



Agenda

Licensing/Appeals Sub-Committee

Tuesday, 7 June 2016 at 10.00 am
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs Mrs Hubbard, Mrs Murphy and Newberry

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 an administrative 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.	Premises License Application for Pivas Restaurant, 90B High Street, Brentwood, CM14 4AP - Local Government (Miscellaneous Provisions) Act 1982		5 - 58

Head of Paid Service, Town Hall
Brentwood, Essex

27.05.2016

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

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk.

Webcasts

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

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.

modern.gov app

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

Access

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

Evacuation Procedures

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

7 June 2016

Licensing and Appeals Committee

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

PIVAS, 90B HIGH STREET, BRENTWOOD CM14 4AP

Report of: Gary O'Shea – Principal Licensing Officer

Wards Affected: Brentwood South / Brentwood North

This report is: Public

1. Executive Summary

- 1.1 This report provides information of an application for a new premises licence in respect of **Pivas, 90B High Street, Brentwood CM14 4AP**.
- 1.2 Members are requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

2. Recommendation(s)

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

3. Introduction and Background

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

- Sale of alcohol
 - Supply of alcohol (in respect of a club)
 - Regulated Entertainment
 - Provision of Late Night Refreshment
- 3.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.
- 3.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued. Those pertaining to this particular application are reproduced in paragraph 5 of this report.
- 3.4 The four licensing objectives are;
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm

No objective carries any more weight than any other.

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

4. The Application

- 4.1 This application was received on 17 March 2016 from Pivas Brentwood Limited in respect of Pivas, 90B High Street, Brentwood CM14 4AP. A copy of the application is attached at ***appendix 1***.
- 4.2 The premise was formerly a Blockbuster film rental store but has been vacant, and somewhat dilapidated, for a number of years. The applicant, Pivas Brentwood Limited, operates a chain of specialist Mediterranean restaurants and proposes to operate the same in Brentwood High Street.

- 4.3 The applicant seeks a new premises licence to conduct the following licensable activity;

Supply of Alcohol for the following hours;
10:00hrs-00:00hrs on Sunday to Wednesday, and
10:00hrs-01:00hrs the following morning on Thursday to Saturday

Provision of late night refreshment for the following hours;
23:00hrs-00:00hrs on Sunday to Wednesday, and
23:00hrs-01:00hrs the following morning on Thursday to Saturday

5. Reasons for Recommendation

If Members are minded to grant the application:

- 5.1 The applicant has stated that:

- All sales of alcohol shall be made ancillary to a table meal save for the holding areas which shall be restricted to 20 persons at anyone time.
- All staff to receive training to ensure their understanding of licence conditions and responsibilities relating to the sale of alcohol, with particular regard to underage sales and provision of alcohol to persons who are drunk. Training records should be retained and made available to the police or any authorized offices of the council.
- A comprehensive CCTV system should be installed maintained in good working order and operated at all times the premises is open for licensable activity.
- The CCTV system shall cover both the internal and external areas of the premises, including all entry and exit points in order that it may enable full frontal identification of every person entering in all light conditions.
- All CCTV recordings must be kept in unedited format for a period of not less than 28 days and able to be time/date stamped (or equivalent). Such recordings must be made available to the police or any authorised offices of the council upon request.
- At least one member of staff who is fully conversant with the operation of the CCTV system shall be available at all times the premises are open to the public. This staff member must be able to show the police or authorised officer from any other responsible authority any data or footage with the minimum of delay.
- A clear and legible notice must be displayed outside the premises to indicate the normal hours during which licensable activity is permitted under the terms of this licence.

- Custom shall not be sought by means of personal solicitation either directly outside or in the vicinity of the premises.
- A responsible person shall ensure that staff actively engage in asking customers to use the premises in an orderly and respectful manner.
- The premises shall operate a challenge 25 scheme. No sale of alcohol shall be made to any person appearing to be below the age of 25, unless they are able to produce a recognised photographic identification to prove that they are over 18 (or over 16 as in the case of a sale made under provision of section 149 (s) i.e the sale to a 16 or 17 year old of beer, wine or cider provided that they are accompanied by a person over 18 and is for consumption with a table meal.
- A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made refusals of sale of alcohol or any incidents at or on the premises. The log book shall be kept available for inspection by any police officer or authorised officer of the council.
- Prominent clear and legible notices will be displayed at the exit requesting that customers respect the needs of nearby residents and leave the premises and immediate area quietly.
- Deliveries of goods and stock shall be carried out at such time or in such manner as to prevent nuisance or disturbance to residents.
- The responsible person shall ensure that staff actively engage in ensuring that customers do not gather in the street immediately o/s of the premises.
- The movement of bins and rubbish outside of the premises will be kept to a minimum after 21.00 hours.
- Exterior lighting shall be installed or screened in such a way so as not to cause a disturbance or nuisance to nearby residents.

The applicant has also agreed to operate to the following after consultation and mediation with officers from the Responsible Authorities. Agreement to these conditions effectively amends the application as though they were included as part of it. This means that any licence granted under the recommendations 2.1 i) or ii) will automatically include these. This does not affect the rights of the sub committee to impose further conditions or amend any part of the application, where this is permitted in law and where merited on the individual circumstances of the application once having considered all relevant facts.

- The outside smoking area shall not be used for the consumption of food or drink after 21:30 hrs.
- No drink or glassware shall be permitted in the outdoor smoking area after 21:30
- The number of persons using the outdoor smoking area shall be restricted to 35 persons before 21:30 hrs and a maximum of 10 persons after 21:30.
- The holding area upstairs will be reduced to bar standing/stool area and tables shall have a dining layout similar to the downstairs bar.

- Barriers around the outside smoking area shall be increased in height to 2.8 metres in order to reduce any impact of noise or disturbance to neighbours.
- No person shall be permitted to leave the premises with drinks or glassware and patrons will be actively discouraged from standing in my street or outside area other than the smoking area.
- Use of the smoking area shall be actively managed by staff in order to ensure compliance with all terms and conditions relating to its use.

