



# Licensing/Appeals Sub-Committee

## Agenda

### Part One

Council Chamber - Town Hall

Friday, 19 December 2014 at 10.00 am

#### Membership

##### Councillors

Cllrs Mrs Hubbard, Mrs Murphy and Newberry

**Committee Co-ordinator:** Jean Sharp (01277 312655)



## **Information for Members of the Public**

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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

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There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

### **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

## **Part I**

(During consideration of these items the meeting is likely to be open to the press and public)

1 **Appointment of Chair**

2 **Quasi-Judicial Function**

Members are respectfully reminded that, in determining the matters listed below, they are exercising a quasi-judicial function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.

3 **Licensing Act 2003 - Application to vary a Premises Licence - Papa John's, 106 High Street, Brentwood, CM14 4AP**

## **Part 2**

4 **Appeal against suspension of Hackney Carriage and Private Hire driver's licence.**

(Exempt Information, Paragraph 1 of Part I of Schedule 12a of the Local Government Act 1972)



Acting Chief Executive

Town Hall  
Brentwood, Essex  
11.12.2014

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19 December 2014

## Licensing and Appeals Committee

### Licensing Sub-Committee Hearing in respect of an Application to Vary a Premises Licence – Licensing Act 2003

#### PAPA JOHNS, 106 HIGH STREET, BRENTWOOD CM14 4AP

*Report of:* Ashley Culverwell – Head of Borough Health, Safety & Localism

*Wards Affected:* Brentwood South / Brentwood North

*This report is:* Public

#### 1. Executive Summary

- 1.1 This report provides information of an application for a variation to the premises licence in respect of **Papa Johns, 106 High Street, Brentwood CM14 4AP**
- 1.2 Members are requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

#### 2. Recommendation(s)

- 2.1 Each application must be considered on its individual merits and, therefore, no recommendations may be made. However, the available options are:
  - i) To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
  - ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
  - iii) To reject the application in whole or in part

#### 3. Introduction and Background

- 3.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

3.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

3.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued. Those pertaining to this particular application are reproduced in paragraph 5 of this report.

3.4 The four licensing objectives are;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

No objective carries any more weight than any other.

**3.5** Any representation must be able to demonstrate that on the balance of Probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

#### **4. The Application**

4.1 This application was received on 28 October 2014 from Mr Tofur Ali in respect of Papa Johns, 106 High Street, Brentwood CM14 4AP. A copy of the application is attached at **appendix 1**.

4.2 The premises is a food take away and provides late night refreshment. A site map of the location is also attached at **appendix 1**.

4.3 The applicant seeks to vary a premises licence for the provision of late night refreshment for the following hours;  
23:00hrs-03:00hrs daily



## **5. Reasons for Recommendation**

If Members are minded to grant the application:

5.1 The applicant has stated that:

- no alcohol will be served
- no unaccompanied children under 14 will be served after 11pm
- no unaccompanied children under 16 will be served after midnight
- first aid kits will be regularly checked and restocked
- CCTV will be in operation from opening to closing
- Customers will be asked to respect residents rights by avoiding excessive noise
- Bins will be provided
- Staff will clean the area around the premises at the end of operating hours

All such proposals will be converted into conditions on any licence as may be granted.

## **6. Consultation**

6. The regulations of the Licensing Act 2003 outline the requirements for the advertising of applications. These require the applicant to advertise the application:

- (b) For a period of no less than 28 consecutive days starting on the day after the day on which the application is given to the relevant licensing authority or display a notice ... prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises...
- (c) By publishing a notice in a local newspaper ... on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority.

6.2 Regulations also require that the applicant give a copy of the application to each responsible authority on the same day upon which it is given to the licensing authority.

6.3 There are no other statutory requirements for advertising of any application, however, the relevant Ward Councillors are notified and details of all applications received along with the time limit for receipt of representations is posted on the Council website.

6.4 Officers from the licensing authority have made checks on the display of notices on several occasions, including 28 October and 14 November. On

both occasions a single blue advertising notice was on display in the front window.

