Agenda

Licensing/Appeals Sub-Committee

Tuesday, 18 October 2016 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs McCheyne, Mrs Middlehurst 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.	**Declarations of Interest**		
4.	**Licensing Act 2003 - Application for a Premises Licence: 236 Hutton Road, Shenfield, CM15 8PA**	Shenfield	5 - 76

Chief Executive

Town Hall
Brentwood, Essex
10.10.2016

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.

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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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18 October 2016

Licensing and Appeals Committee

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

236 HUTTON ROAD, SHENFIELD CM15 8PA

Report of: *Paul Adams – Principal Licensing Officert*

Wards Affected: *Shenfield*

This report is: *Public*

1. Executive Summary

1.1 This report provides information of an application for a new premises licence in respect of ***236 Hutton Road, Shenfield CM15 8PA.***

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 23 August 2016 from Mr Anthony David Kinnear in respect of 236 Hutton Road, Shenfield CM15 8PA.
A copy of the application is attached at ***Appendix 1.***

4.2 The applicant describes the premises as a restaurant and bar. The premises is located in a high street style shopping parade, with occupied residential flats above, and is directly opposite Shenfield Railway Station. A map of the location is also attached at ***Appendix 4.***

4.3 The applicant seeks a premises licence for the provision of the following licensable activities for the following hours;

Sale of alcohol;
08:00hrs-23:30hrs Sunday-Thursday and
08:00hrs-01:00hrs Friday & Saturday.

Live Music & Recorded Music, Performance of Dance & Anything Similar;
12 :00hrs-00:00hrs Monday-Saturday and
12:00hrs-23:00hrs Sunday

Late Night Refreshment
23:00hrs-23:30hrs Sunday-Thursday and
23:00hrs-01:00hrs Friday & Saturday

Seasonal Variations
On the following days the permitted hours may be extended for an additional hour;
Thursday, Friday, Saturday & Sunday of the Easter weekend. Friday, Saturday & Sunday of both May Bank Holidays & the August Bank Holiday, Christmas Eve & Boxing Day. Burns Night, Valentine's Day, St David's Day, St Patrick's Day, St George's Day, St Andrew's Day & Halloween provided that day is not followed by a normal working day On New Year's Eve from the end of permitted hours until the start of permitted hours on the following day.

Opening Hours
08:00hrs-00:00hrs Sunday-Thursday
08:00hrs-01.30hrs Friday & Saturday

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

- The Premises Licence holder shall ensure that a digital CCTV system shall be installed, operated and maintained at the premises. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The system shall continually record in real time at all times whilst the premises are open for licensable activities and customers are present.

- The Premises Licence holder shall ensure that a staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when open to the public. This staff member must be able to show the police or other Responsible Authority recent data or footage with the absolute minimum of delay.

- The Premises Licence holder shall ensure that all recordings made by the CCTV system shall be kept securely stored for a minimum of 31 days. Recordings shall be made available to an authorised officer or a

police officer upon lawful request (subject to the Data Protection Act 1998).

- The Premises Licence holder shall ensure that a log book for all incidents, accidents and emergencies shall be maintained. This book shall include the following information and will be available upon lawful request to the police or other Responsible Authority;
- All crimes reported to the venue
- All ejections of patrons
- All refusals of service
- Any complaints received
- Seizures of drugs or offensive weapons
- The full name of any person who has been involved in dealing with any of the above matters.

- The Premises Licence holder shall ensure that when licensable activities are permitted beyond 00:00, SIA registered door supervisors shall be deployed from 21:00. When so employed, a door supervisors register shall be kept in which door staff shall sign to record their start and finish times along with their full name and SIA badge number.

- The Premises licence holder shall ensure that staff engaged outside the entrance to the premises shall wear high visibility jackets or vests.

- The Premises Licence holder shall ensure that, except for ingress and egress, the front door, back door and opening frontage of the licensed premises shall remain closed during the performance of licensed entertainment.

- The Premises Licence holder shall ensure that The opening frontage of the licensed premises shall be closed and remain so from 22:00 until the beginning of licensable activities the following day.

- The Premises Licence holder shall ensure that alcohol shall be served in toughened glasses where appropriate.

5. Reasons for Recommendation

If Members are minded to grant the application:

5.1 Any application granted will automatically contain conditions from paragraph 4. Additional conditions 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 8 valid representations received from interested parties. Two residents, one living above the premises and one living behind, have concerns relating to crime and disorder, public nuisance & public safety. There are also 6 representations submitted in support of a new restaurant. It appears that an anonymous flyer was posted urging residents to oppose this application and a copy has been attached by one of the supporters. These representations are attached at ***Appendix 3.***

6.7 One representation was 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 over-ridden; 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

236, HUTTON ROAD, SHENFIELD CM15 8PA

APPENDIX 1

APPLICATION FORM

18 OCTOBER 2016

Rec. 24/1/16

Reference: PrL140649

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)*	Anthony David Kinnear

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*	236
Road Name*	HUTTON ROAD
Town	SHENFIELD
County	ESSEX
Post Code*	CM15 8PA

Daytime contact telephone number (if any):

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)*	Anthony
Surname*	Kinnear
I am 18 years old or older*	Yes

Applicant Address

Flat Number (if any)
House / Building Name or Number*
Road Name*
Town
County
Post Code*
Daytime contact telephone number*
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?*	21 Sep 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):*	Restaurant and bar
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
- [x] (e) live music
- [x] (f) recorded music
- [x] (g) performances of dance
- [x] (h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment [x]

Supply of alcohol ☑

(e) Live music

Will the performance of live music 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	12:00:00	00:00:00
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Please give further details here (please read guidance note 3)* The applicant wishes to be able to provide both live amplified and unamplified music and singing as may from time to time complement the range of entertainment being provided at the premises whether as the principal entertainment or in conjunction with dancing and/or any other permitted activity.

State any seasonal variations for the performance of live music (please read guidance note 4)* Please see box J for seasonal variations

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

(f) Recorded music

Will the playing of recorded music 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		

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please give further details here (please read guidance note 3)*	The applicants wish to have the facility for the provision of recorded music whether as the principal entertainment provided or in conjunction with dancing or any other permitted activity.
State any seasonal variations for playing recorded music (please read guidance note 4)*	Please refer to box j for seasonal variations
Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed above, please list (please read guidance note 5)*	none

(g) Performances of dance

Will the performance of dance 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		
Tuesday		
Wednesday		
Thursday		
Friday		

Saturday	
Sunday	
Please give further details here (please read guidance note 3)*	The applicants wish to provide such performance of dance as may be required from time to time to complement the range of entertainment or in conjunction with dancing or any other permitted activity
State any seasonal variations for the performance of dance (please read guidance note 4)*	please refer to box J for seasonal variations
Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed above, please list (please read guidance note 5)*	None

(h) Anything of a similar description to that falling within (e) Live music, (f) Recorded music or (g) Performance of dance

Please give a description of the type of entertainment you will be providing:*	The applicant wishes to provide such other entertainment of a kind as may be required from time to time to complement the range of entertainment or in conjunction with dancing or any other permitted activity
Will this entertainment 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		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		23:00:00

