

Minutes

Licensing/Appeals Sub-Committee Wednesday, 29th April, 2015

Attendance

Cllr Mrs Hubbard
Cllr Newberry

Cllr Russell

Officers Present

Dave Leonard - Licensing Officer
Chris Pickering - Principal Solicitor
Jean Sharp - Governance and Member Support Officer

570. Appointment of Chair

Cllr Newberry was appointed Chair of the Sub-committee.

571. Quasi-Judicial Function

Members were respectfully reminded that, in determining the matter listed under Minute 572, they were exercising a quasi-judicial function with the civil burden of proof, that the matter would be determined on the facts before the Sub-Committee and the rules of natural justice applied.

572. Licensing Act 2003 - Application to Vary a Premises License - Papa John's, 106 High Street, Brentwood. CM14 4AP

The report before Members provided information on an application for the variation of the premises license in respect of Papa John's, 106 High Street, Brentwood, CM14 4AP.

Members were 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.

Each application must be considered on its individual merits and, therefore, no recommendations may be made. However, the available options were:

- 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

The Licensing Act 2003 established a single integrated scheme for licensing premises used for the supply of alcohol, regulated entertainment or provision of late night refreshment.

The purpose of the licensing system was the promotion of four licensing objectives:

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

The Sub-Committee took those objectives into account in determining the matters before it, together with the following:

- Guidance Notes on the Conduct of Hearings before the Licensing/ Appeals Committee
- Brentwood Borough Council's Statement of Licensing Policy
- The statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003

This application was received on 10 March 2015 in respect of Papa John's, 106 High Street, Brentwood, CM14 4AP. A copy of the application and a site map were before Members.

The premises was a food take away and provided late night refreshment. The applicant sought to vary the premises license for the provision of late night refreshment for the hours of 23.00hrs to 0300hrs daily.

The application had been advertised in accordance with the Licensing Act 2003 regulations and one representation had been received from the Responsible Authorities: The Environmental Health officer was concerned that there were potential noise and public nuisance issues and there may be a detrimental effect on local residential properties. Details of the objections were before Members, also the response to the objections from the applicant's agent.

The Sub-Committee considered in detail the written and oral submission and evidence provided to it and was impressed with the quality of the application and the range of conditions volunteered. It noted that the objections raised by Environmental Health, while well intentioned, were not supported by evidence.

On balance, the Sub-Committee concluded that the conditions volunteered by the applicant were sufficient to promote the licensing objectives and they were adopted in full as conditions on the license.

The Sub-Committee therefore **RESOLVED UNANIMOUSLY** to grant the variation of the license for late night refreshment as applied for with the conditions summarised in the licensing report on page 9 of the agenda, but listed in full in the application as follows:

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately on request of Police or authorised Council officer. Download or export of CCTV should be in the native file format with the native player.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises is open to the public. This staff member must be able to show the Police or authorised Council officer recent data or footage with the absolute minimum of delay when requested.
3. The premises will employ an SIA registered doorman from 23:00 to 03:30 Monday to Sunday to ensure that customers are aware that the premises operates a strict policy in respect of not tolerating any disorder.
4. A register of security personnel employed on the premises shall be maintained in a legible format and made available to Police upon reasonable request. The register should be completed by the duty manager at the commencement of work by each member of security staff; that security operative should then sign their name against these details. Details recorded should include:
 - Full name
 - SIA badge number
 - Time of commencement of duties
5. Extra staff will be on duty to ensure that there are no delays between taking a customer order and providing a finished product.
6. Experienced staff shall be on duty in the late evening and early morning hours who have been trained in first aid and are also able to assist door staff should the need arise.
7. A manager shall be on duty for the duration of opening from 23:00 to 03:00.
8. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received

- Any incidents of disorder
 - Any faults in the CCTV
 - Any visit by a relevant authority or emergency service
9. The premises will subscribe to the Brentwood Town link radio system, enabling them direct contact with other venues and CCTV operators.
 10. Regular testing of the integrated filtering system shall take place to ensure that extraction is not a public nuisance and does not create a public nuisance for neighbours in the near vicinity.
 11. Notices shall be displayed reminding visitors that packaging from PAPA JOHNS products should be discarded responsibly in litter bins.
 12. Notices shall be displayed informing customers that public safety and their support in ensuring their wellbeing is requested.
 13. Notices shall be displayed at the premises encouraging customers to leave the premises quietly and respect the needs of the residents in the area to sleep and peace.
 14. All staff will be trained to ensure that customers waiting for food do so in an orderly and risk free environment. Staff will assist the door staff to ensure that order is maintained within the premises should this be necessary.
 15. Staff will be trained to respond to increases in tension if they occur and to ensure that flashpoints do not occur.
 16. Careful filtering of customers shall take place by door staff to ensure that drunk or rowdy persons cannot gain entry to the premises.
 17. Door staff shall encourage visitors to the premises to leave quietly and proceed away from the High Street to their homes or hotel quietly.
 18. Door staff shall be used at the end of trading to ensure that customers disperse responsibly and do not create a nuisance on the High Street.
 19. Street litter patrols will take place at the end of the evening to ensure that no packaging from PAPA JOHNS products are left on the pavement. Any detritus will be swept and removed.

The meeting ended at 11.30am.