- 6.5 There have been three valid representations received from the Responsible Authorities. Essex Police Licensing Officer, Peter Jones, has concerns relating to potential crime and disorder, public nuisance and public safety. A copy of this representation is attached at **appendix 2**.
- 6.6 Environmental Health Officer, Steve Blake, has submitted a representation relating to the potential noise and public nuisance issues and the effect on local residential properties that may arise should a premises licence be granted and is attached at **appendix 3**.
- 6.7 Planning Enforcement Officer, Dean Baker has submitted a representation making reference to a previous planning application at the location that was refused and states that the proposal would cause noise and disturbance to local residents at unsociable times of the day to the detriment of their amenity. This representation is attached at **appendix 4**.
- 6.8 The concerns relating to the licensing objectives are predominantly based on noise nuisance matters and public safety issues relating to the extended hours in that late night refreshment retains people within the town centre especially at weekends. The applicant has made no address of the additional steps he intends to take to promote the licensing objectives. These concerns have extended to the potential level of disorder and public safety issues to the public on the street.
- 6.9 The current premises licence, together with an OS Map and frontage images to better identify the location are attached at **Appendix 5**.

## **7. Statement of Licensing Policy**

- 7.1 There are no specific issues arising from this application in relation to the Councils' Statement of Licensing Policy.
- 7.2 The following extracts from the Councils' Statement of Licensing Policy are brought to the general attention of Members:

*(1.4) Nothing in this Statement of Policy should be regarded or interpreted as an indication that any requirement of law may be overridden; each application will be considered and treated on its own merits.*

(7.1) When considering applications, the Licensing Authority will have regard to:-

- (a) The Licensing Act 2003, as amended and the licensing objectives.
- (b) Government guidance issued under Section 182 of the Licensing Act 2003, as amended.
- (c) Any supporting regulations.
- (d) This Statement of Licensing Policy.

(9.1) Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgments as to whether conditions may need to be attached to various authorisations in order to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. These conditions will cover matters that are within the control of individual licensees and others with relevant responsibilities.

(9.2) The Licensing Authority acknowledges that the licensing function cannot be used for the general control of nuisance or the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:

- (a) Planning controls.
- (b) Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other services within the Local Authority.
- (c) The provision of CCTV surveillance in town centres, ample taxi ranks, street cleaning and litter patrols.
- (d) Powers of Local Authorities to restrict consumption of intoxicating liquor in designated public places other than Premises licensed for 'on' sales.
- (e) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- (f) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- (g) The confiscation of alcohol from children and adults in designated areas.
- (h) The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- (i) Action under the Violent Crime Reduction Act 2006.

(11.1) There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its Statement of Licensing Policy.

*(16.6) The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant’s operating schedule.***

## **8. Relevant Sections of the Secretary of State’s Guidance**

8.1 The following extract of the section 182 guidance as published by the Secretary of State are brought to the attention of Members.

*(9.41) Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.*

*(9.42) The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*

*(9.43) Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.*

## **9. Legal Considerations**

- 9.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.
- 9.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.
- 9.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

### **Appendices to this report**

- Appendix 1 - Application Form
- Appendix 2 - Responsible Authority (Police) Representation
- Appendix 3 - Responsible Authority (EHO) Representation
- Appendix 4 - Responsible Authority (Planning) Representation
- Appendix 5 – Papa John’s Premises Licence & Street Plan

### **Report Author Contact Details:**

**Name:** Dave Leonard

**Telephone:** 01277 312523

**E-mail:** dave.leonard@brentwood.gov.uk

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PAPA JOHN'S, 106 HIGH STREET, BRENTWOOD CM14 4AP

# APPENDIX 1

## APPLICATION FORM

19 December 2014





Cheq. 000321

£ 101.00

BRENTWOOD B.C.

28 OCT 2014

Received

## D & B Licensing and Security Consultants

MBII/tp (Training Professional)  
Accredited Grade One BIIAB Training Providers  
E mail [barriehodgson@ntlworld.com](mailto:barriehodgson@ntlworld.com)

Home 01642 510820

Mobile 07533831728

27<sup>th</sup> October 2014.

FAO David Leanard.

BRENTWOOD  
BOROUGH COUNCIL

28 OCT 2014

ENVIRONMENTAL  
HEALTH & LICENSING

### Application for a full variation of Premises Licence PRM/437 001.

Please find enclosed the above application which has been forwarded to all responsible authorities. Also enclosed is a cheque in the sum of £101.00 in payment of administration fee. Cheque for £89.00 already lodged with your department.