Please give further details here (please read guidance note 3)*	The applicant wishes to provide such other entertainment of a similar kind as may be required from time to time to complement the range of entertainment or in conjunction with dancing or any other permitted activity
State any seasonal variations for entertainment of similar description to that falling within (e), (f) or (g) (please	Please see box J for seasonal variations

read guidance note 4)*

Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed above, please list (please read guidance note 5)*	NONE

(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		23:30:00
Tuesday		23:30:00
Wednesday		23:30:00
Thursday		23:30:00
Friday		01:00:00
Saturday		01:00:00
Sunday		23:30:00

Please give further details here (please read guidance note 3)*	The applicant wishes to be able to provide facilities for late night refreshment as may be required from time to time to complement the range of activities (whether licensable or not) being provided at the premises whether as principal or in conjunction any other permitted activity
State any seasonal variations for the provision of late night refreshment (please read guidance note 4)*	Please refer to box J for seasonal variations
Non standard timings. Where you intend to use the premises for provision of late night refrehment 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		23:30:00
Tuesday		23:30:00
Wednesday		23:30:00
Thursday		23:30:00
Friday		01:00:00
Saturday		01:00:00
Sunday		23:30:00

Please give further details here (please read guidance note 3)*	.
State any seasonal variations for the supply of alcohol (please read guidance note 4)*	On the following days the permitted hours may be extended for an additional hour: Thursday, Friday, Saturday and Sunday of the Easter weekend. Friday, Saturday and Sunday of both May Bank Holidays and the August Bank Holiday, Christmas Eve and Boxing Day. Burns Night, Valentine's Day, St David's Day, St Patrick's Day, St George's Day, St Andrew's Day and Halloween, provided that day is not followed by a normal working day. On New Year's Eve from the end of permitted hours until the start of permitted hours on the following 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*	HOLLY MATTHEWS
Address	
Flat Number (if any)	
House / Building Name or Number*	
Road Name*	
Town	
County	
Post Code*	
Personal licence number (if known)	
Issuing licensing authority (if known)	BRENTWOOD BOROUGH BOUNCIL

(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)*	THERE WILL BE NO ACTIVITY OF THIS NATURE

(l) Hours premises are open to the public

Standard days and timings
(Please read guidance note 6)

Day	Start	Finish
Monday		00:00:00
Tuesday		
Wednesday		
Thursday		
Friday		01:30:00
Saturday		01:30:00
Sunday		00:00:00

State any seasonal variations (please read guidance note 4)*	On the following days the permitted hours may be extended for an additional hour: Thursday, Friday, Saturday and Sunday of the Easter weekend. Friday, Saturday and Sunday of both May Bank Holidays and the August Bank Holiday, Christmas Eve and Boxing Day. Burns Night, Valentine's Day, St David's Day, St Patrick's Day, St George's Day, St Andrew's Day and Halloween, provided that day is not followed by a normal working day. On New Year's Eve from the end of permitted hours until the start of permitted hours on the following 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)*	Please see attached schedule of conditions
b) The prevention of crime and disorder*	Please see attached schedule of conditions
c) Public safety*	Please see attached schedule of conditions
d) The prevention of public nuisance*	Please see attached schedule of conditions
e) The protection of children from harm*	Please see attached schedule of conditions

Declaration

I agree to submit a plan of the premises*	I agree
Please attach a plan of the premises	Licensing plan - shenfield.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):*	DAVID DADDS
Date*	23 Aug 2016
Capacity:	Solicitor

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

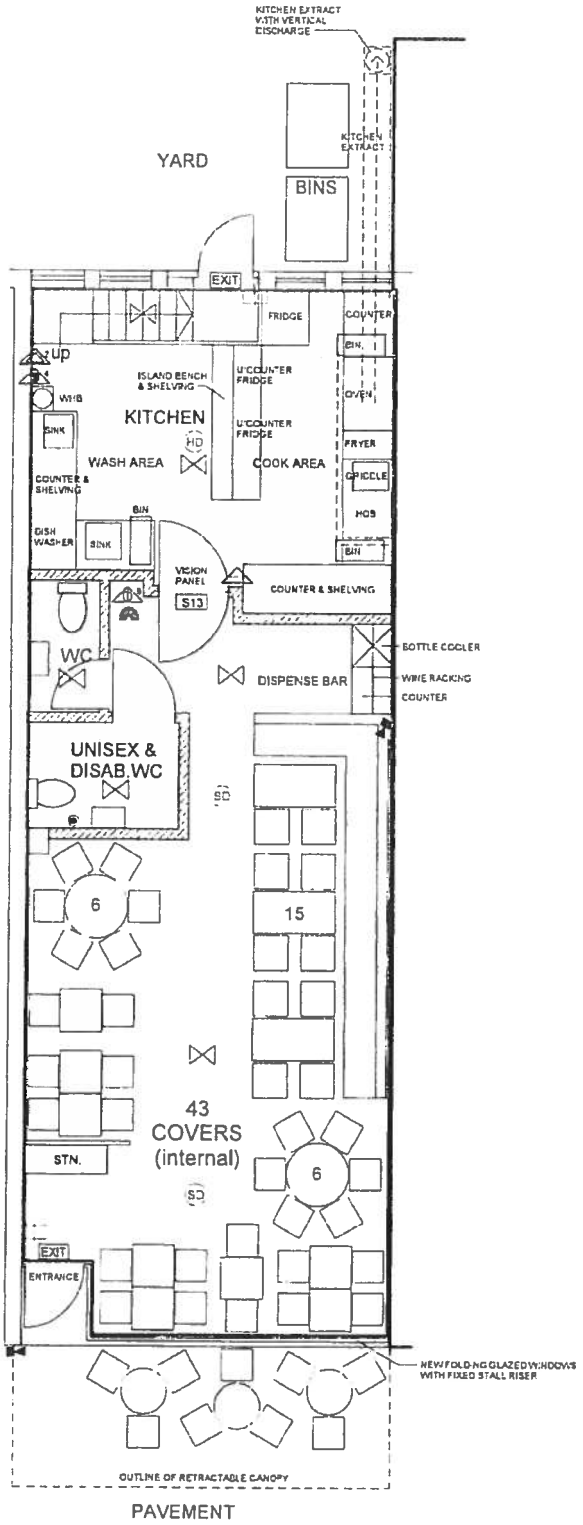
Signature (Print name)	
Date	23 Aug 2016
Capacity	

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

Correspondence name	DADDS LLP LICENSING SOLICITORS
Telephone number	01277 631811
Mobile telephone number	

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

Email address*	office@dadds.co.uk
Re-enter email address*	office@dadds.co.uk

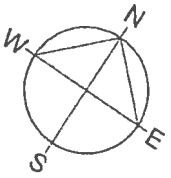


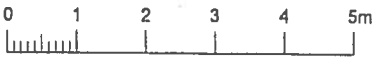
KEY

- EXIT SIGN
- DIRECTIONAL EXIT SIGN
- 'FIRE DOOR KEEP LOCKED' SIGN
- 'FIRE DOOR KEEP SHUT' SIGN
- 9L WATER EXTINGUISHER
- 2L CO2 EXTINGUISHER
- 4KG DRY POWDER EXTINGUSHER
- FIRE BLANKET
- FIRE ALARM CALL POINT
- AREA COVERED BY EMERGENCY LIGHTING
- SMOKE AND HEAT DETECTORS
- ALARM SOUNDER
- EMERGENCY CALL POINT
- CCTV CAMERA

