



Agenda

Licensing/Appeals Sub-Committee

Tuesday, 8 March 2016 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs McCheyne, Reed and Wiles

Agenda Item	Item	Wards(s) Affected	Page No
1.	Appointment of Chair		
2.	Administrative 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.	Application for a Premises Licence - Licensing Act 2003 CAFE LOWE, 2-2A VICTORIA ROAD, BRENTWOOD CM14 5EE	Brentwood West	5 - 66

Head of Paid Service
Town Hall
Brentwood, Essex

29.02.2016

Information for Members

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Chair on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

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If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

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.

Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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Access

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Evacuation Procedures

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8 March 2016

Licensing and Appeals Committee

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

CAFE LOWE, 2-2A VICTORIA ROAD, BRENTWOOD CM14 5EE

Report of: Gordon Glenday – Head of Planning & Development

Wards Affected: Brentwood West

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 **Cafe Lowe, 2-2A Victoria Road, Warley, 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

- 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

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 paragraphs 4 and 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 13 January 2016 from Mr Robert Lowe in respect of Cafe Lowe, 2-2A Victoria Road, Brentwood CM14 5EE. A copy of the application is attached at **Appendix 1.**

4.2 The applicant describes the premises as a small cafe which serves 26 covers with breakfasts and evening meals set in a semi-residential and commercial area. A map of the location is also attached at **Appendix 4.**

4.3 The applicant seeks a premises licence for the provision of the sale of alcohol for the following hours; **10:30hrs-00:00hrs daily** and late night refreshment for the following hours; **23:00hrs-00:00hrs daily**

4.4 The following conditions have been proposed by the applicant in the operating schedule;

- Any music will generally be by way of incidental background music
- The premises shall adopt a Challenge 25 Policy where it appears to a member of staff that a person is over 18 years the proof of age documents that will be accepted to establish that the person is over 18 years. Acceptable forms of photographic identification include;
 - a) Photo card Driving Licence
 - b) Passport
 - c) a 'PASS' accredited proof of age card
 - d) a Military ID
- Staff training will be conducted by the DPS with regards to the responsible retailing of alcohol.
- All food and trade waste will be removed according to the trade waste contract.

5. Reasons for Recommendation

If Members are minded to grant the application:

5.1 The applicant has, after consultation with the Police, also stated that:

- Alcohol shall only be sold ancillary to a table meal as defined by s.159 Licensing Act 2003.
- No drinks or glassware shall be permitted outside the premises.

5.2 Any application granted will automatically contain conditions from paragraph 4. The additional conditions contained in this paragraph may be added by members if granting and considered appropriate for the promotion of the licensing objectives.

All such proposals will be converted into conditions on a licence if 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. On each visit a single blue advertising notice was correctly displayed in the front window.

6.5 There have been 2 valid representations received from the Responsible Authorities. Representations from Essex Police (Licensing) and the Environmental Health (Noise Pollution) are attached at **Appendix 2**.

6.6 There have been 10 valid representations received from interested parties. All are made by residents of Victoria Road living in close proximity to the premises. At present, the cafe premises is generally closed by 3pm and this raises potential public nuisance concerns emanating from the additional hours the applicant is intending to operate. Residents above the premises have noise concerns from the apparent poor sound insulation and nuisance issues associated with the operating of the kitchen. These representations, together with a response from the applicant's agent are attached at **Appendix 3**.

6.7 Three representations were deemed invalid as they were not compliant with the regulations in accordance with the consultation period.

6.8 An OS Street Map and frontage images to better identify the location are attached at **Appendix 4**.

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 - Representations - Responsible Authorities
- Appendix 3 - Representations – Interested Parties
- Appendix 4 - OS Street Plan & frontage images

Report Author Contact Details:

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

CAFÉ LOWE, 2-2A VICTORIA ROAD, WARLEY, BRENTWOOD CM14 5EE

APPENDIX 1

APPLICATION FORM

8 MARCH 2016

Reference: PrL109155

Application for a Premises Licence to be granted under the Licensing Act 2003

Please note: You must provide online payment for this licence after completing the form. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or a debit card.

Before completing this form, please read the guidance notes:

Premises Licence Application Guidance Notes

You should keep a copy of the completed application for your records, this will be attached (PDF format) to your acknowledgement email which you will receive upon completion of this application. By completing this application online, you will automatically be notifying the Responsible Authorities.

Cost of licence

The fee you pay for your licence is based on the rateable value of the premises and if the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises. If you do not know what the rateable value of your premises is, you can find this on the [Valuation Office Agency](#) website.

What is the Non-domestic rateable value of the premises?* 4301-33000
Cost of licence: £190.00

I/we (name of applicant)* Robert Dean Lowe
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 – Premises details

Does the premises have a postal address, or would you like to enter ordnance survey map references, or a description of its location?*

Yes, it has a postal address.

Premises Address

Flat Number (if any) Cafe Lowe
House / Building Name or Number* 2-2A
Road Name* VICTORIA ROAD
Town WARLEY
County
Post Code* CM14 5EE

Daytime contact telephone number (if any): 01277 200994

Premises email address (optional)

Email address

Re-enter email address

Please state whether you are applying for a Premises Licence as* (a) an individual or individuals

I am* carrying on or proposing to carry on a business which involves the use of premises for licensable activities

Individual Applicants

Title* Mr
First name(s)* Robert Dean
Surname* Lowe

I am 18 years old or older* Yes
Applicant Address

Flat Number (if any)
House / Building Name or Number* 27
Road Name* CROMWELL ROAD
Town WARLEY
County
Post Code* CM14 5DT
Daytime contact telephone number* 01277 200994
Applicant email address (optional)
Email address
Re-enter email address

Second individual applicant (if applicable)

Title Nothing selected
First name(s)
Surname

I am 18 years old or older Nothing selected
Applicant address

Flat Number (if any)
House / Building Name or Number
Road Name
Town
County
Post Code
Daytime contact telephone number
Applicant email address
Email address
Re-enter email address

Part 3 - Operating Schedule

When do you want the premises licence to start?* 10 Feb 2016

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises. (Please read guidance note 1):* Small Café which serves about 30 covers from breakfasts and evening meals set in a semi residential and commercial area. the premises will be serving food and any music will generally be by way of incidental background music.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see [section 1](#) and [section 14](#) of the Licensing Act 2003 and [Schedule 1](#) and [Schedule 2](#) to the Licensing Act 2003)

Provision of regulated entertainment:

- (a) plays
- (b) films
- (c) indoor sporting events
- (d) boxing or wrestling entertainment
- (e) live music
- (f) recorded music
- (g) performances of dance
- (h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment



Supply of alcohol



(i) Late night refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 2).*

Indoors

Standard days and timings (Please read guidance note 6)

Day	Start	Finish
Monday	23:00:00	00:00:00
Tuesday	23:00:00	00:00:00
Wednesday	23:00:00	00:00:00
Thursday	23:00:00	00:00:00
Friday	23:00:00	00:00:00
Saturday	23:00:00	00:01:00
Sunday	23:00:00	00:00:00

Please give further details here (please read guidance note 3)*

none

State any seasonal variations for the provision of late night refreshment (please read guidance note 4)*

Christmas Eve 23.00 to 01.00 the next day
New Years Eve 23.00 to 01.00 the next day

Non standard timings. Where you intend to use the premises for provision of late night refreshment at different times to those listed above, please list (please read guidance note 5)*

none

(j) Supply of alcohol

Will the supply of alcohol be for consumption on the premises or off the premises or both? (please read guidance note 2).*

Both

Standard days and timings (Please read guidance note 6)

Day	Start	Finish
-----	-------	--------

Monday	10:30:00	00:00:00
Tuesday	10:30:00	00:00:00
Wednesday	10:30:00	00:00:00
Thursday	10:30:00	00:00:00
Friday	10:30:00	00:00:00
Saturday	10:30:00	00:00:00
Sunday	10:30:00	00:00:00

Please give further details here (please read guidance note 3)* none

State any seasonal variations for the supply of alcohol (please read guidance note 4)* Christmas Eve 10.30 to 01.00 the next day
New Years Eve 10.30 to 01.00 the next day

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list (please read guidance note 5)* none

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor

Name* David Carter-Barnard

Address

House / Flat Name or Number*

Road Name*

Town

County

Post Code

Personal licence number (if known)

Issuing licensing authority (if known)

(n) Adult entertainment and services

Please highlight any adult entertainment or services, activities, or 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)* None

(I) Hours premises are open to the public

Standard days and timings (Please read guidance note 6)

Day	Start	Finish
Monday	07:00:00	00:30:00

I agree to submit a plan of the premises* I agree

Please attach a plan of the premises

Cafe Low Plan.jpg

Alternatively, these should be sent by post to: Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY. Please include the reference number for this form, which will be produced when you submit it.