Following a conversation with the above officer, having submitted a previous minor variation (on the advice of a member of that team) I now re-submit this application.

Working on the premise that you will receive the application on Tuesday, 28<sup>th</sup> October a blue notice of the prescribed type will be displayed on the premises for 28 consecutive days commencing on the 29<sup>th</sup> October until Tuesday, 25<sup>th</sup> November 2014.

A public notice will be published in the Brentwood Gazette within the specified period.

Since the grant of the original premise licence my client instructs that there have been no recordable incidents or complaints relating to these premises.

He further instructs that one particular premise (Subway) in the immediate vicinity to his already trades similar hours to those subject of this variation. He further states he is in receipt of substantial customer demand to increase his hours of trading from the premises, whilst obviously retaining the home delivery element of it.

Should you have any queries requiring clarification please do not hesitate to contact me on either of the numbers provided above.

Kind regards

Barrie Hodgson  
D&B licensing Consultants



**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** Mars Global Limited – Trading as Papa John's(GB)Limited.  
*(insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> PRM/437_001
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
Papa John's(GB) Limited 106, High Street			
<b>Post town</b>	Brentwood	<b>Postcode</b>	CM14 4AP

<b>Telephone number at premises (if any)</b>	01273 607080
<b>Non-domestic rateable value of premises</b>	£30K

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	
<b>E-mail address (optional)</b>	
<b>Current postal address if different from premises address</b>	
<b>Post town</b>	
<b>Postcode</b>	

**Part 3 - Variation**



Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

The current premise licence enables the sale of late night refreshment between the hours of 23.00 to 03.00 hours.

The latter two hours are for home delivery service only.

This application seeks to vary these two hours to permit the applicant to complete sales of takeaway food from the premises, whilst retaining the home delivery element.

The premises have been trading in excess of two years and my client instructs that have done so without the occurrence of any recordable incident or complaint.

The applicant is fully aware of other businesses trading in the immediate vicinity (Subway) to these hours and he seeks to establish the requested trading pattern to provide a level business platform with his competitors and to satisfy a substantial customer demand.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**





**A**

<b>Plays</b> <b>Standard days and timings (please read guidance note 6)</b>			<b>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b>  <b>State any seasonal variations for performing plays (please read guidance note 4)</b>  <b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</b>	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				



**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
<b>Mon</b>			<u>Please give further details here (please read guidance note 3)</u>		
<b>Tue</b>					
<b>Wed</b>			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
<b>Thur</b>					
<b>Fri</b>			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
<b>Sat</b>					
<b>Sun</b>					



**C**

<b>Indoor sporting events Standard days and timings (please read guidance note 6)</b>			<b>Please give further details (please read guidance note 3)</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		
<b>Mon</b>			<b><u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u></b>	
<b>Tue</b>				
<b>Wed</b>				
<b>Thur</b>				<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u></b>
<b>Fri</b>				
<b>Sat</b>				
<b>Sun</b>				



**D**

<b>Boxing or wrestling entertainments</b> <b>Standard days and timings (please read guidance note 6)</b>			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>				
<b>Mon</b>			<u>Please give further details here (please read guidance note 3)</u>			
<b>Tue</b>			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>			
<b>Wed</b>			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>			
<b>Thur</b>						
<b>Fri</b>						
<b>Sat</b>						
<b>Sun</b>						





**E**

<b>Live music</b> <b>Standard days and</b> <b>timings (please read</b> <b>guidance note 6)</b>			<b><u>Will the performance of live music take place</u></b> <b><u>indoors or outdoors or both – please tick (please</u></b> <b><u>read guidance note 2)</u></b>	<b>Indoors</b> <input type="checkbox"/>
				<b>Outdoors</b> <input type="checkbox"/>
				<b>Both</b> <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here (please read guidance note 3)</u></b>  <b><u>State any seasonal variations for the performance of live music</u></b> <b><u>(please read guidance note 4)</u></b>  <b><u>Non standard timings. Where you intend to use the premises for the</u></b> <b><u>performance of live music at different times to those listed in the</u></b> <b><u>column on the left, please list (please read guidance note 5)</u></b>	
<b>Mon</b>				
<b>Tue</b>				
<b>Wed</b>				
<b>Thur</b>				
<b>Fri</b>				
<b>Sat</b>				
<b>Sun</b>				