REFER TO KITCHEN LAYOUT BY SPECIALIST CONSULTANT FOR DETAILS OF EQUIPMENT

The red line delineates the area within which licensable activities will be undertaken





DAVID WILLIAMS
ARCHITECT

Client
A KINNEAR & H MATHEWS

Project
236 HUTTON ROAD
SHENFIELD CM15 8PA

Drawing
PROPOSED GROUND FLOOR PLAN

SCALE 1:100 @ A3

DRAWING NO. HR-13 DATE 13.07.2016

Dave Leonard

From: Jean Adams [jean.adams@dadds.co.uk]
Sent: 23 August 2016 17:03
To: Licensing
Cc: peter.jones@essex.pnn.police.uk
Subject: RE: Brentwood Borough Council - Application for a Premises Licence Acknowledgment / Reference: PrL140649
Attachments: Holly signed DPS consent.pdf; Licensing plan - shenfield.pdf; proposed Conditions consistent with the Operating Schedule.docx; Holly BII Certificate copy.pdf

FAO Licensing

With reference to the new application just made online, after checking our application, confirmation of which you sent back by email, the times applied for have been blanked from the application form.

To clarify the 'computer error' the times applied for are the same as those of Holland's Wine bar next door - this being;

Performance of Dance, Anything Similar, Live Music and Recorded Music Monday 12:00 - 00:00 Tuesday 12:00 - 00:00 Wednesday 12:00 - 00:00 Thursday 12:00 - 00:00 Friday 12:00 - 00:00 Saturday 12:00 - 00:00 Sunday 12:00 - 23:00

Sale by Retail of Alcohol
Monday 08:00 - 23:30
Tuesday 08:00 - 23:30
Wednesday 08:00 - 23:30
Thursday 08:00 - 23:30
Friday 08:00 - 01:00
Saturday 08:00 - 01:00
Sunday 08:00 - 23:30

The opening hours of the premises
Monday 08:00 - 00:00
Tuesday 08:00 - 00:00
Wednesday 08:00 - 00:00
Thursday 08:00 - 00:00
Friday 08:00 - 01:30
Saturday 08:00 - 01:30
Sunday 08:00 - 00:00

PLUS
Late Night Refreshment
Monday 23:00 - 23:30
Tuesday 23:00 - 23:30
Wednesday 23:00 - 23:30
Thursday 23:00 - 23:30
Friday 23:00 - 01:00
Saturday 23:00 - 01:00
Sunday23:00 - 23:30

The Proposed DPS, Holly Matthews, Is currently in the process of applying for her personal licence and I will send the application as soon as the CRB check is received at the office. Her signed DPS consent form is attached along with a copy of her BII certificate.

A copy of the Plan is attached and a schedule of proposed conditions. The newspaper advertisement has been placed.

If you require any further details regarding this application, please do not hesitate to contact Alan Aylott or Jean Adams who are dealing with this matter on 01277 631811 Many thanks and best regards

Jean Adams
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 jean.adams@dadds.co.uk W
http://webdefence.global.blackspider.com/urlwrap/?q=AXicY2RmWN7EwDCvjYGhKKfS0DRRr7ioTC83MTMnOT-vpCg_Ry85P5eh1NzP3dglMcXAyNjE3JwhJzM5Na84My_dIakoNa-kPD8_RS89v0yvNJsho6SkwEpfv7y8XC8lMSWlGKgdJMzAMLeUgQEAiPkjTw&Z
Authorised and regulated by the Solicitors Regulation Authority - Registration No 550469

-----Original Message-----
From: noreply@brentwood.gov.uk [mailto:noreply@brentwood.gov.uk]
Sent: 23 August 2016 16:26
To: Dadds Office <office@dadds.co.uk>
Subject: Brentwood Borough Council - Application for a Premises Licence Acknowledgment / Reference: PrL140649

Dear Anthony David Kinnear,

Your application for a New Premises Licence has been received and registered by the Licensing Authority on 16:24:44 23 Aug 2016. Your reference no. is PrL140649.

Copies of your application have been served on all the relevant Responsible Authorities, i.e. Essex Police, Essex County Fire & Rescue Service, the Environment Protection Team, the Health & Safety Enforcing Authority, Essex Child Protection, Trading Standards, public health body and the Local Planning Authority.

As you will be aware, you are required by regulations to 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. The notice must be on pale blue, A4 sized paper and be displayed for a period of not less that 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority.

You are also required by regulations to publish a notice in a local newspaper that circulates in the area the premises are located on at least one occasion during the period of ten days after the day on which the application was given to the Licensing Authority. The published notice must contain a summary of the application and other information prescribed by the regulations. (Details are shown on the Council's website: www.brentwood.gov.uk).

In order that the Licensing Authority can be satisfied that this notice has been correctly published, please submit the original page of the newspaper in which it appeared so as to confirm the date of publication.

If you have not complied with the requirements to publish and display the prescribed public notices, you should do so now and the date of the registration will be amended to the date that these statutory requirements are met. In this instance, please contact this office to confirm the correct dates.

You will be notified if any of the Responsible Authorities, local residents or local businesses raise any representations to your application. If this is the case, a hearing by the Licensing Authority's Licensing Sub-Committee will be held to determine the application. If no such representations are received, your application will be determined under delegated powers.

In the meantime, should you have any enquiries about this application or require further details about the process, please call 01277 312519 or email licensing@brentwood.gov.uk.

Thank you,

Licensing Team
Brentwood Borough Council

This is an automatic response. Please do not reply to this email as you will not receive a reply.

Follow us on Twitter @Brentwood_BC
Like us on Facebook facebook.com/brentwoodcouncil Add us as a contact on Flickr flickr.com/brentwoodboroughcouncil

CONTINUATION SHEET – SCHEDULE OF CONDITIONS

1. The Premises Licence holder shall ensure that a digital CCTV system shall be installed, operated and maintained at the premises. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The system shall continually record in real time at all times whilst the premises are open for licensable activities and customers are present.

2. The Premises Licence holder shall ensure that a staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when open to the public. This staff member must be able to show the police or other Responsible Authority recent data or footage with the absolute minimum of delay.

3. The Premises Licence holder shall ensure that all recordings made by the CCTV system shall be kept securely stored for a minimum of 31 days. Recordings shall be made available to an authorised officer or a police officer upon lawful request (subject to the Data Protection Act 1998).

4. The Premises Licence holder shall ensure that a log book for all incidents, accidents and emergencies shall be maintained. This book shall include the following information and will be available upon lawful request to the police or other Responsible Authority;
   a) All crimes reported to the venue
   b) All ejections of patrons
   c) All refusals of service
   d) Any complaints received
   e) Seizures of drugs or offensive weapons
   f) The full name of any person who has been involved in dealing with any of the above matters.

5. The Premises Licence holder shall ensure that when licensable activities are permitted beyond 00:00, SIA registered door supervisors shall be deployed from 21:00. When so employed, a door supervisors register shall be kept in which door staff shall sign to record their start and finish times along with their full name and SIA badge number.

6. The Premises licence holder shall ensure that staff engaged outside the entrance to the premises shall wear high visibility jackets or vests.