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

6. Consultation

6. The regulations of the Licensing Act 2003 outline the requirements for the advertising of applications. These require the applicant to advertise the application:
- (b) For a period of no less than 28 consecutive days starting on the day after the day on which the application is given to the relevant licensing authority or display a notice ... prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises...
 - (c) By publishing a notice in a local newspaper ... on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority.
- 6.2 Regulations also require that the applicant give a copy of the application to each responsible authority on the same day upon which it is given to the licensing authority.
- 6.3 There are no other statutory requirements for advertising of any application, however, the relevant Ward Councillors are notified and details of all applications received along with the time limit for receipt of representations is posted on the Council website.
- 6.4 Officers from the licensing authority have made several checks on the display of notices. Initially, the single blue advertising notice displayed in the front window provided insufficient information but this was quickly remedied and the consultation period extended to satisfy the legislation.
- 6.5 Whilst there had been some concerns as to the nature of the operation of the premises raised by members of the Responsible Authorities (Essex Police and Environmental Health – Noise Pollution and Health & Safety) these matters were addressed through ongoing consultation and mediation between all parties that resulted in an operating schedule to be converted into a set of agreed conditions (see paragraph 5.1).

- 6.6 There has been one representation received from Mr. David Dadds on behalf of his client, The Sugar Hut, who is concerned that the conditions offered in the application are inadequate to promote the four licensing objectives, which in turn may lead to crime & disorder and is attached at **appendix 2**. Mr. Dadds' suggested conditions and the relevant responses are also attached.
- 6.7 The current premises licence, together with an OS Map and frontage images to better identify the location are attached at **Appendix 3**.

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 - Representation from David Dadds & responses
- Appendix 3 - Pivas - OS Map Street Plan and Images

Report Author Contact Details:

Name: Dave Leonard

Telephone: 01277 312523

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

PIVAS RESTAURANT, 90B HIGH ST BRENTWOOD CM14 4AP

APPENDIX 1

APPLICATION FORM

7 JUNE 2016

Reference: PrL116873

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?*

Cost of licence:

33001-87000

£315.00

I/we (name of applicant)*

Pivaz Brentwood Limited

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)

House / Building Name or Number*

Road Name*

Town

County

Post Code*

Pivaz (previously Blockbuster 92) 90B

HIGH STREET

BRENTWOOD

CM14 4AP

Daytime contact telephone number (if any):

07734171837

Premises email address (optional)

Email address

Re-enter email address

richard@innkeeperuk.com

richard@innkeeperuk.com

Please state whether you are applying for a Premises Licence as*

(b) a person other than an individual: as a limited company; as a partnership; as an incorporated association; or other (for example, a statutory corporation)

I am*

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

Other Applicants

Please provide name and registered address of the applicant in full. Where appropriate, please give any registered number.

In the case of a partnership or other joint venture (other than a body corporate), please give the name and

address of each party concerned.

To add another party, please click on the Add button.

Flat Number (if any)

House / Building Name or Number*

Road Name*

Town

County

Post Code*

Pivaz (previously Blockbuster 92) 90B

HIGH STREET

BRENTWOOD

Essex

CM14 4AP

Part 3 - Operating Schedule

When do you want the premises licence to start?*

01 May 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):*

Pivaz is a Mediterranean restaurant. Come along to enjoy the finest flavours this style of cuisine has to offer, We will be open for Breakfast, Lunch & Dinner, while also catering for private family dining and corporate functions.

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	01:00:00
Friday	23:00:00	01:00:00

Saturday	23:00:00	01:00:00
Sunday	23:00:00	00:00:00

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

We would also anticipate operating a 1 hour wind-down (drinking-up) time, so as to reduce a large influx of customers at anyone time on the pavement outside the premises after 23.00.

The venue will operate an alcohol licence ancillary to food, except in the areas highlighted on the plan as a Holding Bar (waiting to be seated). Maximum of 20 people at anyone time.

The Holding Bar is to help reduce the congestion on the narrow pavement outside, helping to reduce noise late at night especially around the bus stops during busy times, while also adding value to the customer experience.

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

All days prior to a Bank Holiday licensed till 01.00.
New Years Eve licensed until terminal hour on following day.
New Years Day licensed till 01.00

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)*

Not Applicable

(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	10:00:00	00:00:00
Tuesday	10:00:00	00:00:00

Wednesday	10:00:00	00:00:00
Thursday	10:00:00	01:00:00
Friday	10:00:00	01:00:00
Saturday	10:00:00	01:00:00
Sunday	10:00:00	00:00:00

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

We would anticipate operating a 1 hour wind-down (drinking-up) time, so as to reduce a large influx of customers at anyone time on the pavement outside the premises after 23.00.

The venue will operate an alcohol licence ancillary to food, except in the areas highlighted on the plan as a Holding Bar (waiting to be seated). Maximum of 20 people at anyone time.

The Holding Bar is to help reduce the congestion on the narrow pavement outside, helping to reduce noise later at night especially around the bus stops during busy times, while also adding value to the customer experience.

State any seasonal variations for the supply of alcohol (please read guidance note 4)*

All days prior to a Bank Holiday licensed till 01.00.
New Years Eve licensed until terminal hour on following day.

New Years Day licensed till 01.00

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)*

Not Applicable

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

Name*

Tony Manconi

Address

House / Flat Name or Number*

Road Name*

Town

County

Post Code

Personal licence number (if known)

11377

Issuing licensing authority (if known)

Islington Council

(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)*

Not Applicable

(l) Hours premises are open to the public

**Standard days and timings
(Please read guidance note 6)**

Day	Start	Finish	
Monday	07:00:00	00:00:00	00:00:00 01.00.00
Tuesday	07:00:00	00:00:00	00:00:00 01.00.00
Wednesday	07:00:00	00:00:00	00:00:00 01.00.00
Thursday	07:00:00	01:00:00	01:00:00 02.00.00
Friday	07:00:00	01:00:00	01:00:00 02.00.00
Saturday	07:00:00	01:00:00	01:00:00 02.00.00
Sunday	07:00:00	00:00:00	00:00:00 01.00.00

State any seasonal variations (please read guidance note 4)* All days prior to a Bank Holiday licensed till 01.00.
New Years Eve licensed until terminal hour on following day.
New Years Day licensed till 01.00
Not Applicable

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)*

(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)*

PIVAZ aims to promote all the four licensing objectives and will keep the following:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- a. No selling of alcohol to underage people
- b. No drunk and disorderly behaviour on the premises
- c. Vigilance in preventing the use and sale of illegal drugs
- d. No violent and anti-social behaviour
- e. No harm to children

An operating schedule providing the hours of operation and licensable activities during those hours.