**F**

<b>Recorded music Standard days and timings (please read guidance note 6)</b>			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	<b>Indoors</b>	<input type="checkbox"/>
				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b>		
<b>Mon</b>					
			<b>State any seasonal variations for the playing of recorded music (please read guidance note 4)</b>		
<b>Tue</b>					
			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
<b>Wed</b>					
<b>Thur</b>					
<b>Fri</b>					
<b>Sat</b>					
<b>Sun</b>					



**G**

<b>Performances of dance</b> <b>Standard days and timings (please read guidance note 6)</b>			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> <b>(please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the performance of dance</u></b> <b>(please read guidance note 4)</b>		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					



H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					





<b>Late night refreshment Standard days and timings (please read guidance note 6)</b>			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</u></b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here (please read guidance note 3)</u></b>		
Mon	23.00	03.00			
Tue	23.00	03.00			
			<b><u>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</u></b> Consideration with regard to British summertime		
Wed	23.00	03.00			
Thur	23.00	03.00			
			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)</u></b>		
Fri	23.00	03.00			
Sat	23.00	03.00			
Sun	23.00	03.00			



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri								
Sat								
Sun								

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8).



L

<b>Hours premises are open to the public Standard days and timings (please read guidance note 6)</b>			<b>State any seasonal variations (please read guidance note 4)</b>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	11.00	03.00	
Tue	11.00	03.00	
Wed	11.00	03.00	
Thur	11.00	03.00	
Fri	11.00	03.00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b>
Sat	11.00	03.00	
Sun	11.00	03.00	

**Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.**



Please tick as appropriate

- I have enclosed the premises licence X
- I have enclosed the relevant part of the premises licence X

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.





**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

The applicant has traded to existing hours since 25<sup>th</sup> September 2012 and in that time has operated in full compliance to the licensing objectives in a manner that has resulted in no incidents of crime and disorder or complaint being recorded against the premises.

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**



Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I understand that I must now advertise my application. x
- I have enclosed the premises licence or relevant part of it or explanation. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	27 <sup>th</sup> October 2014.
Capacity	D&B Licensing Consultants. (Authorised Agent)

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Barrie Hodgson  
D&B Licensing Consultants,  
161, Castle Road

Post town	Redcar	Post code	TS102LY
Telephone number (if any)	07533831728		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) barriehodgson@nthworld.com			



**LICENSING ACT 2003.  
PUBLIC NOTICE OF APPLICATION FOR A FULL VARIATION  
OF A PREMISES LICENCE  
(Section 17, Licensing Act 2003)**

**Name of Applicant Mr Torfu ALI ( Mars Global Limited)**

**Postal address of premises or a description to enable the location to be identified.**

**Papa Johns (UK) Ltd, 106, High Street, Brentwood CM 14 4AP**

**Proposed variation. To vary the conditions regarding trading hours of Late Night Refreshment currently 2300 to 0300 hrs daily with home delivery service only from 0100 to 0300 hrs. This application is to permit such sale from the premises between the hours of 0100 and 0300 whilst retaining the existing home delivery service.**

**The Licensing Register may be inspected at the Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY between 8.30 am and 5.00 pm Monday to Thursday and between 8.30 am and 4.30 pm Friday, excluding public holidays.**

**Details are also provided on Brentwood Borough Council's website at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).**

**Any representations by a Responsible Authority or Interested Party must be made in writing to the Licensing Authority at the above address by Tuesday, 25<sup>th</sup> November 2014.**

**It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.**

**Dated 29<sup>th</sup> October 2014.**



PAPA JOHN'S, 106 HIGH STREET, BRENTWOOD CM14 4AP

# APPENDIX 2

Representations

Responsible Authorities

*Essex Police*

19 December 2014







Licensing Department, Loughton Police Station  
158 High Road, Loughton, IG10 4BE  
Telephone: 01279 625 405

Website: [www.essex.police.uk](http://www.essex.police.uk) Email: [Peter.Jones@essex.pnn.police.uk](mailto:Peter.Jones@essex.pnn.police.uk)