7. The Premises Licence holder shall ensure that, except for ingress and egress, the front door, back door and opening frontage of the licensed premises shall remain closed during the performance of licensed entertainment.

8. The Premises Licence holder shall ensure that The opening frontage of the licensed premises shall be closed and remain so from 22:00 until the beginning of licensable activities the following day.

9. The Premises Licence holder shall ensure that alcohol shall be served in toughened glasses where appropriate.

Dadds LLP
LICENSING SOLICITORS

Consent of individual to being specified as premises supervisor

I HOLLY MATTHEWS
[full name of prospective premises supervisor]

Of

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application to vary a premises licence to specify an individual as a designated premises supervisor under the Licensing Act 2003

NEW PREMISES LICENCE APPLICATION

[type of application]

by

ANTHONY DAVID KINNEAR

[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for

RESTAURANT
236 HUTTON ROAD
SHENFIELD
ESSEX
CM15 8PA

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

ANTHONY DAVID KINNEAR

[name of applicant]

concerning the supply of alcohol at

RESTAURANT
236 HUTTON ROAD
SHENFIELD
ESSEX
CM15 8PA

[name and address of premises to which application relates]

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

Personal licence number

[insert personal licence number, if any]

Personal licence issuing authority

BRENTWOOD BOROUGH COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Date of Birth: Place of Birth: LONDON

[Date and place of Birth of prospective premises supervisor]

Signed

Name (please print) HOLLY MATTHEWS

Date 18th AUGUST 2016

236, HUTTON ROAD, SHENFIELD CM15 8PA

APPENDIX 2

REPRESENTATIONS

RESPONSIBLE AUTHORITIES

Peter Jones (Essex Police Licensing)

Heather Ziervogel (Environmental Health Officer)

18 OCTOBER 2016

Dave Leonard

From: Peter Jones 42007706 [Peter.Jones@essex.pnn.police.uk]
Sent: 09 September 2016 14:23
To: Dave Leonard
Cc: Licensing
Subject: 236 Hutton Road, Shenfield - Premises Licence Application
Attachments: 236 Hutton Road, Shenfield - Premises New - Representations.pdf; 236 Hutton Road, Shenfield - Conditions.pdf; ATT00001.txt

Good Afternoon David,

Please find attached the Essex Police response to the Premises Licence Application for 236 Hutton Road, Shenfield.

Many Thanks

Peter Jones MIOL, ABII (7706)
Epping & Brentwood Licensing Officer
Epping Forest & Brentwood Local Policing Hub
West LPA
Tel. 101 (Ext. 313604) or 01279 625405
Mobile. 07870 909762
http://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.

ESSEX POLICE
Protecting and serving Essex

ECM
ESSEX COMMUNITY MESSAGING

ESSEX COMMUNITY MESSAGING
Sign up for free to receive accurate and up-to-date information, crime prevention advice and notifications from Essex Police and other key partners, such as Neighbourhood Watch - simply click the following link http://www.essex.police.uk/ecm

Mr D Leonard
Licensing Department
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
CM15 8AY

Licensing Department
Loughton Police Station
158 High Road
Loughton
IG10 4BE

9th September 2016

Dear Mr Leonard,

LICENSING ACT 2003 – GRANT OF PREMISES LICENCE SECTION 17

NEW PREMISE: 236 Hutton Road, Shenfield
DPS: Holly MATTHEWS
APPLICANT: Anthony David Kinnear via Dadds LLP

Further to the above application for the Grant of a Premises Licence received on 23rd August 2016. I write to inform you that Essex Police make representations under prevention of crime & disorder, prevention of public nuisance, public safety, and protection of children from harm.

The premises are on a busy highway with residential properties above. Essex Police feel that the use of the outside area is likely to have an impact on both of these factors and feels some of the proposed measures should have amended wording and additional measures should be imposed to regulate the management of these areas. These are listed on the attached as recommended conditions 1 to 10.

Furthermore, the application specifies that the premises are to be a restaurant and bar. As such we feel that an appropriate age verification policy should be adopted with specific reference to persons 16 and 17 years old taking a table meal with persons aged 18 years and over. Essex Police seek the condition wording on the attached as recommended conditions 11 to 14.

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

Enc.

Premises Licence Application – 236 Hutton Road, Shenfield

Conditions recommended by Essex Police

Prevention of Crime and Disorder

1. The premises shall install and maintain a comprehensive digital CCTV system covering the internal and external of the premises which is of evidential quality. 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 in real time whilst the premises are open to the public and during all times when customers remain on the premises. All recordings will be securely kept in an unedited format for a period of not less the 31 days with correct 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.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises 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.

Public Safety

3. Reasonable and adequate staff training to be carried out and properly documented in relation to:
   a) Dealing with incidents and prevention of crime and disorder;
   b) Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.) prior to being allowed to sell alcohol.

4. All training records will be retained for 12 months and made available to Essex Police or other Responsible Authority upon reasonable request.

5. The tables and chairs to the front shall have sufficient barriers to enclose customers, and prevent pedestrians using as a walk through.

Prevention of Public Nuisance

6. Notices shall be prominently displayed at all exits requesting patrons to leave quietly.

7. The external areas of the premises shall be cleared of customers no later than 2200hrs every night save for those using the designated smoking area.

8. Tables and chairs at the front of the premises shall be removed from the highway no later than 2200hrs every night.

9. No drinks or glassware shall be permitted outside the premises after 2200hrs.

10. From 2200hrs the number of persons permitted in the smoking area shall be restricted to 10 at any one time.

The Protection of Children from Harm

11. The premises shall operate a Challenge 25 age verification policy. Any person who appears to be under the age of 25 shall be asked to produce photographic identification to prove they are 18 or over. Failure to produce will result in service being refused. Acceptable forms of photographic identification include:
    a) Passport,
    b) Photo card Driving Licence,
    c) Photographic ID bearing the 'PASS' hologram.

12. An accompanied individual aged 16 or 17 where the alcohol is beer, wine or cider to be consumed with a table meal; shall also be required to produce photograph identification.

13. No persons under the age of 18 shall be permitted in the premises unless with a responsible person aged 18 or over.

14. No persons under the age of 18 may remain on or enter the premises after 21:00.

Dave Leonard

From: Peter Jones 42007706 [Peter.Jones@essex.pnn.police.uk]
Sent: 16 September 2016 10:34
To: 'david@dadds.co.uk'
Cc: Dave Leonard; Licensing
Subject: Licence Application - 236 Hutton Road, Brentwood
Attachments: 236 Hutton Road, Shenfield - Premises New - Representations.pdf; 236 Hutton Road, Shenfield - Conditions.pdf; ATT00001.txt

Good Morning David,

As I am concerned that emails to office@dadds.co.uk are not reaching you please find attached my response to the application for the above.

Regards,

Peter

Peter Jones MIOL, ABII (7706)
Epping & Brentwood Licensing Officer
Epping Forest & Brentwood Local Policing Hub
West LPA
Tel. 101 (Ext. 313604) or 01279 625405
Mobile. 07870 909762
http://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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BRENTWOOD
BOROUGH COUNCIL

Date: 14/09/2016
Licensing Services
Brentwood Council

Our ref: EH/HZ/ 16/001310/LIPRE
Your ref: 16/00037/LAPRE

Dear Sir/Madam,

Application for a Premises Licence - Licensing Act 2003

Re: 236 Hutton Road, Shenfield, Essex, CM15 8PA

I refer to the above application for a new premises licence received by the pollution team on the 30th August 2016.

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.

Shenfield High Street is generally busy during the day and early evenings with shoppers and commuters arriving from the train station. The area becomes very quiet at night, especially during the week, with local traffic and arriving trains being the main noise source.

1) The restaurant has several residential properties situated above it and this Service has received noise complaints about other similarly positioned properties with similar hours as requested in this application. The complaints are regarding noise from customers and music late at night. The premises has been put forward as a restaurant and yet they are requesting entertainment till midnight which is contrary to their planning consent which does not allow amplified sound besides background music. Their planning permission also restricts their hours to 08:00 to 23:00 Sun-Thurs and 08:00 to 23:30 on Fri-Sat with no amplified sound allowed and this service agrees that this permission is likely to protect the amenities of the local residents.

I consider that the playing of live or recorded music has the potential to cause public nuisance, having regard to the late opening hours of the premises. I would recommend that Amplified sound should not be allowed in this restaurant besides background music, if adequate insulation can be demonstrated such that no background music can be heard inside the above flats.

2) The applicant is applying for the following:

Performance of Dance, Anything Similar, Live Music and Recorded Music
Monday 12:00 - 00:00
Tuesday 12:00 - 00:00
Wednesday 12:00 - 00:00

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY
tel 01277 312 500 **fax** 01277 312 743 **minicom** 01277 312 809 **www.brentwood.gov.uk**

Thursday 12:00 - 00:00
Friday 12:00 - 00:00
Saturday 12:00 - 00:00
Sunday 12:00 - 23:00

Sale by Retail of Alcohol
Monday 08:00 - 23:30
Tuesday 08:00 - 23:30
Wednesday 08:00 - 23:30
Thursday 08:00 - 23:30
Friday 08:00 - 01:00
Saturday 08:00 - 01:00
Sunday 08:00 - 23:30

The opening hours of the premises
Monday 08:00 - 00:00
Tuesday 08:00 - 00:00
Wednesday 08:00 - 00:00
Thursday 08:00 - 00:00
Friday 08:00 - 01:30
Saturday 08:00 - 01:30
Sunday 08:00 - 00:00

Late Night Refreshment
Monday 23:00 - 23:30
Tuesday 23:00 - 23:30
Wednesday 23:00 - 23:30
Thursday 23:00 - 23:30
Friday 23:00 - 01:00
Saturday 23:00 - 01:00
Sunday23:00 - 23:30

The hours the restaurant wishes to be open to the public are considered to be too late as well as being much later that their planning consent and likely to result in disturbance to residents surrounding the premises caused by customers leaving the premises in the early hours of the morning and noise emanating directly from the premises.

The above concerns could be addressed by restricting the hours as follows:

The supply of alcohol should be limited to:

08.00 am to 22:30 pm	**Sunday to Thursday**
08.00 am to 23:00 pm	**Friday to Saturday**

The hours that the premises are open to the public limited to:

08.00 am to 23:00 pm	**Sunday to Thursday**
08.00 am to 23:30 pm	**Fridays and Saturdays**

3) The application plan does not include the outside sitting area to the front of the premises, which it is assumed could continue to be used for the consumption of alcohol until the premises closes.

There are no details provided in the operating schedule as to additional steps proposed to prevent public nuisance from customers using the outdoor area late at night.

As residential properties are located above the premises, it is likely that the late hours of use of the restaurant will encourage the use of this outside area which could disturb residents further. The schedule of conditions submitted does not specify any steps that will be taken to prevent public nuisance other than to close the doors/windows of the premises'

It is therefore my opinion that in the absence of suitable measures within the operating schedule to fulfil the licensing objective with regard to public nuisance the Licensing Authority should consider conditions to control noise from the external area of the premises by ensuring the area is cleared of all customers by 22:00 hours.

4) In addition to the late trading hours, it is also proposed that on twenty occasions during the year an additional hour should be permitted, allowing the premises to be open till 02:30 in the morning. They are also allowed to apply for TENS for 21 days so they have the potential to open till 02:30 or later on 41 days per year, almost once a week. This is considered to have an enormous potential for general nuisance to the above residents from music, people exiting and entering the premises at such a late hour as well as smoking and congregating outside and general noise associated with this premises.

This Service would recommend that a TENS is used for special occasions and no fixed extended hours should be allowed besides New Years Eve where they could remain open until the start of the permitted hours on the following day.

If you have any queries, or wish to discuss the above, please contact Ms H. Ziervogel at these offices.

Yours faithfully,

H Ziervogel

H. Ziervogel
District Environmental Health Officer

Environmental Health
Tel: 01277 312511
email: envhealth@brentwood.gov.uk

cc.

Dadds LLP Licensing Solicitors

P. Jones
Essex Police

236, HUTTON ROAD, SHENFIELD CM15 8PA

APPENDIX 3

REPRESENTATIONS

INTERESTED PARTIES

Against

Maureen Holland

Sharon Charlick

For

Jill Heron

Tyron Jones

Bryan Odell

The Occupier, 10 Hunter Avenue

Mr. & Mrs. Patel

18 OCTOBER 2016

Maureen Holland
234a, Hutton Road
Shenfield
Brentwood
Essex, CM15 8PA

16th September 2016

LETTER DELIVERED BY HAND

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

Dear Sirs

Licensing Application: Anthony Kinnear, 236 Hutton Road, Shenfield, CM15 8PA

I am making representation to have the above licensing application refused. My objections are in line with the four licensing objectives listed on your website and a brief history of my personal experiences since residing in the flat immediately above the premises of 234 Hutton Road (HWB) where Mr. Anthony Kinnear is the current licensee.

Prevention of crime and disorder

Brentwood police can provide evidence of when they have been called out to incidents involving customers of HWB. They were certainly in attendance recently when a fight broke out on the pavement immediately outside HWB at approximately 19.30. Those involved were all customers of HWB. The police will have a record of this. Passing pedestrians and local people arriving back from their work in London witnessed the fracas and some were actually filming the incident on their phones. This took place on a summer evening when many families were returning from London with their children.

The arrival at the front of the premises of Brian Kinnear (father of Mr. Anthony Kinnear) coincided with Brentwood Police being in attendance and dealing with the incident. Leaning against the vehicle he had just alighted, Brian Kinnear looked up and, in his drunken state, began hurling an onslaught of filthy language and abuse at my bedroom window, two floors above HWB. He doubtless assumed it was me looking down at him. In fact, it was my 25 year old daughter, who had heard the commotion and looked out to see what was happening. It was she that was subjected to his disgusting rant and filthy language. It left her shaken and frightened. This is totally unacceptable behaviour. I would add that Brian Kinnear is in regular attendance at HWB.

Mr. Brian Kinnear has approached and challenged me on two separate occasions using threatening behaviour and obscene language. He was clearly under the influence of alcohol and I know this because both confrontations were of an "in your face" nature. One occasion was when I had arrived home from working a shift one evening at 11pm. On exiting my vehicle, which is parked at the rear of the premises in an allotted space, Brian Kinnear suddenly appeared in the darkness and stood literally inches away from me, yelling and shouting abuse. He caught me unawares and I was terrified. He had clearly targeted me and the reason for the confrontation was because he had by then been informed by the Brentwood Environmental department that I had reported the extreme noise levels of the music being played in HWB and the fact that alcohol was being served beyond HWB's already extended licensing hours. The second occasion took place in broad daylight in front of witnesses, some of whom asked if I was okay.

It is on record that I have filed a report to Brentwood Police for harassment received from both Anthony Kinnear and Brian Kinnear. This harassment resulted from my speaking to the Council in the past about both of the above issues. Initially, I had tried to mediate with both to explain how intrusive the noise levels were, but to no avail; nothing changed, in fact the noise levels became unbearable, which is when I enlisted the help of the Brentwood Environmental department.

Some of my neighbours feel exactly as I do, but are frightened to speak out for fear they may suffer a similar experience to mine (one exception is the tenant above 236 Hutton Road who is a friend of Brian Kinnear).

Public Safety

Customers are allowed to leave the premises with opened bottles of alcohol and glasses of alcohol.
The back doors of the premises often remain open with customers drinking outside of the premises.

Public Nuisance

- The volume of the music played is totally off the Richter scale. As mentioned, the Brentwood Environmental department will have precise measurements they have taken of this which I am sure you are able to access.
- On one occasion, the licensee had sold tickets for a boxing screening taking place at 04.00 am on a Sunday morning in HWB. Customers were leaving HWB at 05.00 clearly intoxicated and shouting. They were also drinking at the back of HWB during this time. The timing of this event was clearly way OUTSIDE the legal licensing hours of HWB.
- Regular anti-social behaviour and loud noise from customers drinking outside the front and at the rear of the premises continues. My sleep has been regularly disturbed by noisy customers leaving the premises of HWB at 03.00 in the morning. This is on a week day, when licence restrictions are 11.30pm - again well outside the legal licensing hours laid down.
- Customers of HWB have urinated openly at the rear of the building and at the side where the bicycle ramps are located. One recent Sunday afternoon, I returned to my flat from walking my dog with a member of my family to witness a customer of HWB urinating. This was happening in blatant view of passing public. This could have been witnessed by a small child. A total disgrace.
- There is already a constant problem with cars being parked in the allotted spaces reserved for the tenants of the flats immediately above HWB and the other shops. Further customer traffic from a second bar would exacerbate this problem.

Protect of children from harm
I would ask the questions:

- Do we really want to encourage more of the type of unsavoury customer that already frequents HWB into the area?
- Do we want to subject adults and families passing these premises (and a second bar if a license were to be granted) to possibly viewing similar violent scenes in the future?

Seriously, do we really want more of this in Shenfield? I thought we had higher standards. I thought this was why people wanted to live here and bring up their families here?

When the previous Licensee was running these premises (Hollands), they did it professionally and well within the limits of the law. They adhered to all the licensing rules to the letter and had an eclectic mix of customers. Many decent people no longer entertain the idea of giving their patronage to this establishment as it has such a bad reputation.

I do not consider that Hutton Road in Shenfield needs yet another licensed bar that is able to serve alcohol and play music until 01.00 a.m. in the morning. We already have two wine bars, one public house (Hutton Junction) and several restaurants where alcohol and food may be purchased.

Should a licence for these premises be granted, who will be responsible for monitoring actions and events similar to those that I have described above? How are you going to protect and act in the best interests of the local community? Why would the Licensing authority want to further add to burden of the Brentwood Police, who already appear to be stretched to maximum capacity.

I doubt that many of the local residents of Shenfield even know about this proposed application from one small plastic covered piece of paper hanging from a post. I am totally convinced that the majority of residents in the immediate surrounding area would feel the same as I do if they were furnished with all of the details contained in this letter.

I object to this application in the strongest terms for all the reasons stated above. I am totally convinced that the granting of this licence application would be detrimental to the area and encourage further anti-social behaviour to take place.

I really hope that you take this representation very seriously and give it careful consideration. This is what the decent residents of Shenfield would expect from those charged with keeping law and order on our behalf. Brentwood Council, Essex Police and other related and responsible authorities and departments must take every precaution to ensure that the irresponsible licensee of HWB is NOT granted this license.

Yours faithfully

Maureen Holland

Sharon Charlick

6 Hunter Avenue

Shenfield

Essex CM15 8PE

Sirs

I am writing with reference to 236 Hutton Road Shenfield CM15 8PA who has applied for an alcohol licence with live or recorded music for anything similar.

I object strongly to this. We already have a very busy high street and since I have lived here 28 years ago the noise and disruption down Hunter Avenue has increased tenfold.

I list my four objectives

- Prevention of Crime and disorder
- Public safety
- Prevention of ublic nuisance
- Protection of children from harm.

Regards

Dave Leonard

From: Dave Leonard
Sent: 19 September 2016 17:54
To:
Subject: 236 HUTTON ROAD, SHENFIELD CM15 8PA - APPLICATION FOR A NEW PREMISES LICENCE

Dear Sharon,

Thank you for your letter regarding the application for a new premises licence at;

236 HUTTON ROAD, SHENFIELD CM15 8PA.

I note that you strongly object to this application and have cited the four licensing objectives;

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

Whilst you have correctly cited the four licensing objectives, you have not identified ***why*** you believe that the granting of this premises licence would undermine the promotion of these objectives. Therefore, I cannot accept your letter as a valid representation against this application ***in its current format***.

In order for your representation to be deemed valid and accepted by this office, you will need to explain ***why*** and ***how*** you believe that the granting of this premises licence will undermine the promotion of the licensing objectives. You do not need to address all four of the licensing objectives but you ***must*** include at least ***one***.

The consultation period for this application ends at midnight tomorrow, **Tuesday, 20th October 2016**. Any correspondence received after the closing date may not be accepted as a valid representation.

I am mindful that you are strongly opposed to this application and, as a long-standing resident within the community, wish the opportunity to have your say.

I hope that this information is of use to you.

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

Dave Leonard

From: Sharon Charlick
Sent: 20 September 2016 10:29
To: Dave Leonard
Subject: FW: 236 HUTTON ROAD, SHENFIELD CM15 8PA - APPLICATION FOR A NEW PREMISES LICENCE

I am writing with reference to the above premise. I strongly object to this application and have cited the four licensing objectives;

- **Prevention of Crime and Disorder –** With regards to this objection. I have lived in Hunter Avenue for the last 28 years and seen an increase of crime and disorder in my street. Over the last two years we have signs on lampposts regarding locking our premises due to a high amount of burglaries. We live very close to the main line Station and understand that there are for's and against's. On one particular occasion three young men, obviously drunk were loitering down my road and thought it very funny to snap off number plates from cars. They of course thought this hilarious and soon ran off laughing when I knocked on the window.
- **Public Safety –** With regards to public safety, I have often seen people spilling out onto the pavements of both Lot and Hollands which can be intimidating late at night with people drinking too much, which of course with extended opening hours happens
- **Prevention of Public Nuisance –** I can hear the music from Hollands quite clearly from my house at its directly behind. Usually on warm nights when windows are open but the thought of **LIVE** music fills me with dread. We are a small High Street right opposite the Station with easy access for people to travel into our town. We are not Brentwood High Street and by enlarging the current bar already there will cause more stress and aggravation for residents I am absolutely sure. We already have one **LARGE** bar that has been extended **THREE** times since it opened and now are getting Hollands wanting to follow suit
- **Protection of Children from Harm**

Kind regards

Sharon Charlick
6 Hunter Avenue
Shenfield
Essex CM15 8PE

19.9.16

BRENTWOOD BOROUGH COUNCIL
19 SEP 2016
ENVIRONMENTAL HEALTH & LICENSING

238A, Hutton Road,
Shenfield.
Essex.
CM15 8PA

Dear Sir,

I have lived at the above address for many years in fact I was here before Hollands Wine Bar opened

I have always found the Wine Bar to be well run - have never experienced any problems with noise or bad behaviour.