I will send copies of this application and the plan to the relevant authorities and others where applicable* I agree

I will submit a consent form completed by the individual I wish to be designated premises supervisor, if applicable (available as a separate online form on our website)* I agree

I understand that I must now advertise my application* I agree

A copy of the Prescribed Form of Notice is available here:

[Public Notice of Application](#)

I understand that if I do not comply with the above requirements my application will be rejected* I agree

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 4 - Signatures (please read guidance note 10)

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

Signature (Print name):*

Michael Fish

Date*

13 Jan 2016

Capacity:

Duly authorised agent

For joint applications, signature of 2nd applicant 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 (Print name)

Date

13 Jan 2016

Capacity

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

Correspondence name

Michael Fish

Telephone number

Mobile telephone number

07912497519

To receive email acknowledgement of your application and confirmation of your payment, please provide a correspondence

Email address*

mifi875@sky.com

Re-enter email address*

mifi875@sky.com

Tuesday	07:00:00	00:30:00
Wednesday	07:00:00	00:30:00
Thursday	07:00:00	00:30:00
Friday	07:00:00	00:30:00
Saturday	07:00:00	00:30:00
Sunday	07:00:00	00:30:00

State any seasonal variations (please read guidance note 4)* Christmas Eve 07.00 to 01.30 the next day
 4)* New Years Eve 07.00 to 01.30 the next day
 Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed above, please list (please read guidance note 5)* none

(o) Promoting licensing objectives

Describe the steps that you intend to take to promote the four licensing objectives:

- | | |
|--|--|
| a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)* | Challenge 25 Policy
Staff training |
| b) The prevention of crime and disorder* | Adopt Challenge 25 Policy where it appears to a member of staff that a person is under 25 will request proof of age to establish that the person is over 18 years. the proof of age documents that will be accepted, a photo card driving licence, a passport, a PASS accredited proof of age card and a military ID
Alcohol will be served only while seated at a table and consuming a table meal, except should a takeaway service exist, customers may consume alcohol whilst waiting for the order.
Staff training will be conducted by the DPS with regards to the responsible retailing of alcohol. |
| c) Public safety* | All fire safety equipment will be maintained or replaced as appropriate to the manufacturers guidelines |
| d) The prevention of public nuisance* | All food and trade waste will be removed according to the trade waste contract |
| e) The protection of children from harm* | Adopt Challenge 25 Policy where it appears to a member of staff that a person is under 25 will request proof of age to establish that the person is over 18 years. the proof of age documents that will be accepted, a photo card driving licence, a passport, a PASS accredited proof of age card and a military ID
Staff training will be conducted by the DPS with regards to the responsible retailing of alcohol. |

Declaration

Consent of an Individual to being Specified as a Premises Supervisor

I (full name of prospective premises supervisor)* David Carter-Barnard

of (home address of prospective premises supervisor)

If you are looking for a Brentwood address, please enter the postcode (including the space) and click the 'Look up Address' button.

Flat Number (if any)

House / Building Name or Number*

Road Name*

Town

County

Post Code*

hereby confirm that I give my consent to be specified as a designated premises supervisor in relation to an application to (type of application)* Vary a premises licence to specify an individual as a designated supervisor under the Licensing Act 2003

by (name of applicant)* Robert Dean Lowe

relating to a premises at (premises licence number, if any)

for (name of premises)* Cafe Lowe

(Address of premises)

If you are looking for a Brentwood address, please enter the postcode (including the space) and click the 'Look up Address' button.

Flat Number (if any)

House / Building Name or Number*

Road Name*

Town

County

Post Code*

2-2A
VICTORIA ROAD
BRENTWOOD

CM14 5EE

and any premises licence to be granted or varied in respect of this application concerning the sale of alcohol made by (name of applicant)* Robert Dean Lowe

concerning the supply of alcohol at (name of premises supplying alcohol)* Cafe Lowe

(address of premises supplying alcohol)

If you are looking for a Brentwood address, please enter the postcode (including the space) and click the 'Look up Address' button.

Flat Number (if any)

House / Building Name or Number*

Road Name*

Town

County

Post Code*

2-2A
VICTORIA ROAD
BRENTWOOD

CM14 5EE

I also confirm that I am applying for, intend to apply or currently hold a personal licence, details of which are set out below

Personal licence number, if any 481

Personal licence issuing authority, if any Brentwood Borough Council

Personal licence issuing authority address, if any

If you are looking for a Brentwood address, please enter the postcode (including the space) and click the

'Look up Address' button.

Flat Number (if any)
House / Building Name or Number
Road Name
Town
County
Post Code

TOWN HALL
INGRAVE ROAD
BRENTWOOD
CM15 8AY

Personal licence issuing authority telephone number, if any

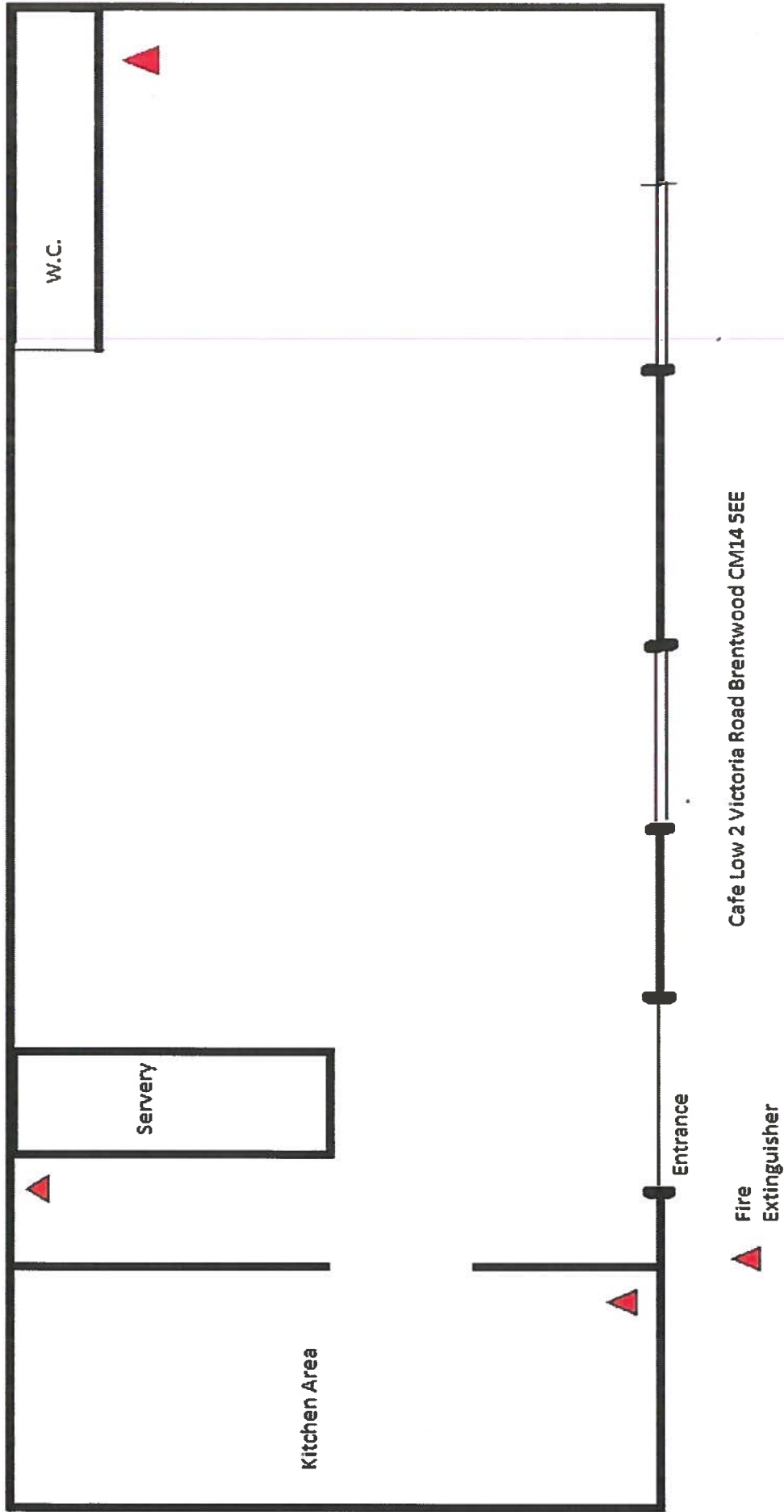
Signed (print name)* David Carter - Barnard