Mr Gary O'Shea  
Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM15 8AY

24 November 2014

Dear Gary,

**LICENSING ACT 2003 – PREMISE LICENCE VARIATION S.34**

**PREMISE: Papa John's (GB) Limited, 106 High Street, Brentwood**

**APPLICANT: Mars Global Limited**

Further to the Variation received on 31/10, I write to inform you that Essex Police will be making representations to this variation for the following reasons:

The applicant makes it clear that the motivation behind this application is to seek parity with a neighbouring fast food outlet, Subway. Yet, whilst seeking to extend the hours he opens to the public, he has not offered ANY additional steps to promote the four licensing objectives (Part M).

Subway had to satisfy a number of public safety and nuisance issues before the responsible authorities could even consider supporting such a business plan. A fully operational CCTV system is installed and door supervisors are in place to address potential crime and disorder concerns. The premises have a sufficiently sizable waiting/serving area able to cater for public queuing inside and offer public toilet facilities for customers. The food provided is 'fast' for the purposes of dispensing. This is not the case with Papa John's and the extended waiting times to cook meals together with the limited waiting area increases the potential for impatience & unrest, and thus creating public nuisance, anti-social behaviour, and crime and disorder.

The applicant has made NO effort to address these issues and cannot physically offer many of the facilities currently provided by Subway. The current premises licence had conditions attached for sound reasons. Nothing appears to have changed relating to the current operating schedule and no additional measures have been offered or assured. As alcohol is not provided, there is no requirement to have a qualified manager supervising sales. What level of training do staff have to deal with customers who, at the time of morning they will be operating to, are more than likely to have consumed varying levels of alcohol? Will there be any door supervision to manage the customers? Is there any medical equipment on the premises and are any of the staff trained in first aid? What steps will be taken to manage noise nuisance, queuing, and litter control? Will there be a dispersal policy or polite advisory notices to be displayed to customers?

Despite wishing to open up the vicinity to increased activity, the applicant has offered NO additional steps to promote the four licensing objectives (Part M). This does not inspire Police to support the application with any confidence. It is the police contention that the applicant needs to offer a practical & robust operating policy that, at the very least, addresses the above issues.

Perhaps, the only way to satisfy these concerns would be before a Licensing Sub-Committee, and the insertion of proportionate and appropriate conditions.

Please advise me of when the Licensing Panel will be meeting to hear this so I can be in attendance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Jones', written in a cursive style.

Mr Peter Jones ABII  
Epping & Brentwood Licensing Officer  
West LPA

**PAPA JOHN'S, 106 HIGH STREET, BRENTWOOD CM14 4AP**

# **APPENDIX 3**

**Representations**

**Responsible Authorities**

***Environmental Health***

19 December 2014





Licensing Authority  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY

Date: 25<sup>th</sup> November 2014  
Our Ref. 14/00059/PRM

Dear Sirs,

**Re: Licence Application for Pappa Johns, 106 High Street, Brentwood, Essex.**

I refer to the application for the above mentioned premises. The following hours of opening are proposed:

Monday to Sunday from 11:00 to 03:00.

The premises operate as a takeaway. The main entrance is in the High Street. However, the rear of the premises which is in Hart Street is used for deliveries. In the High Street, the closest residential property are flats above 108 High Street. In Hart Street, there are a number of residential properties in the Square.

Historically the applicant has made a previous application to this effect i.e. sale of food to street customers where after consideration Members decided that there will be a Public Health issue. In the course of the decision it was stated that the premises were to close their service direct to street trade at 01:00hrs and continue to 03:00hrs for home delivery only. However, it has been alleged that street customers are at present ordering food from the high street after 01:00hrs.

It is my concern that if this Licence is granted, noise from the deliveries from Hart Street will cause disturbance to the residents of The Square, particularly after 01:00 when the noise levels are low. Noise from any equipment, such as the extractor fan, will also be more noticeable with the lower background noise levels.

The other concern I have relates to the premises internal structure. At present, it is too small to cater for customers and it is highly likely that they will have to congregate outside the premises, in the street. In addition, the type of food prepared in the premises requires


a slight time delay to prepare. This too will exacerbate the waiting time for customers. This congregation of waiting customers around the premises will likely cause unrest and possible public nuisance to the residents in the High Street.