- A Designated premises supervisor confirmed and obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise each sale
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- A CCTV system installed with recording option available as detailed by

Essex Police.

As a licensed premises we know that it is necessary to carry out our functions, while operating the business with a purpose of promoting these objectives. We promise to support these objectives through the operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder*

Pivaz will use the follow areas as guidance in the prevention of crime and disorder

The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises. It will also cover all entry and exit points enabling full 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 will be kept in an unedited format for a period of not less the 28 days with time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.

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 are open to the public. This staff member must be able to show Essex Police or other Responsible Authority recent data or footage with the absolute minimum of delay.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed. Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner.

c) Public safety*

Pivaz aims within Public safety are as follows:

Internal and external lighting fixed to promote the public safety objective.

Trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks, with "Challenge 25"

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information.

The log book shall be kept available for inspection when required by persons authorised by the Licensing Act

2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance*

Pivaz aims to help with the prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

Pivaz will ensure that staff who arrive early morning or depart late at night conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around talking loudly in the street outside the premises.

Customers will not be admitted to premises before listed opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 21.00.

This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

e) The protection of children from harm*

Pivaz aims to use all available tools and staff training to help in the protection of children from harm

We will be encouraging family and adult dining as our targeted clientele. while also running "Challenge 25" that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

All Staff will be trained in the workings of "Challenge 25" and a record of that training will be provided in Training Record Book available at Pivaz Brentwood.

A Log Book will be kept upon the premises all the time, recording refusals and rejections

We will also follow all existing legal Health & Safety requirements, where dealing with children.

Declaration

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

I agree
Pivaz Brentwood Licensing Drawings 2016.pdf

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):* Richard Marshall-Duffield