Date 13 Jan 2016

If you would like a copy of this application, please provide a valid email address

Correspondence email address
Email address
Re-enter email address

mifi875@sky.com
mifi875@sky.com



Ultimate A1202 Bookazine

**Robert Dean Lewis hereby is applying for the Grant of a
Premises License for Class 2, 3, 4 & 5 at
Brentwood Essex C&A SEZ.**

Following Activities to take Place:

**Sale of alcohol for consumption both on and off the
premises and the provision of late night refreshment
days and times of licensed activities are as follows:**

Rate of Alcohol:

Monday to Sunday 10.00 to 10.00

Christmas Eve & New Year's Eve 10.30 to 01.00

Provision of Late Night Refreshment

Monday to Sunday 23.00 to 02.00

Christmas Eve & New Year's Eve 23.30 to 23.00

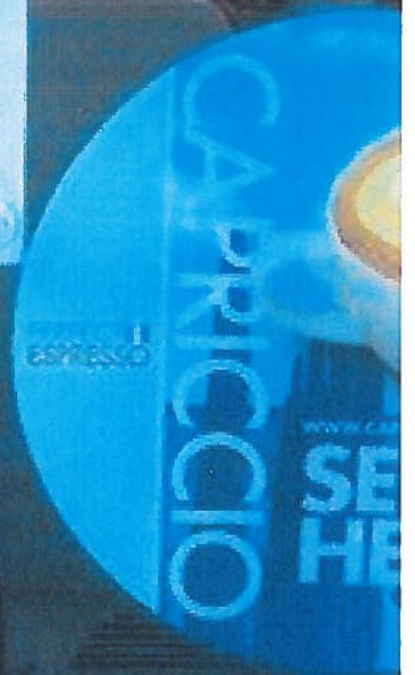
Special Hours:

Monday to Sunday 10.00 to 10.30

Christmas Eve & New Year's Eve 10.30 to 01.00

Any person wishing to make representations in relation to this application may do so by writing to The Licensing Section, Brentwood Borough Council. Representations may be made by 21 consecutive days from the date of the notice and no later than 10th February 2016. A copy of the application for the grant of the above license is kept by The Licensing Section, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood Essex C&A SEZ. The application can be viewed Monday and Tuesday 2.00pm to 4.30pm, Wednesday 9.00am to 1.00pm, Thursday 9.00am to 4.30pm and Friday to 2.30pm on Fridays, except bank holidays. It is an offence knowingly or recklessly to make a false statement in connection with an application the maximum fine for which a person is liable on summary conviction for making a false statement is a Level 3 fine on the standard scale.

Given 2nd January 2016



Public Notices

brentwoodgazette.co.uk/bookonline
 Private: 01245 690235
 Trade: 01277 517074

Lost

WEDDING RINGS

Gold, 1 patterned the other with tiny chipped diamonds
 Lost Chelmsford Tuesday 19th January, in High Chelmer/Meadows Shopping area, high sentimental value. Please contact with any info

01245231682

Public Notices

HEIDI MARTHA WEIERSMULLER (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased late of Madelayne Court Care Home, Schepers Lane, Broomfield, Chelmsford, Essex CM1 7DR, who died on 14/11/2015 are required to send particulars thereof in writing to the undersigned Solicitors on or before 08/04/2016 after which date the Estate will be distributed having regard only to claims and interests of which they have had notice.

LEONARD GRAY LLP
 72-74 Duke Street, Chelmsford, Essex CM1 1JY

Licensing Act 2003 Public Notice

Robert Dean Lowe hereby applying for the grant of a Premises Licence for Class 2, 3 and 4 for the premises known as the Victoria Road, Brentwood, Essex, CM14 5EE. Following Activities to take place: Sale of alcohol for consumption both on and off the premises and the provision of late night refreshment. Days and times of licensed activities are as follows: Sale of Alcohol: Monday to Sunday 10.30 to 01.00, Christmas Eve and New Year's Eve 10.30 to 01.00, Christmas Eve and New Year's Eve 23.00 to 01.00, Opening hours: Monday to Sunday 07.30 to 01.30, Christmas Eve and New Year's Eve 07.30 to 01.30. Any person wishing to make representations in relation to this application may do so by writing to The Licensing Section, Brentwood Borough Council, Rights House, Rights Way, Brentwood, Essex, CM14 5JY. A copy of the application for the grant of its above licence is kept by the Licensing Section, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex, CM14 5JY. The application can be viewed Monday and Tuesday 9.00am to 4.30pm, Wednesday 9.00am to 1.00pm, Thursday 9.00am to 4.30pm and 9.00am to 3.30pm on Fridays except bank holidays. It is a offence knowingly or recklessly to make a false statement in connection with an application for a maximum fine for which a person is liable on summary conviction for making a false statement is Level 5 fine on the standard scale. Dated: 2nd January 2016

BOOK via MOBILE

B183 Sheering Road, Sheering
 Matching Road, Matching Green

junction with Coach Horse (Private Road).

From its junction with Lower Sheering Road to its junction with Ardley End, Hatfield Heath.

From its junction with Matching Green to outside the property known as the Farthyngs, Moreton.

B183 Sheering Road

B183 Gliden Way, A414, B184 Dunmow Rd, A1060 Chelmsford Rd, B183 Sheering Road

Phase 1 – Little Laver Rd, Abbess Rd, Bottle Lane, Mill Lane, Harlow Rd,
 Phase 2 – Mill Lane, Church Road, Matching Rd
 Phase 3 – Mill Lane, Bottle Lane, Abbess Rd, Little Laver Rd, Maltings Hill, Harlow Rd.

(20:00h-06:00h)

17/02/2016 – 22/02/2016 (20:00h-06:00h)

15/02/2016 – 26/02/2016

Rayley Lane, North Weald Bassett

From its junction with the A414 to its junction with Vicarage Lane West Roundabout.

Vicarage Lane East, North Weald Bassett

From its junction with Weald Bridge Road for its remaining length.

Works will be undertaken on one lane at a time, therefore no diversion required

No Through Road, No Diversion Possible

10/02/2016 – 15/02/2016 (20:00h-06:00h)

23/02/2016 – 26/02/2016 (20:00h-06:00h)

The works being undertaken will be completed in phases. The first phase is programmed to commence on the dates shown above. The road will be closed to facilitate each phase and then re-opened to the public. Access will be maintained for pedestrians and emergency services. Diversion routes will be signed at each location and residents will be informed of the dates of each phase via letter / leaflet drop and advanced warning signs on the road. Information will also be available on <http://roadworks.org/>

Phase One

Pre-surface patching works. These works comprise filling any surface defects and raising / replacing worn iron works (manhole covers and gulleys) as well as removal of cat's eyes if present.

Phase Two

Surface dressing. The process entails spraying the road with bitumen and covering it with granite chippings, after which the road is then rolled, which along with the action of the traffic, embeds the chippings into the surface. The road will be swept within 48 hours and after 7 days. The bitumen part of the surface dressing as well as securing the chippings to the existing surface will seal the old road surface, thus preventing the ingress of water which causes deterioration of the road surface and will improve skid resistance.

Phase Three

- Reinstatement of white lines if required. Reinstatement of any road markings.
- Reinstatement of any road studs.

For all enquiries please contact our Contact Centre on 0345 603 7631

The Order will come into effect on 1st February 2016 and may continue in force for 18 months or until the works have been completed, whichever is the earlier.

(Roman Road, Ingatestone) (Temporary Prohibition of Traffic) Order 2016

Notice is hereby given that the Essex County Council has made the above Order under Section 14(1) of the Road Traffic Regulation Act 1984.

Effect of the order: To temporarily close that length of Roman Road, in the Parish of Ingatestone in the Borough of Brentwood as specified:

Road	Description	Alternative route
Roman Road	Will be closed over the A12 for approximately 300m either side of A12 bridge	Vehicles approaching from the east of the closure will be diverted south-west on Roman Rd towards Hare Bridge Crescent, Merge onto Ingatestone Bypass/A12 via the slip road to Brentwood, Take the A1023 slip road to Brentwood, At the roundabout, take the 4th exit onto the A12 slip road to Colchester/Chelmsford, Merge onto Ingatestone Bypass/A12 northbound.
Roman Road	Will be closed between the A12 northbound on slips for approximately 70m	Vehicles approaching from the west of the closure from the B1002 Roman Road and from Trueloves lane will be diverted onto Ingatestone Bypass/A12 northbound, Continue to follow A12, At junction 15, take the A414 exit to Harlow/Chelmsford, At the roundabout, take the 4th exit onto A1016, At the roundabout, take the 2nd exit onto the A12 slip road heading southbound on A12.

The closure is scheduled to commence on 1st February 2016 for twenty-one days or where appropriate signs are showing and weather permitting.

The closure is required for the safety of the public and workforce while bridge joint replacement, resurfacing and white line markings reinstatement works is undertaken.

Access for emergency service vehicles and pedestrians will be maintained at all times during the closure.

The Order will come into effect on 1st February 2016 and may continue in force for 18 months or until the works have been completed, whichever is the earlier.

Liz Burr, Head of Network Management, County Hall, Chelmsford

Dated: 27th January 2016

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APPENDIX 2

Representations

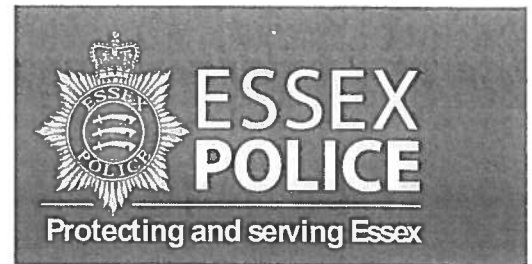
Responsible Authorities

Essex Police – Peter Jones

Environmental Health – Rakish Rose

8 MARCH 2016

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



Licensing Department
Loughton Police Station
158 High Road
Loughton
IG10 4BE
Tel: 01279 625 405
Email: 7706@essex.pnn.police.uk
22 January 2016

Dear Mr O'Shea,

LICENSING ACT 2003 – GRANT OF PREMISES LICENCE SECTION 17

NEW PREMISE: Café Lowe, 2-2A Victoria Road
DPS: David Carter-Barnard
APPLICANT: Robert Lowe via Michael Fish

Further to the above application for the Grant of a Premises Licence received on 13 January 2016. I write to inform you that Essex Police make representations under prevention of public nuisance and public safety.

The premises is in close proximity to residential premises and as such by licensing the premises to midnight is likely to have a significant impact to the residents from the licensed music and by persons wishing to smoke who would have to use the pavement to the front of the premises.

Essex Police seek to curtail the terminal hour of the licence to 2230, with a closing time of 2300. We also seek the following additional conditions on the premises licence.

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.

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

Yours sincerely,

Mr Peter Jones MIOL, ABII
Epping & Brentwood Licensing Officer
West LPA

Cc. Mr M Fish
via email - mifi875@sky.com

Dave Leonard

From: Peter Jones 42007706 [Peter.Jones@essex.pnn.police.uk]
Sent: 03 February 2016 10:51
To: Michael
Cc: Licensing; Dave Leonard
Subject: Cafe Lowe
Attachments: Café Lowe, Warley - Premises New - Representations.pdf; RE: Cafe Lowes

Good Morning Michael,

Thank you for taking the time to speak with me yesterday, and your verbal assent to the proposed conditions on my original letter (attached).

Essex Police are also mindful of your recent email regarding licensed hours and the extended hours on the first Saturday of every month (attached).


After consultation with my superiors, and the fact additional representations have been made, it is felt appropriate for this to be heard by a Licensing Sub-Committee for a decision to be made.

Kind Regards

Peter Jones ABII (7706)

Epping & Brentwood Licensing Officer
Epping Forest & Brentwood Local Policing Hub
West LPA

 Tel. 101 (Ext. 313604) or 01279 625405

 Mobile. 07870 909762

 Peter.Jones@essex.pnn.police.uk

 www.essex.police.uk

 Loughton Police Station, 158 High Road, Loughton, Essex, IG10 4BE

To find out what is happening in your neighbourhood and all about your local neighbourhood policing team visit www.essex.police.uk/yourarea and enter your postcode.



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Mr D Leonard
Licencing Officer
Brentwood Borough Council
Ingrave road
Brentwood
Essex CM15 8AY

Date: 5th February 2016
Our Reference: 16/000068/LIPRE

Dear Dave

Cafe Lowes, 2 – 2A Victoria Road, Warley

Licence Application for a Premises Licence under the Licencing Act 2003

I refer to the above application received on 14th January 2016 by the Pollution Team of the Council.

I wish to make representation to the Licensing Authority in respect of this application, as in my opinion the application contains insufficient information to demonstrate that the licensing objective of prevention of public nuisance will be achieved.

Cafe Lowe is situated in the centre of Warley in Victoria Road which is off Warley Hill. It has flats located directly above it and majority of the properties in Victoria Road are essentially residential. There are several licenced premises in Warley Hill which consist of mainly restaurants and takeaway premises. The Essex Arms which is located in Warley Hill is a Public House which provides music entertainment.

Warley Hill is generally a busy area in the evening as there are commuters coming into the Brentwood Station. By 10 pm most of the commuter traffic has reduced and some of the takeaway premises are closing so the area is relatively quiet.

The premises applied for a change of use to a cafe/takeaway in May 2011 and was recommended for a refusal on the grounds that the proposed change would cause noise and disturbance by customers entering and leaving the premises and noise associated with vehicle parking and manoeuvring.

However, permission was granted on appeal in June 2012. The hours imposed by the Planning Committee were as follows:



Monday to Friday	07:00 to 23:00
Saturdays	09:00 to 23:00
Sundays	09:00 to 14:00
And Public Holidays	18:00 to 22:00

As far as I am aware, the premises have not used these hours and are generally closed by 18:00. I expect it is for this reason that the Environmental Health Department have not received any complaints from the residents living nearby.

The application is seeking to extend the opening hours as follows:

Monday to Sunday	11:00 to 23:30
------------------	----------------

Additionally they want to extend the opening hours on the first Saturday of every month until 00:30.

On New Years Eve, they want to extend the opening hours until 01:30

At present the premises has 30 covers. There is no allocated area for smokers. Any customers wanting to smoke would need to go out onto the pavement directly outside the premises or onto Warley Hill.

The application also proposes background music.

I have concerns about this application with regard to the prevention of public nuisance objective.

In particular, I wish to make a representation on the following matters:

1. There are insufficient controls stated in the application for the prevention of noise. Disturbance from speech from upto 30 customers and the staff until a later hour both from within the premises and from customers congregating outside to smoke is likely to cause disturbance to the nearby residents.
2. The background music is most likely to be heard in the flat above the premises and could therefore cause disturbance.
3. There will be additional litter consisting of cigarette butts etc, in the pavement outside the premises from customers.



It is therefore my opinion that in the absence of suitable measures within the operating schedule the Licensing Authority should consider the following matters of concern with regard to the objective of prevention of public nuisance:

1. The hours proposed are considered too late as they are likely to cause a noise disturbance to the nearby residents.
2. Amplified music being played until a later hour is likely to cause disturbance.
3. The potential from litter caused by the customers is likely to increase.

1. The opening hours should be limited to:

Monday to Friday

07:00 to 22:30

Saturdays and Sundays

09:00 to 22:30

2. No amplified music to be played within the premises, unless the applicant can suitably demonstrate that the sound insulation within the premises is sufficient so as not to cause disturbance to the occupiers of the flat above.
3. Ashtrays will be provided for the benefit of customers using the outside areas. These must be emptied throughout the evening if required and/or the start of the business the following day.
4. At the end of the trading hours, the outside of the premises is left clear of litter.

Should you wish to discuss this with me, please do not hesitate to contact me.



Yours sincerely

A handwritten signature in black ink, appearing to read "Rakish Rose". The signature is stylized and written in a cursive-like font.