Additionally, there are no toilet facilities available for these customers and it is likely that this may result in impromptu urination in Public spaces.

It is my opinion that the Licensing Authority should consider the following matters with regard to the objective of prevention of public nuisance:

1. The hours the premises are open to the public are considered too late and likely to result in disturbance to residents surrounding the premises.

Yours Sincerely,



S.P.Blake

Environmental Health Officer.

Telephone: 01277 312647

Email: [stephen.blake@brentwood.gov.uk](mailto:stephen.blake@brentwood.gov.uk)

PAPA JOHN'S, 106 HIGH STREET, BRENTWOOD CM14 4AP

# APPENDIX 4

Representations

Responsible Authorities

*Planning*

19 December 2014





**dave leonard**

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**From:** Dean Baker  
**Sent:** 29 October 2014 08:07  
**To:** dave leonard  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE - PAPA JOHN'S, 106 HIGH STREET, BRENTWOOD CM14 4AP

Dear Dave,

This property is subject to a planning condition in respect of trading hours. The current permission ref.13/00163/FUL allows take away until 01.00 hours and home delivery until 03.00 hours. An earlier application 12/01187/FUL, to extend hours from 00.00 to 03.00 hours, was refused planning permission for the reason that:

*"The proposed opening hours if approved would cause noise and disturbance to local residents at unsociable times of the day by reason of the comings and goings of customers and the commercial activity within the site, to the detriment of their amenity and living conditions, contrary to Policies CP1 (criterion ii) and PC4 of the Brentwood Replacement Local Plan."*

It should be noted that residential uses are located nearby, including to the rear of the site, where a number of flats are located along Hart Street.

The residential amenity of occupiers of these properties is therefore of great concern. It is considered that the proposal would cause noise and disturbance to local residents at unsociable times of the day to the detriment of their amenity.

Whilst the applicant indicates that there have been no incidents or complaints, he would have no control over the behaviour of customers and visitors, particularly on their approach to and departure from the premises.

For this reason, the Planning Authority would object to the application for variation of the licence.

Regards

Dean Baker

Dean Baker | Planning Enforcement Officer | Brentwood Borough Council  
T 01277 312606 | F 01277 312743 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [dean.baker@brentwood.gov.uk](mailto:dean.baker@brentwood.gov.uk)

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**From:** dave leonard  
**Sent:** 28 October 2014 18:51  
**To:** David Carter; Stephen Blake; hochpps; 'Peter Jones'; 'Garry Owles'; 'Audrey Chapman, Business Support Assistant'; Dean Baker; planning; 'Mechelle DeKock, Local Authority Designated Officer'; 'Melissa.rawlinson@essex.gov.uk'; Elaine Hanlon  
**Cc:** Julie Morrissey; Gareth Barrett; mike le-surf  
**Subject:** APPLICATION TO VARY A PREMISES LICENCE - PAPA JOHN'S, 106 HIGH STREET, BRENTWOOD CM14 4AP

Dear Colleagues,

On 28<sup>th</sup> October 2014, the Licensing Office received an application from Mr Torfu Ali (Mars Global Limited) T/A Papa Johns (UK) Ltd to vary a premises licence at:

**PAPA JOHN'S, 106 HIGH STREET, BRENTWOOD CM14 4AP**

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

The current premise licence enables the sale of late night refreshment between the hours of 23.00 to 03.00 hours.

The latter two hours are for home delivery service only.

This application seeks to vary these two hours to permit the applicant to complete sales of takeaway food from the premises, whilst retaining the home delivery element.

The premises have been trading in excess of two years and my client instructs that have done so without the occurrence of any recordable incident or complaint.

The applicant is fully aware of other businesses trading in the immediate vicinity (Subway) to these hours and he seeks to establish the requested trading pattern to provide a level business platform with his competitors and to satisfy a substantial customer demand.

