RESOLVED that the application for a Premises Licence at Chutney House, 116 High Street, Maldon, Essex, CM9 5ET be **GRANTED subject to the following modifications:**

- The application for showing of Films is removed.
- The application for permission of Dance is removed.
- The application for the playing of live music is granted between the hours of 11:00 and 22.30 Sunday – Thursday and between 11.00-23:00 Friday and Saturday inside the premises only on the condition that the doors to Room 5 will be closed at 22:00 and the door kept closed until the next business hours and the door to the main entrance will kept closed during the hours of the business.
- That Alcohol can be served during the following hours: 11:00 and 22.00 Sunday – Thursday and between 11.00-22:30 Friday and Saturday.
- The premises will close to customers at the following times: 22:30 Sunday – Thursday and 23:00 Friday and Saturday.
- The licence is subject to the mandatory and conditions consistent with the Operating Schedule terms and conditions attached to the Committee Report at Appendix D.

MRS J C STILTS
CHAIRMAN