Mrs Rakish Rose
Technical Officer
Environmental Health & Licensing
Telephone: 01277 312514
Email: rakish.rose@brentwood.gov.uk

APPENDIX 3

Representations

Interested Parties

Neil Watson

Kerry Adams

Michelle Buckner

Antonio Frisenda

Matthew Freeman

Natalie & Lee Rolison

Lyn Polley

Emma Barnes

Conor Carroll

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

18th January 2016

OBJECTION TO LICENCE APPLICATION

I am writing to object to the following licence application :

Licence applied for by :

Mr Robert Lowe

Cafe Lowe

2-2A Victoria Road

Warley CM14 5EE

Applying for a New Premises Licence with the following licensable activity:-

Sale of Alcohol:- 1030hrs-0000hrs daily

Late Night Refreshment:- 2300hrs-0000hrs daily

Received: 13/01/2016

Last day for representation: 10/02/2016

I am the owner and landlord of the flat directly above the CAFE LOWE on Victoria road, Brentwood, and have been successfully renting it out for two years.

It was brought to my attention by my current tenants that an application has been made to extend hours and serve alcohol until midnight.

Prior to this application my tenants have been forced to call the police several times because of night time disturbances caused by drunk behaviour which will no doubt be on record with the police. This will only increase if a late night alcohol licence is granted to the cafe below their flat.

The operating hours of the cafe are already from 7.00 a.m. in the morning. To allow an additional alcohol licence until midnight will give my tenants and local residents virtually no respite from noise disruption from the cafe's late night drinking customers. It is not necessary or beneficial for the local residents to have yet another place serving alcohol until midnight when that part of Brentwood is sufficiently catered for.

In addition there is incredibly limited parking in the area and extending the facility will impact on residents being able to park. It will make parking in the evening even more difficult than it already is which is unfair on residents.

Allowing an alcohol licence until midnight will directly impact on the quality of life my tenants can enjoy and, as a consequence, they have already informed me if a licence is granted they will have to find alternative accommodation.

From my perspective, as the property owner and landlord, it will be incredibly difficult to find anyone prepared to have commercial noise and disruption to their home life from 7.00 a.m. until midnight if a licence is granted. In my experience bars that stop serving alcohol at a certain time take at least another hour to finally close which would mean the hours of business for the cafe extending to 1.00 a.m. In the morning. Six hours later it will all start again. That equates to 18 hours in any given day when my tenants will have to tolerate noise and disruption. Eight hours of sleep/ rest time is not a luxury but a necessity. Extending the licence would mean they would be lucky to get six hours of rest while the cafe is closed. I am sure the owner and applicant of the cafe would object if a similar invasion into his life from a business seeking to operate in such a close proximity to his residents were looking to operate for a stretch of 18 hours in a day.

There are more than enough establishments already in and around that part of Brentwood that serve alcohol until late that are not in an area which is specifically geared toward residents. To grant an application for such a licence will not improve the area in anyway but will be hugely negative.

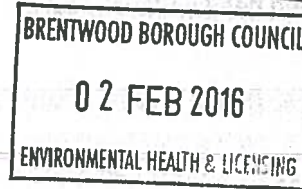
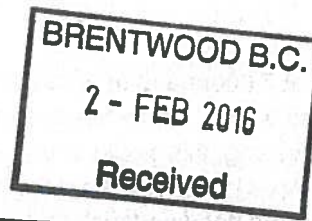
To summarise it will be to the detriment of the area to grant an extended late night alcohol licence in a residential area and, apart from financially benefitting the cafe owner, will significantly impact on the quality of life of local residents and reduce the value of their properties. There is nothing that can be gained by the local residents accommodating yet another late night drinking establishment in this residential area and, from my perspective, it will cause my tenants an unacceptable level of noise and disruption.

Yours sincerely,


Neil Watson

335 SPRINGFIELD ROAD
CHELMSFORD
CM2 6AN

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



2b Victoria Road,
Warley
Brentwood
CM14 5EE

26th January 2016

OBJECTION TO LICENCE APPLICATION

I am writing to object to the following licence application :

Licence applied for by :

Mr Robert Lowe

Café Lowe

2-2A Victoria Road

Warley CM14 5EE

Applying for a New Premises Licence with the following licensable activity:-

Sale of Alcohol:- 1030hrs-0000hrs daily

Late Night Refreshment:- 2300hrs-0000hrs daily

Received: 13/01/2016

Last day for representation: 10/02/2016

We are the current tenants residing at 2b Victoria Road, Brentwood, the property is located directly above Café Lowe of Brentwood. We have been tenants of the above mentioned property for 2 years and had the intention of staying for at least another year within the property.

We have noticed that the owner of Café Lowe has made an application for a licence to increase hours of operation & for the sale of alcohol. The document within the Café window states that the licence request is to serve alcohol between the hours of 10:00-00:00.

We already suffer from a number of disturbances from people under the influence of alcohol, as there are already a number of Bars/sports venues nearby. As a result have already had to contact the police to deal with the situation, as I am sure you are already aware of. We feel this will only increase if a late night alcohol licence is granted to the cafe below our flat.

The Café currently opens at 7:00am and operates until 15:00pm, with the new licence the Café will be operating from 7:00am until 00:00. These hours aren't including any hours which it will take the Café staff to close down an evening, this would add at least another 30-60 minutes on to the time that the disruption will cease. Allowing a licence for these hours will provide us with no rest period; we both work demanding jobs and need as much rest during our time away from the working environment as possible.

It is recommended that people should ensure at least 8 hours of sleep, to be able to operate at an optimum, the hours which the licence extension are now suggestion means that we would only have the opportunity to gain 6 hours of undisturbed sleep each evening. Further to this I unfortunately, also suffer from a medical illness called Fibromyalgia which causes its sufferers, to experience chronic tiredness and fatigue. Research has proven that there is a link between gaining more hours of undisturbed sleep and the reduction of symptoms felt by a person. I can only feel as though the disruption I will experience during the night and weekends could severely compromise my health.

Furthermore, my partner suffers from Asthma, currently if there is someone smoking downstairs outside of the Café, this filters through to our windows as all face out above the Café doors, this can have a severe impact on her Asthma symptoms, causing coughing fits and also recurrent chest infections. If the hours were to be extended, particularly with an alcohol license the hours in which smoking outside will increase as there is no other smoking area for the Café customers, this will have a detrimental impact to her health and wellbeing.

Another objection raised is that, the parking on Victoria Road is extremely difficult already, without the impact of this business increasing its hours. As a resident we pay yearly for our parking permit, and often find we have to park down the very end of Victoria Road, as all of the spaces have already been taken, or far too frequently there is nowhere to park at all. On a Saturday morning when the Café is open, the customers repeatedly park illegally and pull up at the dead end and leave their car's there, which are not in a bay and makes it very difficult for you to turn around and drive out of Victoria road (please see picture attached). This parking is already dangerous and will only increase with the extended opening hours and availability of alcohol. Our car has already had numerous scratches and bumps being parked along this road, I can only think this will increase drastically with the increase in cars. As residents we have to pay to park our car, which is often near impossible yet more cars and people will be fighting over the limited spaces there are due to the potential of this new license.

Kind Regards



Miss Michelle Buckner & Miss Kirsty Adams.





Dave Leonard

From: michelle buckner [REDACTED]
Sent: 03 February 2016 13:55
To: Rakish Rose; Dave Leonard
Subject: Re: Cafe Lowe Licence application

Rakish - many thanks for putting me in contact with Dave.

Dear Dave,

I believe you have recently received my representation regarding the licensing request for Cafe Lowes, I just wanted to ensure that my reasons were clearly explained. Regarding the noise levels, during the current operational hours of the Cafe we can have a large amount of disturbance from the noise of the cafe both from the outside area where customers stand and smoke or have conversations outside and from the inside. We hear a lot of the kitchen pots and pans being banged around throughout the day as well as voices whilst sitting inside our own property.

If the cafe is open later throughout the evening and have music playing this is all we will be able to hear in our house, you are meant to be able to relax in the comfort of your own home however, with the extended opening hours we won't be relaxing until gone midnight if the licence is passed.

I believe further disturbances will be caused to us during months of warmer climates when the Cafe have an outdoor seating area, for around 12 people.

We would very much like to attend for the representation/decision meeting but I am concerned that it will be held during the time which I am at work. I believe that any opposition or further explanation about my representation should be made by myself or my partner, however we are at work Monday to Friday and do not arrive home until 5:30. Would it be possible for the meeting to be held at a time suitable to people to attend?

Kind Regards

Michelle Bucker
2b Victoria Road, Brentwood

From: Rakish Rose <rakish.rose@brentwood.gov.uk>
Sent: 03 February 2016 12:41
To: Dave Leonard
Cc: [REDACTED]
Subject: Cafe Lowe Licence application

Dave I have just spoken to Ms Buckner of 2 Victoria Road. She has some questions regarding the present use of the outside area and also the possibility of a hearing in the evening.

Could you please contact her.

Kind Regards

Rakish Rose | Technical Officer | Brentwood Borough Council
T 01277 312514 | F 01277 312743 | www.brentwood.gov.uk | rakish.rose@brentwood.gov.uk

Brentwood Borough Council - I am a Resident

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Mr Antonio Frisenda
5 Victoria Road
Brentwood, Essex
Essex
CM14 5DR

Mobile No: [REDACTED]
Daytime No: [REDACTED]

Date: 25/01/2016

Concerning Café Lowe Alcohol License, Café Lowe, 2-2A Victoria Road, Brentwood, CM14 5EE

Dear Sir/Madam

I am writing this letter in objection to Cafe Lowe obtaining an alcohol license with extended opening hours.

We already suffer with youth crime (cars scratched/bottles being smashed/general vandalism) and drug dealing in the dead end road where Cafe Lowe is situated in Victoria Road that my children and I have to witness. The dead end road seems to attract lots of unsavoury people. The police have been called on occasions to deal with problems.

There are sometimes groups of kids hanging about on the paved area outside the cafe in the evenings when the cafe is closed so if they start to sell alcohol I fear older kids will buy it for them. They kids are boisterous enough without fuelling them with alcohol. You cannot talk to them as they are rude, obnoxious and intimidating.

We have the Essex Arms public house just across the road that brings its own problems from pub goers leaving late and shouting and fighting with smashed bottles and glass all over our street and then urinating behind the chip shop. Sometimes we have seen this is broad daylight, my daughter comes in from playing outside to tell me there is someone doing a wee down the alleyway, which is absolutely disgusting. At times I do wonder if I am living in Brentwood. I think the area around Victoria Road needs a bit of attention/regeneration/better policing, as in the last 6-12 months myself and a few other neighbours agree that the whole area has gone downhill.

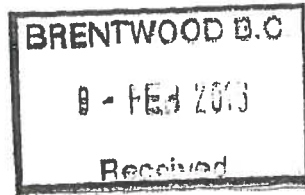
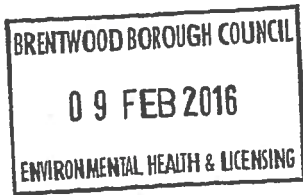
For the owner of Café Lowe, no doubt he will be at home whilst he employs someone else to run this venture into the early hours of every evening whilst we as residents will have to deal with the noise, the crime, the rubbish, the parking issues and the anti-social behaviour.

I also understand that there was a Turkish restaurant before Cafe Lowe and my neighbour tells me they tried to obtain an alcohol license but this was denied so I see no reason why Cafe Lowe should be treated any different. I have never visited a café that sells alcohol in all my life.

I think as residents we are entitled to our peace and quiet as we already put up with quite a lot as it is. I am in bed mostly by 10pm as I am up at 6am every morning for work, to be kept awake until midnight each night with the comings and goings at the café will be unbearable. I honestly don't see a point in the selling of alcohol when we already have 2 off-licenses and a pub within 5-10 seconds of the café.

This letter I believe has highlights a few of the points in regards to 'licensing objectives'. I look forward to hearing from you soon with news about this application.

Kind Regards
Mr Frisenda



Matthew Freeman
6 Victoria Road
Warley
Brentwood
CM14 5EE

FAO: Brentwood Licensing Authority

I am writing to you to make a representation (objection) to the following application for a new premises licence:

Mr Robert Lowe
Cafe Lowe
2-2A Victoria Road
Warley CM14 5EE

Applying for a New Premises Licence with the following licensable activity:-

Sale of Alcohol:- 1030hrs-0000hrs daily

Late Night Refreshment:- 2300hrs-0000hrs daily

As a resident who lives in close proximity to the above named property I wish to make representation against the granting of this application as it would be in contrast to the licensing objective of 'the prevention of public nuisance'. The reason I believe this will cause a public nuisance is due to the size & location of the premises along with the late times of the application.

Unlike other licenced premises located on the nearby Warley Hill area, such as the Essex Arms, Café Lowe is located down a residential street and so attracting intoxicated and loud customers down to this residential location would create a public nuisance which is not currently present with the existing local licenced premises.

In addition to this as the café is quite small and is mainly glass to the front of the property there is little to prevent this noise from spilling out of the café and effecting the local residents quality of life and ability to enjoy their own homes in peace.

The additional activity of intoxicated individuals late at night down this residential street is almost certain to create a lot of extra noise and the potential for many other issues associated with late night drinking establishments including anti-social behaviour, littering, public drunkenness and violent behaviour.

All of this combined with the fact that there are already a number of licenced premises, for both late night alcohol sale and late night refreshment, within the local area that do not have an adverse effect on the quality of life for residents located down Victoria road means that this licence application provides no additional benefits to the wider community whilst having a huge potential to significantly impact the lives of the local residents.

Yours Sincerely,

Matthew Freeman

BRENTWOOD BOROUGH COUNCIL
02 FEB 2016
ENVIRONMENTAL HEALTH & LICENSING

BRENTWOOD B.C.
2 - FEB 2016
Received

9 Victoria Road
Brentwood
Essex
CM14 5DR

31st January 2016

Dear Sir / Madam

Representation against new premises licence application
for Cafe Lowe, 2-2^A Victoria Road, Warley
CM14 5EE

Objectives that will not be met: Public Nuisance
Crime + Disorder

Parking in Victoria Road is very difficult even if you are
a resident + have a permit. This is made worse at
weekends with customers visiting Cafe Lowe who
routinely park in permit areas + on double yellow lines.
This will continue on weekdays if this application
goes ahead.

There is a pub on the main Road serving alcohol, this
is a far better venue to have a drink rather than a
cafe on a residential street.

In addition groups of teenagers regularly congregate

at the top of the road. They are often loud
+ use foul language. Many families have young
babies/children including ourselves + are regularly
disturbed by this behaviour. Serving alcohol will
just attract more disruption.

Kind Regards

NR Rolison

Natalie + Lee Rolison



Dave Leonard

From: Caroline Harrison
Sent: 28 January 2016 16:35
To: Dave Leonard
Cc: Gary OShea
Subject: REP CAFE LOWE

Please see below for representation on Cafe Lowe

REP/125301/2016 (Online Form Ref: QC110758) 0 days	Member of Public	28 January 2016 at 13:38:10	Mrs Lyn Polley 10 Victoria Road Brentwood Essex CM14 5EE [REDACTED]	Complaint Re: Cafe Lowe license objection This road is congested enough without the added parking strains of customers of the cafe during the day let alone at night. I struggle accessing my garage during their normal opening hours which was a major problem when I had a family emergency to attend to and my car was blocked in. This will encourage unsociable behaviour and disruption to residents in this area if this were to be granted. This would cause me a lot of distress and anxiety as I am an elderly lady of 69 living on my own within a very close proximity to the Cafe Lowe.
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I have acknowledged her email and advised you will contact her.

Caroline

Caroline Harrison | Licensing Technical Officer
Tel: 01277 312508 | Fax: 01277 312743 | www.brentwood.gov.uk
Email: caroline.harrison@brentwood.gov.uk

Emma Barnes
11 Victoria Road
Warley
Brentwood
CM14 5DR

Dear Mr Leonard,

I am writing to oppose the application for an alcohol licence from Robert Lowe, owner of Café Lowe Victoria Road. As a resident of Victoria road I am very concerned about a number of issues and from speaking with my neighbours we know that we are not the only residents concerned.