**Late Night Refreshment: 23:00hrs-03:00hrs daily**

The consultation period for this application ends at midnight on **Tuesday, 25<sup>th</sup> November 2014.**

If you feel compelled to make a representation against this application, or if I can be of any further assistance, please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523.**

Kind regards,

***Dave Leonard***

Licensing Officer  
Brentwood Borough Council  
[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)  
01277 312523

**PAPA JOHN'S, 106 HIGH STREET, BRENTWOOD CM14 4AP**

# **APPENDIX 5**

**PAPA JOHN'S**

*Premises Licence*

*Decision Notice 1<sup>st</sup> October 2013*

*OS Street Map*

*Frontage Images*

19 December 2014





**BRENTWOOD  
BOROUGH COUNCIL**

**Licensing Act 2003  
Premises Licence**

**Premises licence number PRM/437\_001**

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

**Papa John's  
106, High Street**

<b>Post town</b>	<b>Brentwood</b>	<b>Post code</b>	<b>CM14 4AP</b>
<b>Telephone number</b>	<b>01277 214343</b>		

**Where the licence is time limited the dates**

**Not Applicable**

**Licensable activities authorised by the licence**

**Provision of Late Night Refreshment**

**The times the licence authorises the carrying out of licensable activities**

**Provision of Late Night Refreshment**

**Monday to Sunday 23.00 to 03.00**

**The opening hours of the premises**

**Monday to Sunday 11.00 to 01.00**

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

**N/A**

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

**Mars Global Limited  
106,High Street  
Brentwood  
Essex  
CM14 4AP**

**Registered number of holder, for example company number, charity number (where applicable)**

**110191080**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

**Not Applicable**

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Not Applicable**

**Dated 5<sup>th</sup> February 2013**



**for Licensing Authority**

**INFORMATIVE**

**THIS LICENCE DOES NOT CONFER ANY APPROVAL UNDER THE PLANNING ACTS OR BUILDING CONTROL REGULATIONS.**

## **Annex 1 - Conditions consistent with the Operating Schedule**

- 1. Staff employed at the premises will be required to provide evidence in the form of written statements in the event of any crime and disorder taking place**
- 2. The Premises Licence holder will participate and work with any representative bodies who's aims are to reduce crime, disorder and antisocial behaviour**
- 3. Staff will adopt policies to minimise drug related activity/incidents taking place within the immediate vicinity.**
- 4. The Premises Licence Holder will participate in a radio or other communications system in accordance with guidance issued by Essex Police this to include Brentwood Town Link notices to this effect to be displayed to the public.**
- 5. Terms and conditions of employment of all staff will include the requirement to provide evidence in the form of written statements relating to any incident of crime and disorder.**
- 6. A Digital CCTV system to be installed so as retain images that are of a acceptable evidential value. The number of internal cameras to be 7 .Images will be retained for a minimum of 8 weeks and be will be made available to the statutory agencies as required.**
- 7. Any incident of crime and disorder will be reported to the Police and a record of each incident will be recorded.**
- 8. All members of staff will monitor customers arriving and exiting the premises to ensure that no undue nuisance is caused to local residents notices will be displayed in a prominent position requesting customers to respect the needs of local residents.**
- 9. Delivery vehicles will operate to and from the rear of the premises until 12 midnight only.**
- 10. The Premise Licence holder will adopt a litter policy in the immediate vicinity and supply suitable receptacles fit f**



**Annex 3 - Conditions attached after a hearing by the licensing authority**

- 1. Delivery vehicles will operate to and from the rear of the premises until 12 midnight only.**
- 2. The supply of Late Night Refreshment after 1am shall only be for external deliveries only there shall be no supply of Late Night Refreshment to customers attending the premises.**
- 3. The rubbish/refuse shall not be placed outside of the premises building after midnight.**

#### **Annex 4 – Plans**

This licence is issued subject to the following attached plans:





