

# Minutes

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## **Licensing/Appeals Sub-Committee Tuesday, 8th March, 2016**

### **Attendance**

Cllr McCheyne  
Cllr Reed

Cllr Wiles

### **Also Present**

Cllr Newberry

### **Officers Present**

|                 |   |                                         |
|-----------------|---|-----------------------------------------|
| Dave Leonard    | - | Licensing Officer                       |
| Chris Pickering | - | Principal Solicitor                     |
| Rakish Rose     | - | Technical Officer, Environmental Health |
| Jean Sharp      | - | Governance and Member Support Officer   |

### **380. Appointment of Chair**

Members resolved that Councillor McCheyne should chair this meeting of the Sub-Committee.

### **381. Administrative Function**

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

### **382. Application for a Premises Licence - Licensing Act 2003, CAFE LOWE, 2-2A VICTORIA ROAD, BRENTWOOD CM14 5EE**

The report before Members provided information relating to the application for a variation to the premises licence in respect of Cafe Lowe, 2-2A Victoria Road, Warley Brentwood CM14 4AP.

Members were requested to determine the application having regard to the operating schedule, the Council's Statement of Licensing Policy and the four Licensing objectives:

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

The application was received on 13 January 2016 from Mr Robert Lowe and a copy was before the Sub-committee. The applicant sought a licence for the provision of the sale of alcohol for the following hours: 10:30hrs to 00:00hrs daily and late night refreshment for 23:00hrs – 00:00hrs daily with extended hours on Christmas Eve and New Year's Eve.

The application had been advertised in accordance with the Licensing Act 2003 regulations.

Two representations had been received from responsible authorities - Essex Police (Licensing) and Environmental Health (Noise Pollution) - and ten representations were received from interested parties relating to public nuisance, all of which were appended to the agenda.

The Sub-committee was addressed by the applicant's representative who advised that the applicant now wished to reduce the requested licensing hours which would go some way to addressing the concerns of those making representation.

The Sub-Committee considered the written and oral submissions from all parties and noted the greatly reduced hours by way of a varied application, made orally at the meeting. The hours applied for were as follows:

10:00 to 18:00hrs Monday to Sunday and the first Saturday of each month  
10:00 to 23:00hrs .

The Sub-Committee noted the objections from local residents but since parking was not relevant to the Licensing Objectives, complaints about current anti-social behaviour could not be associated with the applicant premises. The Sub-Committee put some weight in the recommendations of the Council's Environmental Health department and the Police and noted that their recommendations had been accepted by the applicant and that Mrs Rose from the Environmental Health department accepted at the hearing that with the new hours applied for, she was now happy with the application being granted.

The Sub-Committee were satisfied that the conditions volunteered and accepted were sufficient to satisfy the licensing objectives and therefore resolved to grant the licence as applied for, with the following conditions also applied:

1. Alcohol shall only be sold ancillary to a table meal as defined by s159 of the Licensing Act 2003
2. No drinks or glassware shall be permitted outside the premises