Firstly I would like to address the issue of parking. We are very restricted in Victoria Road and on occasions we cannot even park in our own road because of how congested the parking already is. If Café Lowe is granted their alcohol licence this will undoubtedly increase the number of cars coming down Victoria Road. Our car has been damaged on multiple occasions from other vehicles manoeuvring to turn round or get into a tight space, and the chances of this happening again are even more likely when alcohol is introduced whether it be drunk drivers, or drunk friends distracting designated drivers. We have also had to speak to customers of Café Lowe on more than one occasion about parking in front of our house, parking on double yellow lines and parking over our neighbour's drive blocking access; considering they are not allowed to park in any of these places this is totally unfair on our neighbours and ourselves. As the road gets busier, this will only worsen.

Another traffic related vulnerability connected to the granting of this alcohol license is that there is the small play area located by the flats in Victoria Road. There have been numerous occasions where we have witnessed the children who use this playground unsupervised and playing in the road, the inevitable increase in traffic will cause risk of children's lives potentially. We have family who lives just two roads away who take their young daughter there and they agree this would make them feel less safe.

Being where the road is located, the level of youths loitering at all times of night already causes enough issues. Mix teenage angst with drunken people and the amount of public disturbances will only increase. Making residents and passer-by's ever more fearful to walk down Victoria Road.

I have only lived in Victoria road just over a year but I have spoken to my neighbours who said when the last restaurant in this particular location was granted an alcohol licence there were problems with noise, so this only makes my concerns for Café Lowe being granted a licence even stronger.

The music and shouting that residents including ourselves can already hear from the Essex Arms, which is twice the distance for ourselves if not more, is already a nuisance at times. It would be a shame to see the levels of noise increase for not just us but a lot of our neighbours, who collectively have children from early teens down to infantile.

We are a working couple and have to be up early in the mornings, so any regular noise disturbance is going to cause issues. Customers visiting Café Lowe who smoke, will have to do so outside. The distance between the front door and the houses at the top of Victoria Road are not very far at all. Therefore the customers standing outside chatting may become noisy late at night and this potentially would cause an issue, especially in the summer when windows are open. On top of the issue of noise, customers standing outside are likely to encourage loitering from youths.

To conclude, one man's gain will be more family's losses. Robert Lowe lives far enough away that he does not have to consider the impact of turning his Café into an alcohol vendor and all he is considering in this matter is himself and his profit margins. Please consider us, the families, in this matter.

Regards,

Emma Barnes

Number 11



Conor Carroll
11 Victoria Road
Warley
Brentwood
CM14 5DR

Dear Mr Leonard,

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Firstly I would like to address the issue of parking. We are very restricted in Victoria Road and on occasions we cannot even park in our own road because of how congested the parking already is. If Café Lowe is granted their alcohol licence this will undoubtedly increase the number of cars coming down Victoria Road. Our car has been damaged on multiple occasions from other vehicles manoeuvring to turn round or get into a tight space, and the chances of this happening again are even more likely when alcohol is introduced whether it be drunk drivers, or drunk friends distracting designated drivers. We have also had to speak to customers of Café Lowe on more than one occasion about parking in front of our house, parking on double yellow lines and parking over our neighbours drive blocking access; considering they are not allowed to park in any of these places this is totally unfair on our neighbours and ourselves. As the road gets busier, this will only worsen.

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Regards,

Conor Carroll



Dave Leonard

From: Michael [mifi875@sky.com]
Sent: 28 January 2016 15:35
To: Peter Jones 42007706
Cc: Rakish Rose; Dave Leonard
Subject: Cafe Lowes

Dear Sirs & Madam,

With regard to the above application, and subject to relevant representations received, I am authorised on behalf of the applicant to amend the application as follows

Hours of all Licensable Activities:

Monday to Sunday 11.00 to 23.00

On the 1st Saturday of every month only, 11.00 to 00.00 to allow for one special event per month

N Years Eve 11.00 to 01.00

Opening hours:

07.00 to 30minutes after the last Licensable activity each day.

The Licensable activity of Provision of Late Night Refreshment applies only where the licence has a Licensable activity terminal hour after 23.00

This amendment is only subject to the satisfaction of ALL relevant representations.

The premises is primarily a cafe

I hope this meets concerns raised

Michael Fish

Sent from my iPhone

CAFÉ LOWE, 2-2A VICTORIA ROAD, WARLEY, BRENTWOOD CM14 5EE

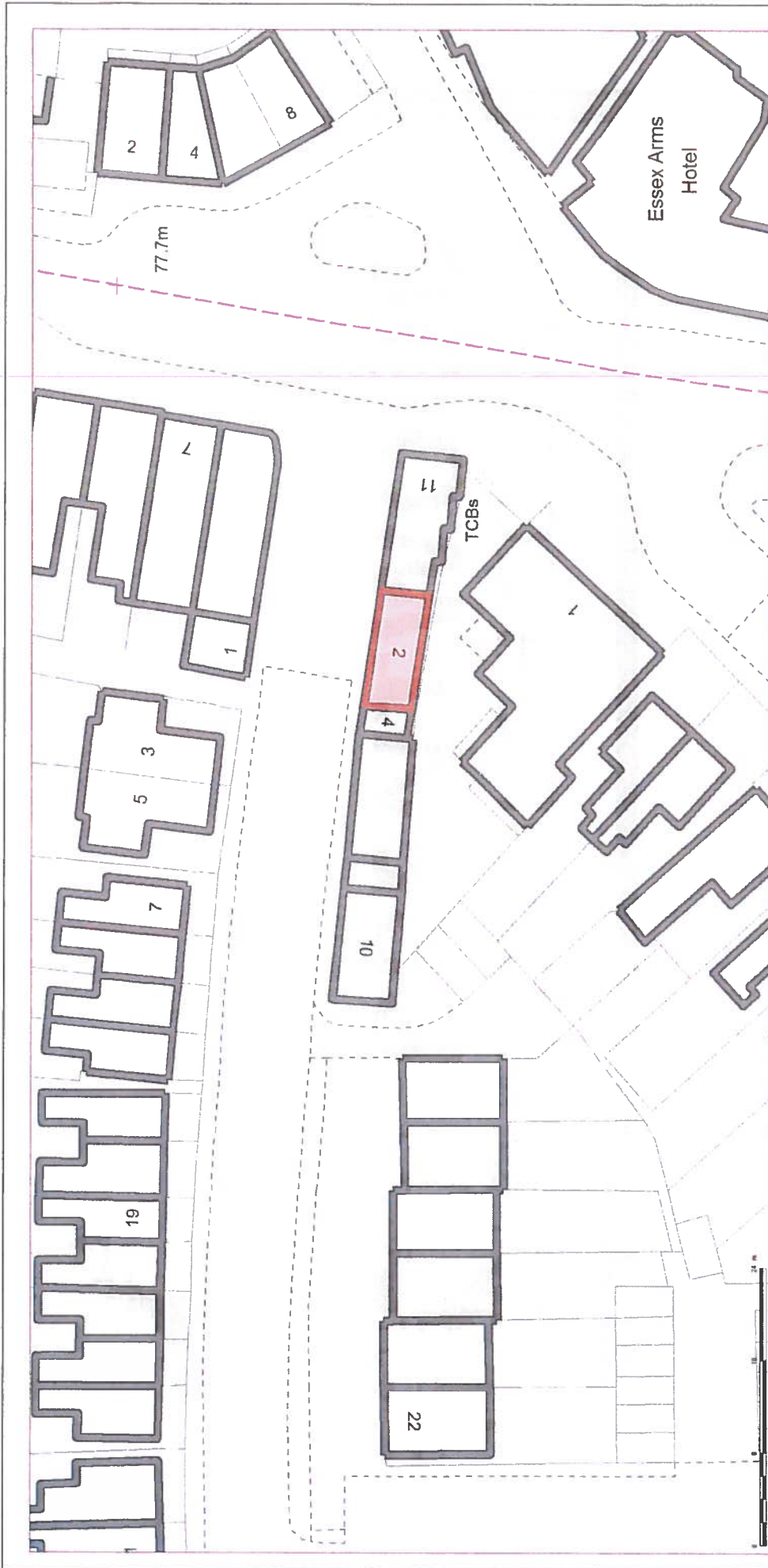
APPENDIX 4

CAFE LOWE

OS Map

Images

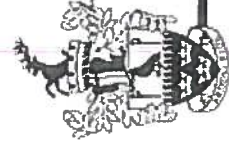
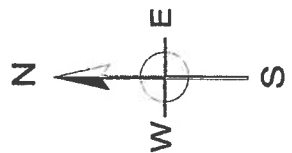
8 MARCH 2016