Date* 17 Mar 2016

Capacity: Commerical Consultant

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 17 Mar 2016

Capacity

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

Correspondence name

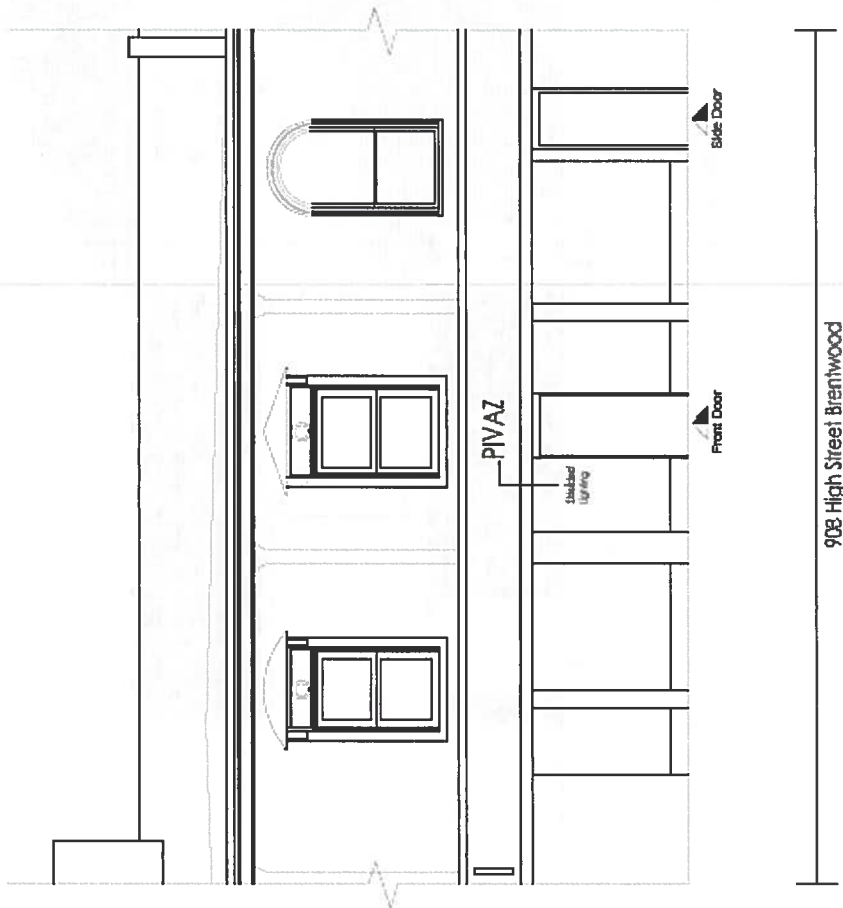
Telephone number

Mobile telephone number

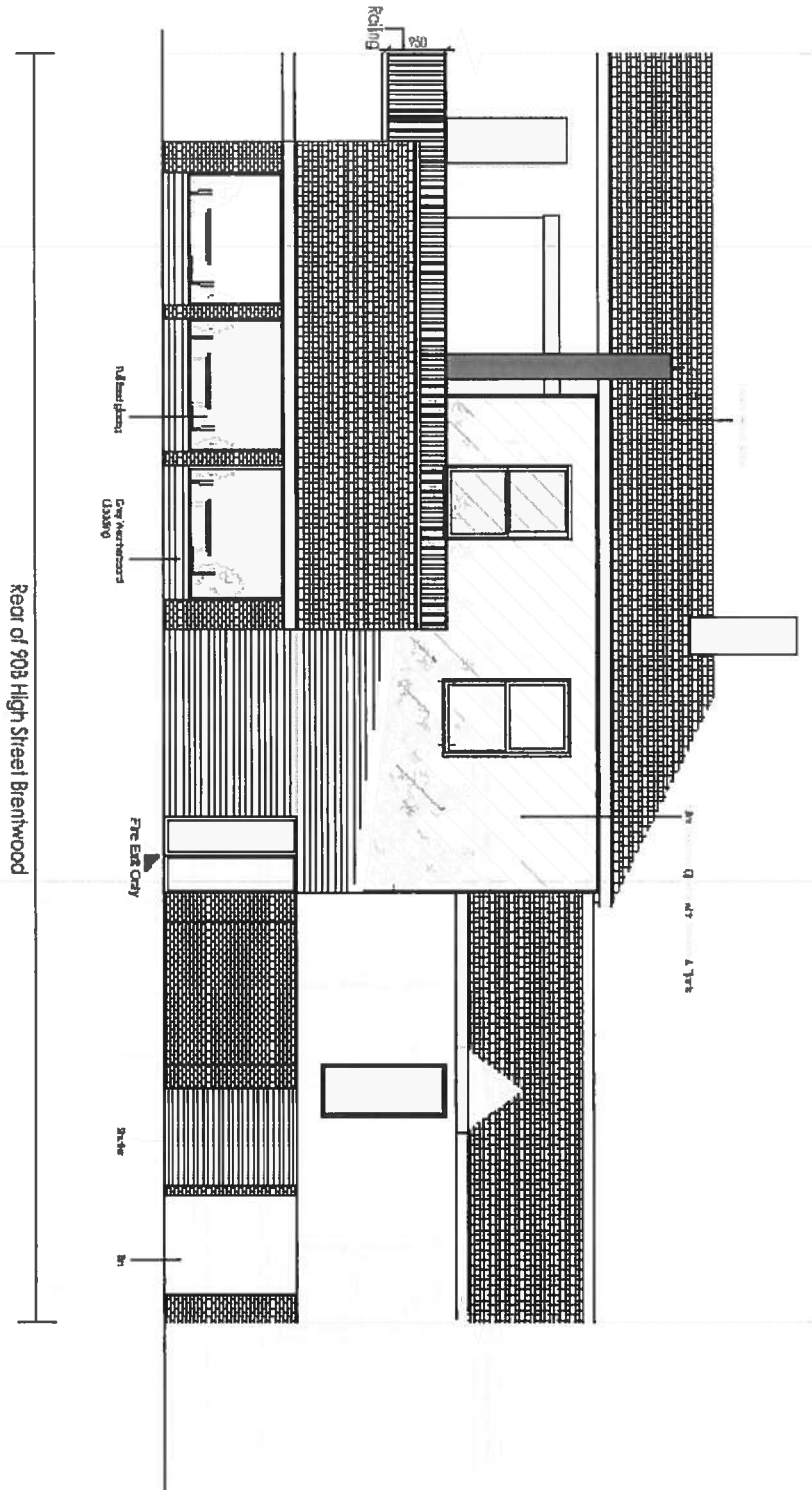
To receive email acknowledgement of your application and confirmation of your payment, please provide a correspondence

Email address* richard@innkeeperuk.com

Re-enter email address* richard@innkeeperuk.com



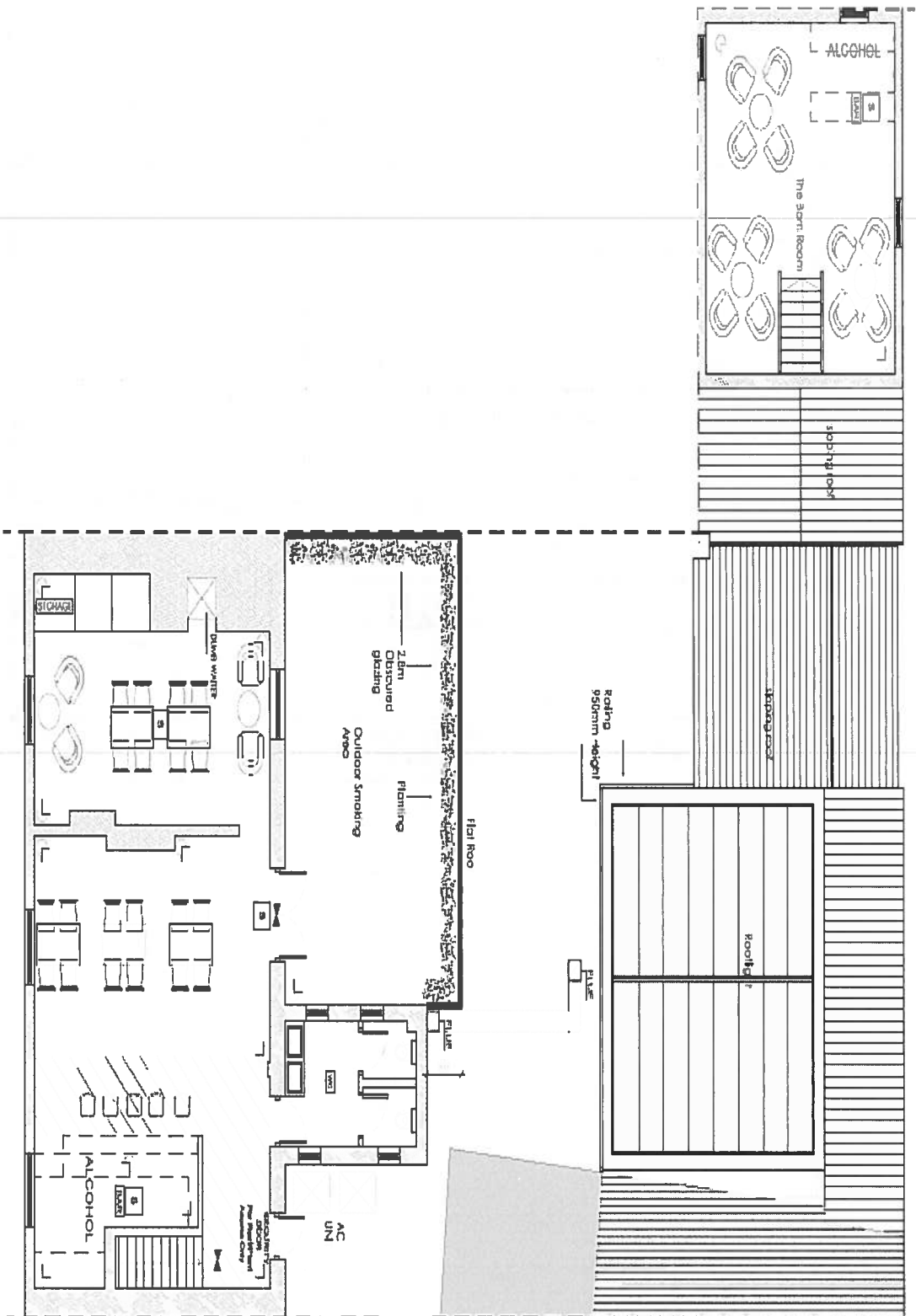
Proposed Front Elevation
scale 1:100



Rear of 908 High Street Brentwood

Proposed Rear Elevation
 scale 1:100

First Floor



PUBLIC NOTICE OF APPLICATION

**APPLICATION FOR A PREMISES LICENCE
(Section 17, Licensing Act 2003)**

Name of Applicant	PIVAZ Brentwood Limited
Postal address of premises or a description to enable the location to be identified.	90b High Street (formerly Blockbuster) Brentwood Essex, CM14 4AP

Statement of Relevant Licensable Activities which it is proposed will be carried on on or from the premises.

Pivaz is a Mediterranean Restaurant seeking a Premise License for following Licensable Activities:

The Supply of Alcohol
Provision of Late Night Refreshment

Sunday - Wednesday 10.00 - 00.00
Thursday - Saturday 10.00 - 01.00
(following morning)

The Licensing Register may be inspected at the Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY between 8.30 am and 5.00 pm Monday to Thursday and between 8.30 am and 4.30 pm Friday, excluding public holidays. Details are also provided on Brentwood Borough Council's website at www.brentwood.gov.uk.

Any representations by a Responsible Authority or Interested Party must be made in writing to the Licensing Authority at the above address by **Wed 27th April 2016**

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

PUBLIC NOTICE OF APPLICATION

APPLICATION FOR A PREMISES LICENCE (Section 17, Licensing Act 2003)

Name of Applicant	Pivaz Brewery Limited
Postal address of premises or description to enable the location to be identified	90b High Street, Brentwood Essex CM14 4AP
Statement of Relevant Licensable Activities which it is proposed will be carried on on or from the premises	
Provision of late night refreshment Supply of Alcohol	

The Licensing Register may be inspected at the Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY between 8.30 am and 5.00 pm Monday to Thursday and between 8.30 am and 4.30 pm Friday, excluding public holidays. Details are also provided on Brentwood Borough Council's website at www.brentwood.gov.uk.

Any representations by a Responsible Authority or Interested Party must be made in writing to the Licensing Authority at the above address by

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

PIVAS RESTAURANT, 90B HIGH ST BRENTWOOD CM14 4AP

APPENDIX 2

REPRESENTATION

& CORRESPONDENCE

Interested Party

David Dadds

7 JUNE 2016

Dave Leonard – Licensing Officer
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, Essex
CM15 8AY

Our Ref: dd/lb/Pivaz

Your Ref:

30th March 2016

Dear Sirs,

Re: Pivaz Brentwood Limited of 293 Green Lanes, Palmers Green, London, United Kingdom, N13 4XS

We write with reference to the above.

We act for a client who carries out business in Brentwood and they have instructed us to advise them in relation to the aforementioned Company applying for a Premises Licence under Section 17 of the Licensing Act 2003.

We understand the address for which an application has been made is 90B High Street, Brentwood, Essex, formerly a trading location for Blockbuster video store.

We are concerned that the Public Notice is defective. We ask you to review whether the Public Notice fulfils the requirements of the Statutory Provisions of the Licensing Act 2003, particularly the Licensing Act 2003 (Premises Licence) Regulations 2005 Regulation 25 Advertisement of Applications by Applicant.

Insufficient information is provided within the Public Notice. There is no date for which the last day of representation may be made. Furthermore, it is unclear what relevant licensable activities are being sought and on what day of the week, and what given time from and to.

Initial observations are that there appears to be an application for the supply of alcohol which is akin to an application under a Club Premises Certificate where there is a licensable activity of supply of alcohol. However, we note this appears to be an application made under Section 17 of the Licensing Act, which the licensable activity is the sale by retail of alcohol, as opposed to the supply of alcohol by or on behalf of a Club to or to the order of a Member of the Club. The Public Notice is not clear in this regard.

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
W: www.dadds.co.uk DX: 32202 BILLERICAY

Authorised and regulated by the Solicitors Regulation Authority - Dadds LLP (OC358162). A list of the regulated firm is open to inspection at the office.



Our clients wish to be correctly informed of what is being applied for and make a decision whether they wish to make comment by way of representation. Moreover, our client is concerned that other members of the public are too not being properly informed by the Public Notice.

There is a clear statutory scheme in place to ensure the public are informed of applications and there is a wide public interest to ensure that such notification is undertaken correctly and in accordance with statute.

We ask that your officers kindly review the Public Notice and consider this letter and the wider public interest to ensuring that the statutory regime is complied with.

We look forward to hearing from you in relation to the aforementioned.

Whilst writing we ask that this letter be considered a representation against the application as our client is not able to comment any further until more information is provided. We ask that when, if appropriate, the new Public Notice is displayed we are informed so our client can consider whether or not, upon reading the Public Notice, to come and inspect the application at the local authority office.

Please confirm safe receipt of this letter.

Yours faithfully



DADDS LLP

PUBLIC NOTICE OF APPLICATION

**APPLICATION FOR A PREMISES LICENSE
(Section 17, Licensing Act 2003)**

Name of Applicant

Address

Particulars of premises to be licensed

Proposed License

Statement of reasons for application

Provision of late night refreshment
Supply of Alcohol

The applicant hereby declares that the information given in this application is true and correct and that the premises are suitable for the purpose for which the license is sought.

The applicant hereby declares that the premises are suitable for the purpose for which the license is sought.

The applicant hereby declares that the premises are suitable for the purpose for which the license is sought.

Dave Leonard

From: Dave Leonard
Sent: 05 April 2016 17:51
To: 'Louise Bailey'
Subject: RE: Pivaz Brentwood - Application for a Premises Licence
Attachments: PIVAS blue notice 05APR16.jpg

Tracking:	Recipient	Delivery	Read
	'Louise Bailey'		
	Gary OShea	Delivered: 05/04/2016 17:51	Deleted: 20/04/2016 13:51

Dear Louise,

Thank you for bringing your concerns to my attention. I had already identified this matter and advised the applicant accordingly.

Please find attached the amended blue notice being displayed at the front and rear of the premises. You will note that the relevant information has now been included and the consultation period has been extended as required.

Please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523** should you still wish to arrange an appointment to attend the offices to inspect the application.

Kind regards,

Dave Leonard

Licensing Officer
Brentwood Borough Council
dave.leonard@brentwood.gov.uk
01277 312523

From: Louise Bailey [<mailto:louise.bailey@dadds.co.uk>]
Sent: 30 March 2016 12:20
To: Dave Leonard
Subject: Pivaz Brentwood - Application for a Premises Licence

Dear Mr Leonard,

Please see attached letter and attachment referred to.

Kind regards

Louise Bailey

Dadds LLP Licensing Solicitors

Crescent House, 51 High St, Billericay, Essex CM12 9AX

T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY

E louise.bailey@dadds.co.uk

W www.dadds.co.uk

Authorised and regulated by the Solicitors Regulation Authority – Registration No 550469

Dave Leonard

From: Dave Leonard
Sent: 27 April 2016 16:41
To: 'david@dadds.co.uk'
Cc: Gary OShea
Subject: PIVAS (FORMERLY KNOWN AS BLOCKBUSTER), 90B, HIGH STREET, BRENTWOOD CM14 4AP - CONSULTATION ENDS WEDNESDAY, 27TH APRIL 2016
Attachments: PIVAS - AGREED CONDITIONS (DRAFT COPY) 27APR16.pdf

Tracking:	Recipient	Delivery	Read
	'david@dadds.co.uk'		
	Gary OShea	Delivered: 27/04/2016 16:41	Read: 27/04/2016 16:58

Gentlemen,

Please find attached the draft copy of the agreed conditions for PIVAS RESTAURANT. Please accept my apologies for any typo's or spelling mistakes but I am mindful that the end of the consultation period is rapidly approaching.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523**.

Kind regards,

Dave Leonard

Licensing Officer
Brentwood Borough Council
dave.leonard@brentwood.gov.uk
01277 312523

Conditions for Pivas

Annex 1. – Mandatory conditions as normal

Annex 2. – Conditions taken from operating schedule

1. All sales of alcohol shall be made ancillary to a table meal save for the holding areas which shall be restricted to 20 persons at anyone time.
2. All staff to receive training to ensure their understanding of licence conditions and responsibilities relating to the sale of alcohol, with particular regard to underage sales and provision of alcohol to persons who are drunk. Training records should be retained and made available to the police or any authorized offices of the council.
3. A comprehensive CCTV system should be installed maintained in good working order and operated at all times the premises is open for licensable activity.
4. The CCTV system shall cover both the internal and external areas of the premises, including all entry and exit points in order that it may enable full frontal identification of every person entering in all light conditions.
5. All CCTV recordings must be kept in unedited format for a period of not less than 28 days and able to be time/date stamped (or equivalent). Such recordings must be made available to the police or any authorised offices of the council upon request.
6. At least one member of staff who is fully conversant with the operation of the CCTV system shall be available at all times the premises are open to the public. This staff member must be able to show the police or authorised officer from any other

- responsible authority any data or footage with the minimum of delay.
7. A clear and legible notice must be displayed outside the premises to indicate the normal hours during which licensable activity is permitted under the terms of this licence.
 8. Custom shall not be sought by means of personal solicitation either directly outside or in the vicinity of the premises.
 9. A responsible person shall ensure that staff activity engage in asking customers to use the premises in an orderly and respectful manner.
 10. The premises shall operate a challenge 25 scheme. No sale of alcohol shall be made to any person appearing to be below the age of 25, unless they are able to produce a recognised photographic identification to prove that they are over 18 (or over 16 as in the case of a sale made under provision of section 149 (s) i.e the sale to a 16 or 17 year old of beer, wine or cider provided that they are accompanied by a person over 18 and is for consumption with a table meal.
 11. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made refusals of sale of alcohol or any incidents at or on the premises. The log book shall be kept available for inspection by any police officer or authorised officer of the council.
 12. Prominent clear and legible notices will be displayed at the exit requesting that customers respect the needs of nearby residents and leave the premises and immediate area quietly.

13. Deliveries of goods and stock shall be carried out at such time or in such manner as to prevent nuisance or disturbance to residents.
14. The responsible person shall ensure that staff actively engage in ensuring that customers do not gather in the street immediately outside of the premises.
15. The movement of bins and rubbish outside of the premises will be kept to a minimum after 21.00 hours.
16. Exterior lighting shall be installed or screened in such a way so as not to cause a disturbance or nuisance to nearby residents.

Conditions as agreed following representation to add to operating schedule:

17. The outside smoking area shall not be used for the consumption of food or drink after 21:30 hrs.
18. No drink or glassware shall be permitted in the outdoor smoking area after 21:30
19. The number of persons using the outdoor smoking area shall be restricted to 35 persons before 21:30 hrs and a maximum of 10 persons after 21:30.
20. The holding area upstairs will be reduced to bar standing/stool area and tables shall have a dining layout similar to the downstairs bar.
21. Barriers around the outside smoking area shall be increased in height to 2.8 metres in order to reduce any impact of noise or disturbance to neighbours.

22. No person shall be permitted to leave the premises with drinks or glassware and patrons will be actively discouraged from standing in my street or outside area other than the smoking area.

23. Use of the smoking area shall be actively managed by staff in order to ensure compliance with all terms and conditions relating to its use.

Dave Leonard

From: David Dadds [david.dadds@dadds.co.uk]
Sent: 27 April 2016 16:56
To: Dave Leonard
Cc: Gary OShea
Subject: RE: PIVAS (FORMERLY KNOWN AS BLOCKBUSTER), 90B, HIGH STREET,
BRENTWOOD CM14 4AP - CONSULTATION ENDS WEDNESDAY, 27TH APRIL 2016

We would be looking for the following wording for a restaurant, do you have any views Mr. Leonard.

1. The premises shall operate as a restaurant; (i) where the supply of alcohol is by waiter or waitress service only; (ii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table; and (iii) which do not sell or supply alcohol otherwise than for consumption by persons who are seated in the premises and are booked and are going and/or have had a bona fide substantial table meal on the premises.
2. There should be no charge for admission to the premises when it operates under the licence.
3. Except for any alterations made by the submission of a minor variation or a major variation application to the Licensing Authority, there shall be no alteration to the premises plan.
4. No regulated entertainment.

Kind regards

David Dadds

Dave Leonard

From: David Dadds [david.dadds@dadds.co.uk]
Sent: 27 April 2016 18:45
To: Dave Leonard
Cc: Gary OShea; David Dadds
Subject: RE: PIVAS (FORMERLY KNOWN AS BLOCKBUSTER), 90B, HIGH STREET, BRENTWOOD CM14 4AP - CONSULTATION ENDS WEDNESDAY, 27TH APRIL 2016

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

Our Ref: dd/lb/Pivaz

Your Ref:

27th April 2016

Dear Sirs,

Re: Pivaz Brentwood Limited of 293 Green Lanes, Palmers Green, London, United Kingdom, N13 4XS

We write with reference to the above.

We act for a client who carries out business in Brentwood (Sugar Hut) and they have instructed us to advise them in relation to the aforementioned Company applying for a Premises Licence under Section 17 of the Licensing Act 2003.

We understand the address for which an application has been made is 90B High Street, Brentwood, Essex, formerly a trading location for Blockbuster video store.

Our clients is concerned that the conditions offered in the application are inadequate to promote the four licensing objective, which in turn may lead to crime and or disorder and public nuisance.

Our client would be happy to discuss the application and conditions, and perhaps mediation could be undertaken. Whilst writing our client believes there is a cumulative impact of a number of premises including, bars, restaurants and late night establishment operating between 23:00 and 01:00 that are undermining the licensing objectives, and our client would be able to amplify their experiences around some premises operating at these times already mentioned and wants to avoid the current situation being added to.

We ask that this letter be considered a representation against the application.

Please confirm safe receipt of our clients representation.

Yours faithfully

DADDS LLP

Information in this message is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately.

Dave Leonard

From: Gary OShea
Sent: 28 April 2016 11:02
To: 'David Dadds'; Dave Leonard
Subject: RE: PIVAS (FORMERLY KNOWN AS BLOCKBUSTER), 90B, HIGH STREET, BRENTWOOD CM14 4AP - CONSULTATION ENDS WEDNESDAY, 27TH APRIL 2016

Dear David

I refer to your email relating to the above application.

For the avoidance of doubt the premises already benefits from the granting of a change of use following the closure of Blockbuster.

Whilst maintaining the licensing teams neutral standpoint with regard to the application process and with respect to the concerns that you have raised, I need to better understand them if we are to facilitate any mediation. I am struggling at the moment to recognise the relevance of those concerns. Clearly this may be because I don't have sufficient information upon which to base any judgement.

You have stated that the conditions proposed are inadequate to promote the licensing objectives, however, you have given no indication as to why you hold this view. As this is an application for a mid range restaurant (circa £40 plus for a three course meal) I find it hard to establish what else could be offered by way of condition that is appropriate for the promotion of the licensing objectives, other than those 23 conditions (both within the operating schedule and agreed via mediation following a letter from the Council's Environment team) already listed, which were sent to you yesterday.

Equally, you have raised the matter of cumulative impact although you will be aware that Brentwood does not have a cumulative impact policy. In view of this the rebuttable presumption to grant stands as no cumulative impact can be considered in relation to any application within this borough.

You sent through four suggested conditions yesterday to which I responded and I would very much appreciate your view on both that response and the content of this email.

I look forward to receiving you thoughts and comments.

Kind Regards

Gary O'Shea

Principal Licensing Officer
Brentwood Borough Council
gary.oshea@brentwood.gov.uk
Tele: 01277 312500 Fax: 01277 312743

Web: www.brentwood.gov.uk

From: David Dadds [<mailto:david.dadds@dadds.co.uk>]
Sent: 27 April 2016 18:45
To: Dave Leonard



Information in this message is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately.

This firm does not accept service by way of email of court proceedings, other proceedings or formal notices of any kind on behalf of clients without specific prior written agreement.

From: Gary OShea [mailto:gary.o'shea@brentwood.gov.uk]
Sent: 11 May 2016 09:07
To: Louise Bailey <louise.bailey@dadds.co.uk>
Cc: Dave Leonard <dave.leonard@brentwood.gov.uk>
Subject: RE: Pivas (formerly known-as Blockbuster)

Dear Louise

I will look at trying to extend the deadline in the interests of an open fair and transparent process, however, in order to do so I will need both your agreement and that of the applicant to exceed the 20 working day window for a hearing. I am able to do this if it is in the public interest to do so and it is likely that this is such a case.

I know David is busy but I did email my concerns on 28 April as I do in honesty find it difficult to see the relevance of the representation for reasons given and this is why I gave a deadline yesterday.

If you would indicate your agreement by return, in the first instance to the above I shall then approach the applicant and look to extend the hearing date, assuming of course that the representation is deemed relevant/valid and/or not withdrawn.

Many Thanks

Gary O'Shea

Principal Licensing Officer
Brentwood Borough Council
gary.oshea@brentwood.gov.uk
Tele: 01277 312500 Fax: 01277 312743

Web: www.brentwood.gov.uk

From: Louise Bailey [mailto:louise.bailey@dadds.co.uk]
Sent: 10 May 2016 16:41
To: Gary OShea
Subject: Pivas (formerly known as Blockbuster)

Dear Gary,

Thank you for your email to David, requesting a reply by 12noon tomorrow.

David is currently out of the office and will need to take instructions from our client. We ask if you could please extend your deadline to 4pm on Friday, 13th May.

Also, regardless of your point of view, we believe that relevant representations have been sent.

Dave Leonard

From: Gary OShea
Sent: 11 May 2016 16:55
To: 'Louise Bailey'
Cc: Dave Leonard
Subject: RE: Pivas (formerly known as Blockbuster)

Dear Louise

Just to confirm that the applicant has agreed and the deadline is extended to 4pm Friday.

Many Thanks

Gary O'Shea

Principal Licensing Officer
Brentwood Borough Council
gary.oshea@brentwood.gov.uk
Tele: 01277 312500 Fax: 01277 312743

Web: www.brentwood.gov.uk

From: Louise Bailey [mailto:louise.bailey@dadds.co.uk]
Sent: 11 May 2016 11:25
To: Gary OShea
Subject: RE: Pivas (formerly known as Blockbuster)

Dear Gary,

I confirm we do not object to the 20 working day deadline being exceeded for a hearing.

Kind regards

Louise Bailey
Dadds LLP Licensing Solicitors

Crescent House, 51 High St, Billericay, Essex CM12 9AX
T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY

E louise.bailey@dadds.co.uk

W www.dadds.co.uk

Authorised and regulated by the Solicitors Regulation Authority – Registration No 550469

Dadds LLP
LICENSING SOLICITORS

All aspects of licensing law

LEGAL 500
LEADING FIRM
2015

Dave Leonard

From: Richard Marshall-Duffield [richard@innkeeperuk.com]
Sent: 12 May 2016 19:43
To: Dave Leonard
Cc: Tony Manconi; Lorenzo Manconi
Subject: Re: PIVAS (FORMERLY KNOWN AS BLOCKBUSTER), 90B, HIGH STREET, BRENTWOOD CM14 4AP - AGREED CONDITIONS (DRAFT COPY)

Afternoon David,

I have spoken to the Owners, These Conditions they except.