I am sure a fine dining restaurant at 236A would also be well run - managed. - would fit in to our pleasant High Street.

BRENTWOOD BOROUGH COUNCIL
20 SEP 2016
ENVIRONMENTAL HEALTH & LICENSING

Yours faithfully

Jill E. Heron.

Mr. Tyron Jones
244a Hutton Road
Shenfield
Brentwood
Essex
CM15 8PA

To Whom it May Concern
The Licensing Authority
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

19 September 2016

Dear Sirs,

Re: 236 Hutton Road, Shenfield – Liquor License Application

I have recently received a document that was put through my letterbox one evening last week, regarding an application for a liquor license at the above mentioned premises.

I was most surprised to have received it however particularly in the tone in which it was written. It seems as though the writer feels they are speaking on behalf of ALL the residents in the immediate and surrounding areas and seems to presume that everyone shares their views, yet this is the first time I have personally ever received notice of any such concerns regarding this new license application or any other establishments in Shenfield. As you will see from my address, I live just a few doors along and above from the application address, but have never been consulted on such matters.

Consequently, I would like this letter to be acknowledged and received as my full support for the new application and that I do not share the views of the opposed document writer/s whatsoever. On the contrary, my understanding is that the intention for the above mentioned premises is to produce a fine dining restaurant, something I feel will be a most welcome addition to Shenfield. Currently there is only one other such premises at this level, being Lot 75 which I frequent with my children fairly regularly largely as there is nowhere else close by of this nature. It would be very nice to have another option of somewhere else to eat and socialize in this way also bringing in more revenue to the area as well as creating more employment potentially for local people.

I would just like to add that since living in Shenfield (for just over 5 years now), I have never had an issue with any noise or disturbances from any of the establishments already here – indeed there is much more noise and disturbance from the traffic and trains. I have never heard of any issues of public safety and certainly have never had any concerns of safety for my children. Again on the contrary my children (both girls aged 8 and 10) enjoy eating out in Shenfield very much and are excited about the possibility of a new and alternative venue.

My opinion is that the opening of a fine dining restaurant will complement Shenfield and other existing premises, will potentially lift the profile and will only increase and improve the level of clientele in the area even further.

I hope that the license application will be looked upon favorably and on it's own merits and that what appears to be a very small minority's opinion will not influence it in any way or to it's detriment.

I know that the Council have lot's of experience in such matters and I am sure will welcome local people trying to grow, expand and improve their businesses and the area, as with the inclusion of the Crossrail in Shenfield making the town more accessible and cosmopolitan.

With Kind Regards

Yours faithfully

Tyron Jones

Bryan Odell
8 Hunter Avenue
Shenfield CM15 8PE

18th September 2016

The Licensing Authority
Brentwood Borough Council
Town Hall
In grave Road
Brentwood CM15 8AY

Dear Sirs,

236 Hutton Road, Shenfield-application for liquor licence

I received the attached anonymous circular through my letterbox late on Wednesday evening 14th September, exhorting me to protest against the granting of a licence to the above premises.

I am writing in support of the application by a family run business who seek to grow that business organically within the area, just as Lot 75 have grown organically.

Taking the example of Lot 75 they have worked hard to build their business from its original single shop unit wine bar, into a bar, restaurant and ice cream parlour serving a wide range of clientele, in other words a broad and balanced business.

It would seem to me that is exactly what the owners of Hollands Wine Bar are seeking to do, broaden the scope of their business model. In their case at 236 Hutton Road, they wish to operate mainly as a restaurant whilst also hosting private functions for families and businesses alike. It is a business maturing and growing organically.

It is not, as the attached letter claims "another late night bar" it is an extension of an existing business with an emphasis on food and the more mature clientele that this will inevitably bring.

The attached letter states that "Residents in the immediate and surrounding areas are greatly concerned" I don't know where or how this information was gathered but the writer of the circular does seem to be somewhat exercised, and somehow personally angered.

In many years working in the licensed trade, my experience is that the licensing justices know what they are doing. They listen to the presentation from the applicant, hear the arguments against and make their decision on balance. They also have the power to make sure that licensees are committed to acting responsibly and in line with whatever the magistrates grant, for fear of being in front of the magistrates again!

This is a family business seeking to expand in a logical direction with an emphasis on food and for that reason I write to support their application.

Yours faithfully,

Bryan Odell

THE LICENSEE OF HWB (234 HUTTON RD, SHENFIELD) HAS APPLIED FOR AN ALCOHOL LICENCE FOR THE PREMISES AT 236 HUTTON ROAD, SHENFIELD, CM15 8PA (ADJOINING HWB)
THE GRANTING OF THIS LICENCE WOULD ENABLE:

1) THE SALE OF ALCOHOL: 0800hrs-2330hrs Sun-Thurs and 0800hrs-0100hrs Fri & Sat

2) LIVE & RECORDED MUSIC/PERFORMANCE OF DANCE & ANYTHING SIMILAR: 1200hrs-0000hrs Mon-Sat and 1200hrs-2300hrs Sun

3) LATE NIGHT REFRESHMENT: 2300hrs-2330hrs Sun-Thurs and 2300hrs-0100hrs Fri & Sat

- **DO WE REALLY NEED ANOTHER LATE NIGHT BAR IN SHENFIELD?**
- **DO WE WANT CUSTOMERS SPILLING OUT ONTO OUR STREETS AFTER 1 A.M. IN THE MORNING?**

RESIDENTS IN THE IMMEDIATE AND SURROUNDING AREAS ARE GREATLY CONCERNED. THEY FEEL THAT SHENFIELD HAS SUFFICIENT LICENSED PREMISES AND RESTAURANTS PROVIDING THE SALE OF ALCOHOL AND THAT THE GRANTING OF THIS LICENSE WILL ENCOURAGE ANTI SOCIAL BEHAVIOUR, PUBLIC NUISANCE AND POSSIBLE CRIME.

PLEASE ACT WITHOUT DELAY - ALL REPRESENTATIONS/OBJECTIONS MUST BE RECEIVED IN WRITING BY THE DEADLINE OF 20TH SEPTEMBER – WRITE TODAY TO:

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

You should state:

- your name and address
- the name and address of the premises about which you are making representation (*second line top of page*)
- the licensing objective(s) that you think will not be met if the application is granted
- the reason(s) for your view and any evidence in support
- your daytime telephone number so that Council Officers can discuss the matter with you if necessary

Under the Licensing Act 2003, local residents and local businesses can raise representation about applications for new, and variation of, premises licences and club premises certificates where they feel the Four Licensing Objectives will not be met.

The four 'licensing objectives':
- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

PLEASE, PLEASE JOIN US IN DOING EVERYTHING TO ENSURE THAT SHENFIELD CONTINUES TO BE A PLACE THAT RESIDENTS CAN ENJOY AND WALK OUT WITH THEIR FAMILIES WITHOUT HAVING TO ENCOUNTER BAD LANGUAGE AND ANTI-SOCIAL BEHAVIOUR OF THE KIND THAT IS REPEATEDLY ALREADY ENCOUNTERED AT HWB

18th Sep 16

10, HUNTER AVENUE
SHENFIELD
ESSEX.
CM15 8PE

DEAR SIRS

THE IDEA OF ANOTHER RESTURANT IN SHENFIELD HIGH STREET WOULD BE A WELCOME CHANGE, AS AT THE MOMENT THERE IS FAR TO MANY INDIAN RESTURANTS AND A DIFFERENT TYPE OF SIT IN RESTURANTS WOULD BE A BLESSING

AS FOR HWB I FIND THE PLACE A VERY PLEASANT AND FRIENDLY PLACE TO GO, WHENEVER ME AND MY PARTNER ARE OUT WE WILL ALWAYS POP IN THERE AS THE STAFF ARE VERY FRIENDLY AND MAKE US FEEL WELCOME AND IT WAS A FRENDLY ATMOSPHERE

YOURS FAITHFULLY

To
The Licence Authority.
c/o. Brentwood Borough council
CM15 8HY.

BRENTWOOD BOROUGH COUNCIL
19 SEP 2016
ENVIRONMENTAL HEALTH & LICENSING

Here we are living @ 17, Hunter Avenue CM15 8HE since 9 years it's just behind the Holland & wine bar's car Park space. not too far. Here we have never experienced for a noise or public ~~nu~~ nusance from their. If it had happen once in a golden moon period only.

we are very happy to welcome the new dinning reastaurent @ 236 Hutton Rd we do not have any objection for this Reastaurent.

Holland & wine bar people are so nice that we never ever had no problem with them. It would be good for Shenfied High Street as particular that Parade which need more people to come on that direaction. Here we welcome The Dinning Reastaurent to come & serve us...

Many Thanks
Mr & Mrs. Patel
Hetal & Mitul

BRENTWOOD BOROUGH COUNCIL
20 SEP 2016
ENVIRONMENTAL HEALTH & LICENSING

APPENDIX 4

236 HUTTON ROAD, SHENFIELD CM15 8PA

OS Map

Images

18 OCTOBER 2016

236 Hutton Road, Shenfield

Drawing No. :

Scale at A4 : 1:500

Drawn by : OSJ

Service : ICT

Date : 3rd October 2016

BRENTWOOD BOROUGH COUNCIL

Philip Ruck
Chief Executive
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500

236 Hutton Road, Shenfield

Drawing No. :

Scale at A4 : 1:1250

Drawn by : OSJ

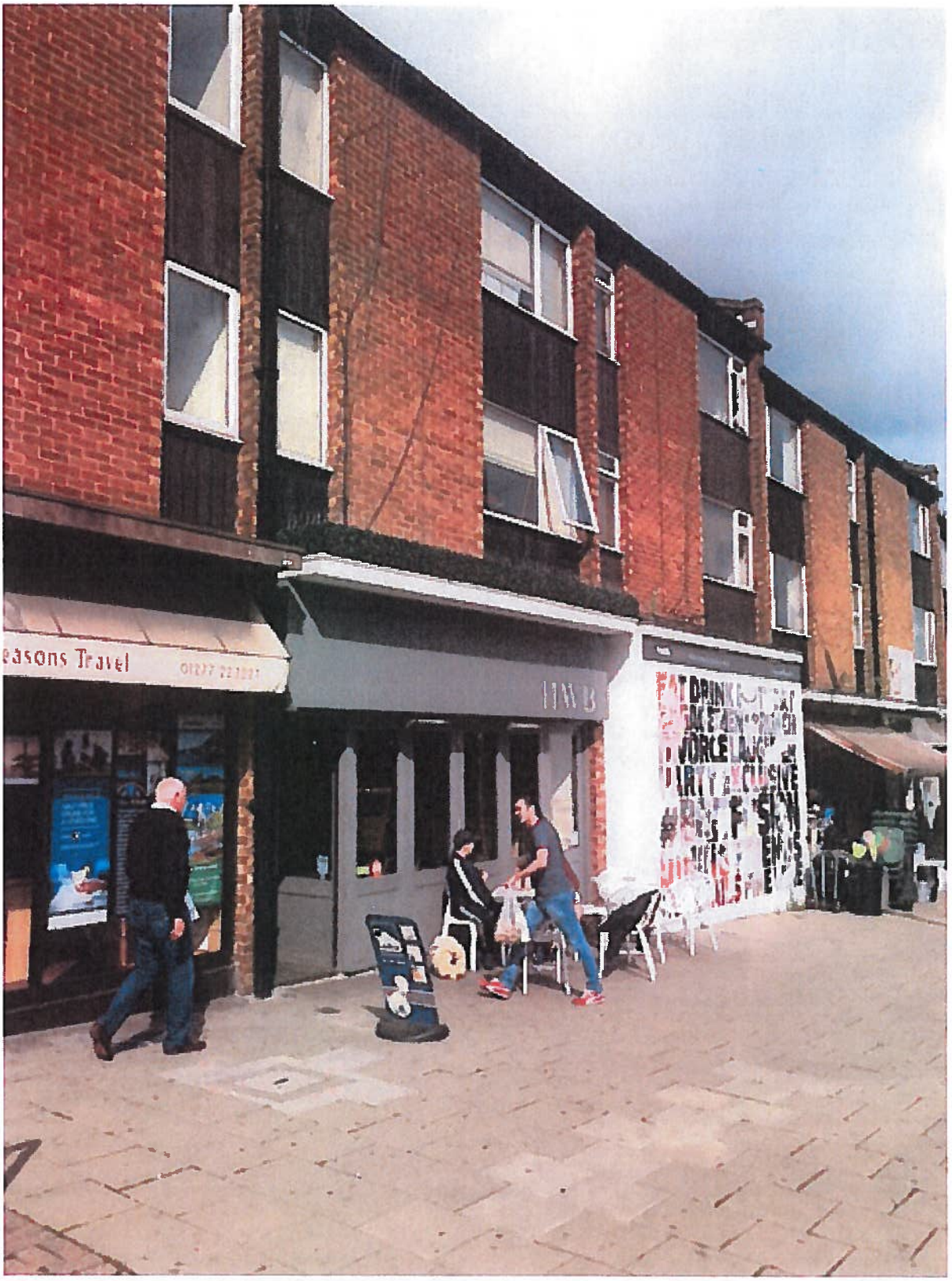
Service : ICT

Date : 3rd October 2016

BRENTWOOD BOROUGH COUNCIL

Philip Ruck
Chief Executive
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500


DRINK
MANAGEMENT
FORCE
LANGUAGE
DESIGN & BUILD DEVELOPMENT
23
IWB


easons Travel

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)

<u>Mobile Homes</u>

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