Café Lowe, 2-2A Victoria Road, Warley

Location Map

Drawing No. :
 Scale at A4 : 1:500
 Drawn by : OSJ
 Service : ICT
 Date : 11th February 2016



**BRENTWOOD
BOROUGH COUNCIL**

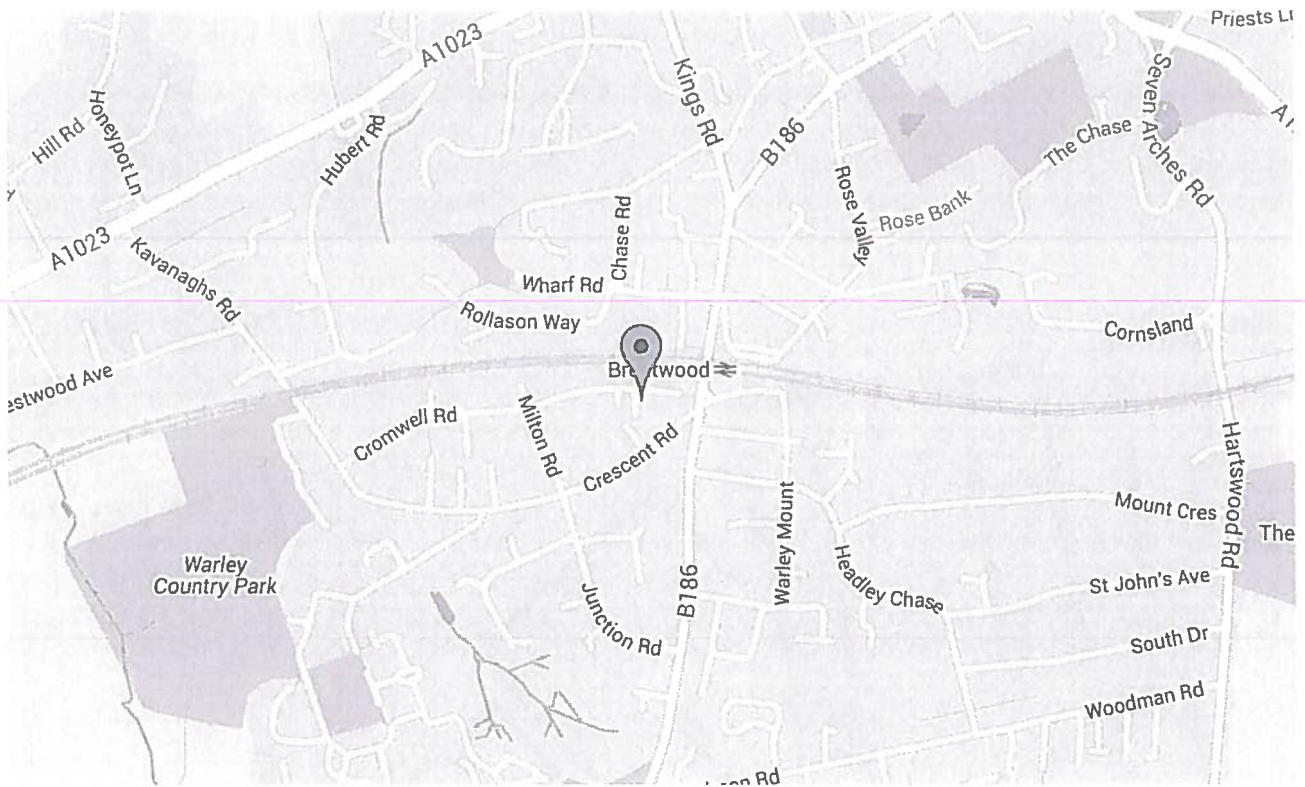
Philip Ruck
 Head of Paid Service
 Brentwood Borough Council
 Town Hall, Ingrave Road
 Brentwood, CM15 8AY
 Tel.: (01277) 312500

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Victoria Rd

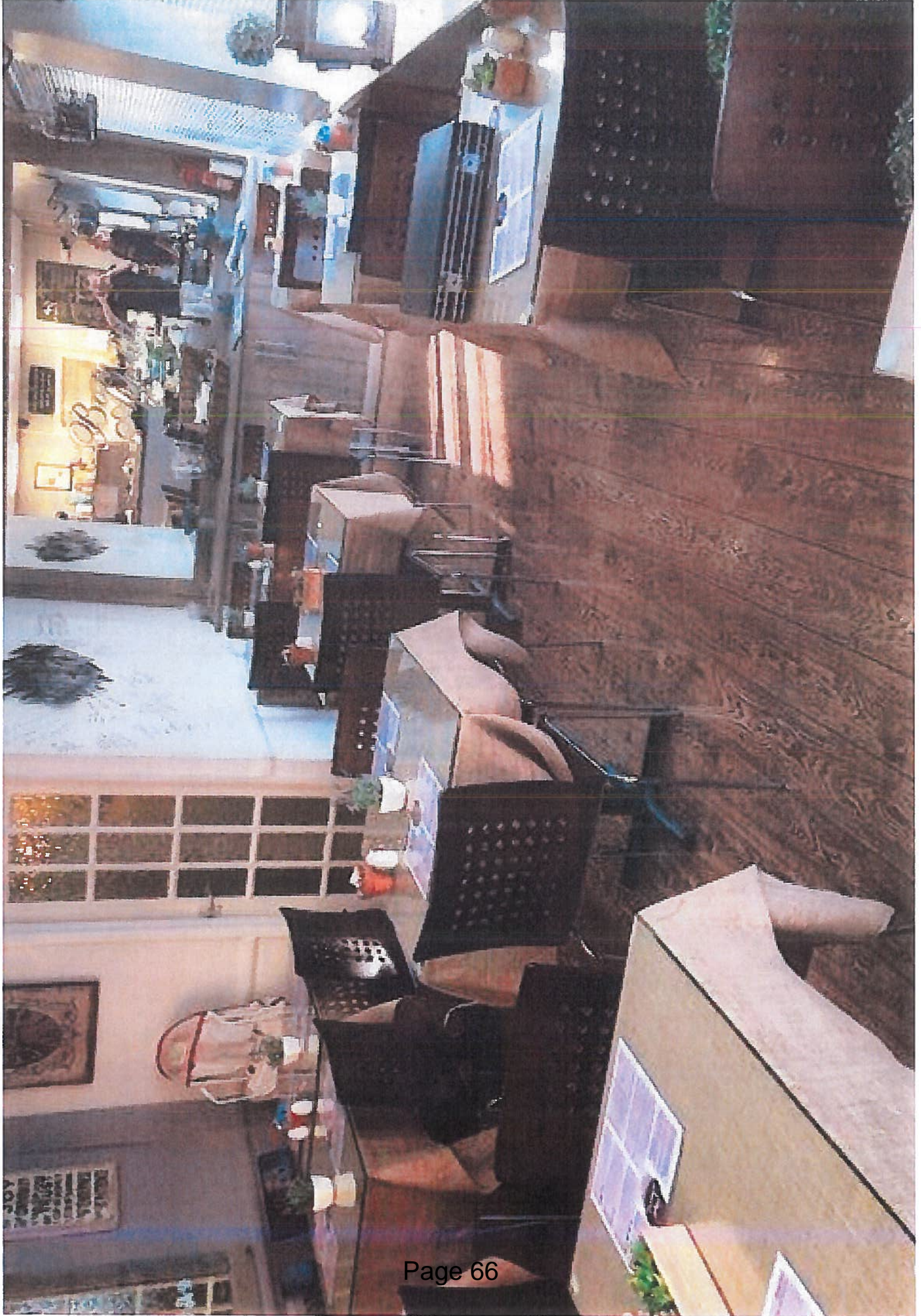
Victoria Rd, Warley, Brentwood, Essex CM14 5EE











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, of 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 Sub-Committees

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

Licensing Act 2003 and Gambling Act 2005

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

Scrap Metal Dealing

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements.

Street Collections and House to House Collections

- (a) Appeals against refusal to grant or renew a license

Licensing of sex establishments

- (a) Determination of all applications, revocations and appeals.

Street Trading

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

Animal Welfare and Security, except for the following:

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers).

Mobile Homes

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.