Can I thank you and the team again for all your help and support.

Rgs

Richard Marshall-Duffield
INNkeeperUK LTD

richard@innkeeperuk.com
07734171837

Helping Hospitality Serve Profit

On 11 May 2016, at 15:00, Dave Leonard <dave.leonard@brentwood.gov.uk> wrote:

Hi Richard,

As discussed, here is a copy of the draft of the agreed conditions (following our last meeting) that I sent to Mr Dadds for his information.

Kind regards,

Dave

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex. CM15 8AY. This email (including any attachments) is intended only for the recipient(s) named above. It may contain restricted or privileged information and should not be read, copied or otherwise used by any other person unless express permission is given. If you are not a named recipient, please contact the sender and delete the email from the system. It is the recipient's responsibility to ensure that appropriate measures are in place to check for software viruses.

<PIVAS - AGREED CONDITIONS (DRAFT COPY) 27APR16.pdf>

Click [here](#) to report this email as spam.

Dave Leonard

From: Gary OShea
Sent: 13 May 2016 12:31
To: 'Louise Bailey'; 'David Dadds'
Cc: Dave Leonard
Subject: RE: Pivaz Brentwood Limited

Dear Louise/David

Thank you for the letter, which better sets out the grounds of your representation.

You will appreciate that in the absence of a Cumulative Impact Policy much of your email of 27 April was not relevant, which left one line vaguely touching upon the objectives, which from a potentially competing business (albeit the set up is different) could have been viewed as vexatious. Whilst I am sure that you had/have reason for writing in, in the absence of any response to my email of 28 April, I needed to set a deadline for response from you so as I could assess the relevance of the representation.

The licensing authority (unless exercising its role as a responsible authority) is as you know independent throughout the process. I have however, mediated thus far with the applicant and those that have made representation. This as you also know has resulted in additional conditions and withdrawal of the other representations.

Based on the further information, I consider your representation valid and have set a provisional hearing date of 7 June 2016.

In the role of mediator I am happy to pass on any comments or suggestions that may satisfy your representation. However, I can indicate at this stage that I did suggest your condition relating to ancillary table meals as a replacement for that agreed and the applicant has said that this is not acceptable as it will mean that they cannot use their holding areas, which would allow people to have a drink whilst waiting for their table (maximum 20 persons).

Please could you advise as to whether you are happy for the applicants representative to contact you direct by way of potential discussion on any compromise.

Many Thanks
Kind regards

Gary O'Shea

Principal Licensing Officer
Brentwood Borough Council
gary.oshea@brentwood.gov.uk
Tele: 01277 312500 Fax: 01277 312743

Web: www.brentwood.gov.uk

From: Louise Bailey [<mailto:louise.bailey@dadds.co.uk>]
Sent: 13 May 2016 11:23
To: Gary OShea
Subject: Pivaz Brentwood Limited

Dear Gary,

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

Our Ref: dd/lb/Pivaz

Your Ref:

13th May 2016

Dear Mr O'Shea,

Re: Pivaz Brentwood Limited of 293 Green Lanes, Palmers Green, London, United Kingdom, N13 4XS

We write with reference to the above and further to our valid letter of representation made on the 27th April 2016.

We are concerned to receive correspondence from you suggesting that you are minded to throw our client's representation out. Our client raises legitimate concerns regarding the application, the conditions particularly in relation to the vagueness of the application, and this has been borne out by the applicant having to agree further steps with responsible authorities over and above those already offered in the operating schedule.

You will note that our client has concerns regarding condition relating to alcohol being ancillary to food. The current drafting is weak and our client has suggested a reasonable condition as a substitute. In your correspondence of the 27th April 2016 you confirm that the alternative wording suggested by our client seems reasonable. If that being the case how can it be that our client's representation should be rejected.

In addition, you say that the premises is a mid-range restaurant, but if the condition regarding alcohol ancillary to food is not clear and concise then the premises could novat  or be something completely different, either by this operator or if transferred to another. Our client is concerned also about the closing time which the members of the public can remain. It is most unusual for a restaurant and even a pub to have one hour drinking up time. Perhaps you can explain which mid-range price restaurant in Brentwood High Street operates to 2am? This is an unusual application and not your normal application for a restaurant. We hope you will agree with our analysis.

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
W: www.dadds.co.uk DX: 32202 BILLERICAY

Authorised and regulated by the Solicitors Regulation Authority - Dadds LLP (OC358152). A list of all members is open to inspection at the office.





point and they can amplify upon that if conditions cannot be agreed and mediation is not successful.


You will note our client has suggested some conditions to go forward and they are a proposal. They can be discussed they can be agreed to or rejected by the applicant. That is the process of mediation. Our client wants to ensure going forward that this premises if it is a bona fide restaurant has conditions that are appropriate to ensure it is and will remain such. The conditions proposed previously are lawful, can be enforced and this firm can show the licensing authority where such conditions are in place.

In relation to the current use and planning consent, statutory guidance sets out amongst other things that there is no requirement for a person to produce a record history of problems at premises to support their representation and in fact this would not be possible for a new premises. That is set out at 9.4 of the statutory guidance issued by Secretary of State. We make reference to Paterson's 2016.

Please confirm that our client's representation is valid and we would welcome the local authority to confirm they will assist both parties in having meaningful discussions to see if appropriate conditions can be put in place to address our client's concerns.

We look forward to hearing from you.

Yours sincerely


David Dadds
DADDS LLP



PIVAS RESTAURANT, 90B HIGH ST BRENTWOOD CM14 4AP

APPENDIX 3

OS Map & Images

7 JUNE 2016







90B High Street, Brentwood

Location Map

Drawing No. :
 Scale at A4 : 1:500
 Drawn by : OSJ
 Service : ICT
 Date : 26th May 2016

© Crown copyright and database rights 2016 Ordnance Survey 100018309



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



90B High Street, Brentwood

Location Map

Drawing No. :
 Scale at A4 : 1:1250
 Drawn by : OSJ
 Service : ICT
 Date : 26th May 2016

© Crown copyright and database rights 2016 Ordnance Survey 100018309



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



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.