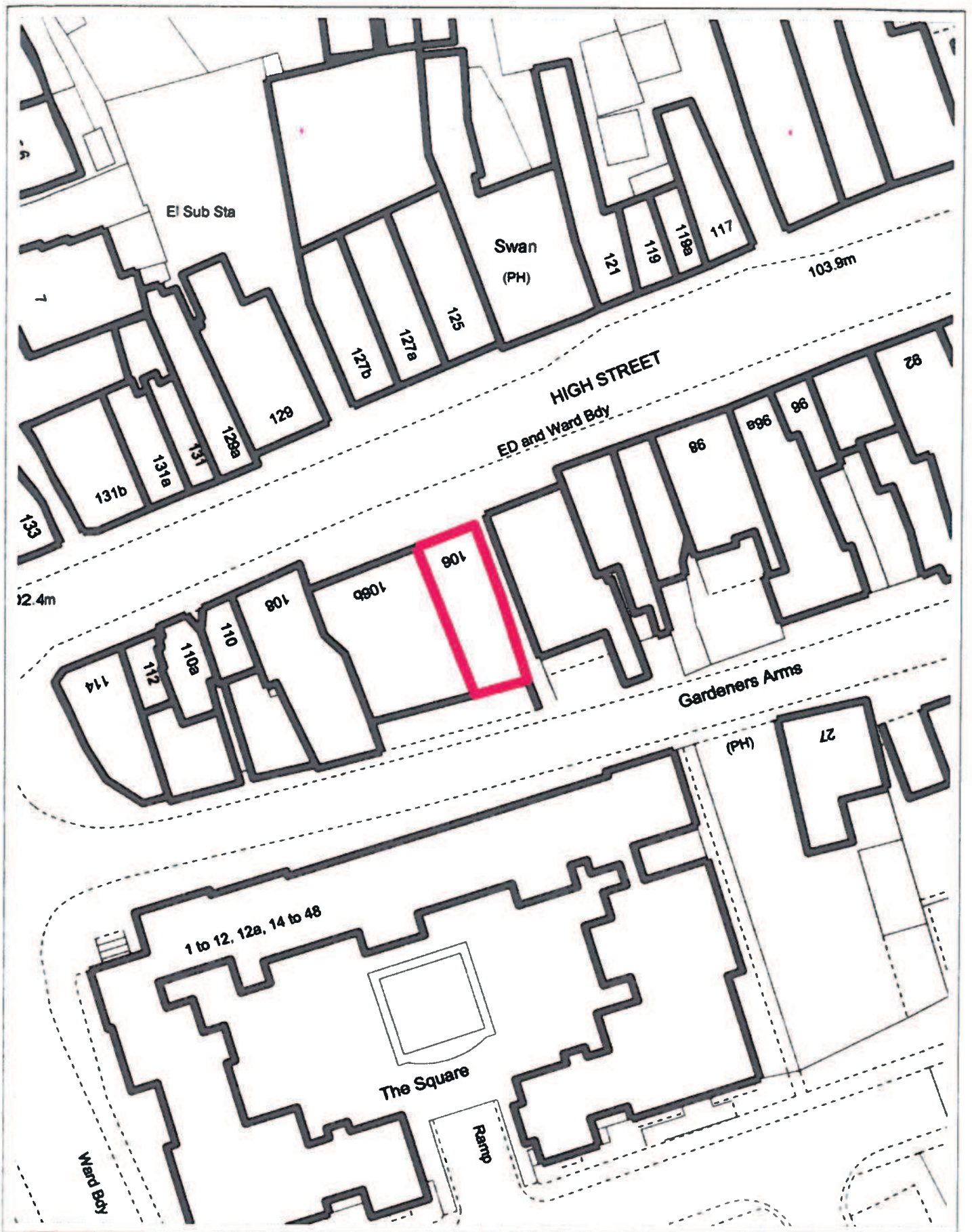












**Papa Johns**

**Service ICT**

**Scale 1:500 at A4**

**Drawn by OSJ**

**Date 8th December 2014**





## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Licensing Committee Terms of Reference**

### **General Powers of Committees**

This scheme of delegation sets out the functions of the Council to be discharged by its Committees and Sub- Committees and includes the terms of reference of statutory and non statutory bodies set up by the Council.

Each committee or sub committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;
- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.
- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the Committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the Committee;

### **Licensing Committee**

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Licensing Committee.

- (d) To be responsible for all the Council's licensing and registration functions as detailed in Part B of Schedule 1 Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) in so far as they pertain to matters concerned with:
1. Trading Requirements
  2. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
  3. Animal Welfare and Security
  4. Skin Piercing, Acupuncture, Electrolysis and Tattooing
  5. Sex establishments (including Sex Entertainment Venues (SEV))
  6. Pavement Permits
  7. Charitable Collections
  8. Camping, Caravan Sites and Mobile Homes
  9. Scrap Metal
  10. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing