



Agenda

Licensing/Appeals Sub-Committee

Wednesday, 1 February 2017 at 10.00 am
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs McCheyne, 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.	Declarations of Interest		
4.	THE VINE, 104 HIGH STREET, BRENTWOOD CM14 4AP	Brentwood North; Brentwood South	5 - 104

A handwritten signature in black ink, appearing to read 'P. L. R. B. J.' with a large, stylized flourish underneath.

Head of Paid Service

Town Hall
Brentwood, Essex
24.01.2017

Information for Members

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 Mayor 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 Mayor 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 Mayor 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 Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor 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 Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public



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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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1 February 2017

Licensing and Appeals Committee

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

THE VINE, 104 HIGH STREET, BRENTWOOD CM14 4AP

Report of: Paul Adams – 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 to vary a premises licence in respect of ***The Vine, 104 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 6 December 2016 from Andreas Artemi in respect of ***The Vine, 104 High Street, Brentwood CM14 4AP.*** A copy of the application is attached at ***Appendix A.***

4.2 The premise operates as a wine bar with a menu and eating facilities and is proposing to extend the licensed area by removing the kitchen area and dining tables to create a wine and cocktail bar with music and dancing.

4.3 The applicant seeks to vary the premises licence to conduct the following licensable activity;

Supply of Alcohol for the following hours;
10:00hrs-00:00hrs on Sunday to Thursday, and
10:00hrs-02:00hrs the following morning on Friday to Saturday

Exhibition of Films, Recorded Music, Performance of Dance and
Anything of a Similar Description to Live & Recorded Music or Dance
for the following hours;
08:00hrs-00:00hrs on Sunday to Thursday, and
08:00hrs-02:00hrs the following morning on Friday to Saturday

Provision of late night refreshment for the following hours;
23:00hrs-00:00hrs on Sunday to Thursday, and
23:00hrs-02:00hrs the following morning on Friday to Saturday

5. Amendment s to the Application

5.1 The applicant did not initially seek to take any additional measures when submitting their operating schedule. However, after consultation and mediation with the Essex Police Licensing Officer, the applicant has agreed to operate to the following;

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder;
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any visit by a relevant authority or emergency service.
2. The premises shall have a written dispersal and door control policy that outlines the procedure for management, door supervisors and staff. The policy shall contain procedures on:
3.
 - a) Supervising queues to avoid any unacceptable behaviour;
 - b) Door supervisors ensuring no loitering outside the premises;
 - c) Procedures on refusing entry or banning those who repeatedly cause a nuisance by noise or rowdy behaviour;
 - d) How door staff will prevent overcrowding both inside and outside the premises;
 - e) Searching procedures;
 - f) Preventing patrons leaving with alcohol;

- g) Providing written statements to Police of any criminal investigation as and when required;
- h) Monitoring system to be implemented with regards to re-entry e.g. wrist bands or ultra violet marking.

The dispersal policy shall be submitted to the Police and the Licensing Authority which shall be reviewed annually.

4. When door supervisors are required a minimum of 2 SIA licensed door supervisors shall be on duty. A bound Door Supervisors register shall be kept. Door Supervisors shall sign to record their start and finish times along with their full name and SIA badge number.
5. When employed externally Door staff shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff by way of a uniform agreed by the Premises Licence Holder.
6. There shall be no admittance or re-admittance to the premises after 00:00 except for patrons using the designated smoking area.
7. The licensee shall risk assess the use of polycarbonate drinking vessels for each style of trading session. Where a risk is highlighted polycarbonate glasses shall be used in place of 'regular' stock and all non-polycarbonate will be removed from the bar area during that session. Any risk assessment made will include the provision for taking Police advice on local event crowd profiling.
8. A member of management who is conversant with the operation of the CCTV system shall be available within 1 hour travelling time when the premises are open. This person shall be able to provide a police constable or authorised member of the Licensing Authority copies of recent CCTV images with the absolute minimum of delay when requested, subject to the provisions of the Data Protection Act or subsequent relevant legislation.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
10. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

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.

If Members are minded to grant the application all proposals will be converted into conditions on any licence as may be granted.

6. Reason for Recommendation

- 6.1 These are the options that are open to the Committee under the Licensing Act 2003.

7. 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 and a single blue advertising notice was correctly displayed in the front window to satisfy the legislation.

- 6.5 There has been one representation from a Responsible Authority received from Mr. Stephen Blake (Environmental Health - Noise Pollution) who is concerned that the conditions offered in the application are inadequate to promote the four licensing objectives, which in turn may lead to public nuisance in relation to noise outbreak and crime & disorder and is attached at **Appendix 2**. Mr. Blake's suggested conditions and the relevant responses and supporting images are also attached.

- 6.6 Whilst there had been some concerns as to the nature of the operation of the premises raised by the Essex Police Licensing Officer, Mr. Peter Jones, these matters were addressed through ongoing consultation and mediation between both parties that resulted in an operating schedule to be converted into a set of agreed conditions (see paragraph 5.1). Mr. Jones's suggested conditions & the relevant responses are also attached at **Appendix 3**. Garry Owles' response for the Essex County Fire & Rescue Service is 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 4**.

8. Statement of Licensing Policy

- 8.1 There are no specific issues arising from this application in relation to the Councils' Statement of Licensing Policy.
- 8.2 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.***

9. Relevant Sections of the Secretary of State’s Guidance

9.1 The following extract of the section 182 guidance as published by the Secretary of State are brought to the attention of Members.

(8.34) Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the

steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

(8.35) Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area, (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

(8.36) It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

(8.39) Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

(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.

10. Legal Considerations

- 10.1 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.
- 10.2 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.
- 10.3 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 Steve Blake & responses
- Appendix 3 - Consultation & Mediation with Police & Fire Service
- Appendix 4 - Vine - OS Map Street Plan and Images

Report Author Contact Details:

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

THE VINE, 104 HIGH STREET, BRENTWOOD CM14 4AP

APPENDIX 1

APPLICATION FORM

1 FEBRUARY 2017

Dave Leonard

From: 21st Century Licensing [paul@21stcenturylicensing.com]
Sent: 06 December 2016 19:46
To: Dave Leonard
Subject: 21st Century Licensing.
Attachments: Vine (B) Vary application 2016..pdf

Dave, good morning and "Compliments of the Season" to you.
Please find attached an application to vary the Premises Licence of "The Vine" at 104, High Street, Brentwood, CM14 4AP.
A copy has also been sent to the Essex Police Hub.
I have tried to make a payment tonight without success but will do so first thing in the morning.
Hard copies have been put in the post for all the other Statutory Authorities.
In the morning I will ring you to make sure that you are happy that I have done sufficient to achieve a submission on the 6th.
I have also been in touch with Gary Owles (Essex Fire Service) which explains why we have widened the passage way and the door widths in respect to seeking an increase in capacity numbers.
Paul.

kind regards

Paul E. West. LL.B NEBSS PGCE NCLP
email: paul@21stcenturylicensing.com
tel: 01702 306832

www.21stcenturylicensing.com

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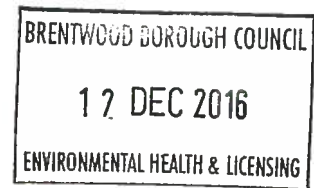
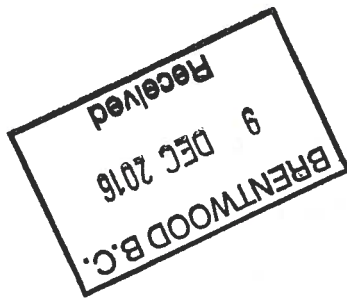
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The Licensing Authority
Brentwood Borough Council,
Town Hall, Ingrave Road,
Brentwood,
CM15 8AY

FAO: Head of Licensing

Date: 6th December 2016
Our Ref: VineBW/2016



Dear Sir,

Re: Licensing Act 2003; Application to vary a Premises Licence
Premises: The Vine, 104 High Street, Brentwood, CM14 4AP

We enclose the following:

1. Copy application form
2. A plan in the specified form (if applicable)
3. A cheque made payable to Southend-on-Sea Borough Council in respect of the application fee

We confirm that the application will be advertised in accordance with the regulations and that we are authorised to sign the application on behalf of the applicant.

Please ensure that all correspondence relation to this application is sent to 21st Century Licensing and not to the applicant or application site.

Yours faithfully,

P. E. West
Licensing Consultant, 21st Century Licensing.

BRENTWOOD BOROUGH COUNCIL
Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mr Andreas ARTEMI

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PRM_446

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE VINE 104 HIGH STREET			
Post town	BRENTWOOD	Postcode	CM14 4AP
Telephone number at premises (if any)	01277 225399		
Non-domestic rateable value of premises	£ 37,000		

Part 2 – Applicant details

Daytime contact telephone number	VIA MY AGENT		
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Variation to the approved plans to allow a small extension to the licensed area & some remodelling to the bar. The extension of the licensed area will also facilitate the widening of the rear emergency escape corridor and the emergency exit doors therein.

To extend the core permitted hours to 02.00 Friday & Saturday and midnight the rest of the week.

The conditions on the existing licence are unchanged.

Seasonal variations will remain as currently permitted.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

n/a

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I) ☒

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
Day	Start	Finish			Outdoors <input type="checkbox"/>
Mon					Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	08.00	00.00			
Tue	08.00	00.00	State any seasonal variations for the exhibition of films (please read guidance note 5) unchanged		
Wed	08.00	00.00			
Thur	08.00	00.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	08.00	02.00			
Sat	08.00	02.00			
Sun	08.00	00.00			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	08.00	00.00			
Tue	08.00	00.00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	08.00	00.00			
Thur	08.00	00.00	unchanged		
Fri	08.00	02.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	08.00	02.00			
Sun	08.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	08.00 -----	00.00 -----			
Tue	08.00 -----	00.00 -----			
Wed	08.00 -----	00.00 -----	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	08.00 -----	00.00 -----			
			unchanged		
Fri	08.00 -----	02.00 -----	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	08.00 -----	02.00 -----			
Sun	08.00 -----	00.00 -----			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	08.00	00.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	08.00	00.00	Please give further details here (please read guidance note 4)		
Wed	08.00	00.00			
Thur	08.00	00.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) unchanged		
Fri	08.00	02.00			
Sat	08.00	02.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	08.00	00.00			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23.00	00.00			
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) unchanged		
Thur	23.00	00.00			
Fri	23.00	02.00			
Sat	23.00	02.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sun	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10.00	00.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	00.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) unchanged		
Fri	10.00	02.00			
Sat	10.00	02.00			
Sun	10.00	00.00			

K

Please highlight any adult entertainment or services, activities, 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 9).

As now

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08.00	00.30	
Tue	08.00	00.30	
Wed	08.00	00.30	
Thur	08.00	00.30	
Fri	08.00	02.30	
Sat	08.00	02.30	
Sun	08.00	00.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

unchanged

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

All existing conditions will carry forward into the varied licence.

b) The prevention of crime and disorder

c) Public safety

The extension of the licensed area will facilitate the widening of the rear emergency escape corridor and the emergency exit doors therein.

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made
in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others
where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be
rejected. ☒

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 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	6 th December 2016
Capacity	Licensing Consultant on behalf of the applicant.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Mr. P West, 21st Century Licensing, Century House, 518 Woodgrange Drive

Post town	Southend-on-Sea	Post code	SS1 3ED
-----------	-----------------	-----------	---------

Telephone number (if any)	01702 306832
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
paul@21stcenturylicensing.com

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



www.21stcenturylicensing.com

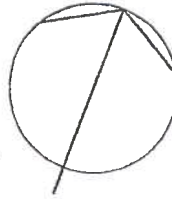
Professional, Affordable Licensing Solutions

Please ensure all correspondence and the final licence documents are returned to 21st Century Licensing. No correspondence should go directly to the applicant or application site. This will enable us to check documents on behalf of the applicant.

In the event that you consider the application is defective in any way we respectfully request that you contact 21st Century Licensing to see if matters can be resolved before rejecting it.

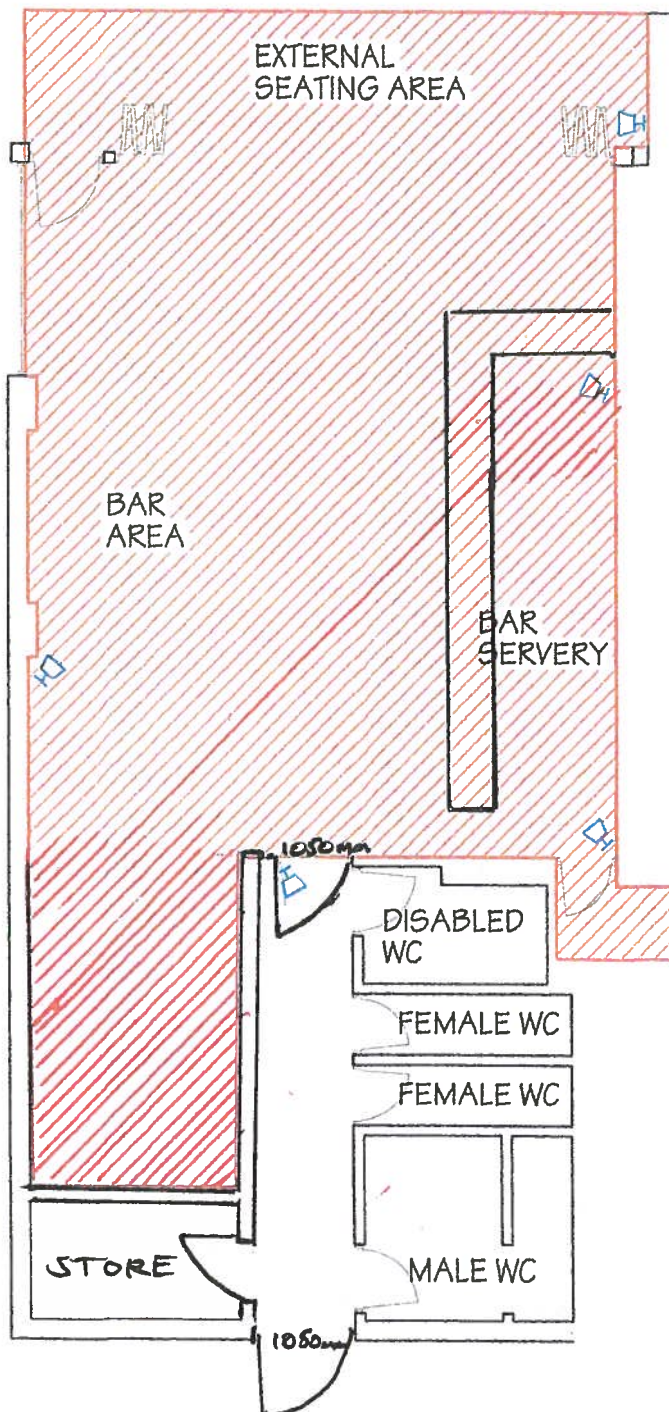
LEGEND

LICENSED AREAS SHOWN HATCHED RED



HIGH STREET

PUBLIC FOOTPATH



GROUND FLOOR PLAN Page 37

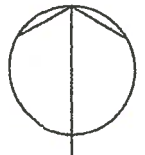
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NOTES



LOCATION PLAN
SCALE 1/1250



REV	DATE	DESCRIPTION
A	DEC 2015	BAR AREA ALTERED

104 HIGH STREET
BRENTWOOD - ESSEX

PROJECT

TITLE

PLAN REFERRED TO

JOB NUMBER	DRAWING NUMBER	REVISION	DATE	SCALE
91263	01	A1	15/10/2015	1/100 + 1/1250 @ A4

Design Associates

ARCHITECTURAL DESIGN - SPACE PLANNING - PROJECT MANAGEMENT
52 LONDON ROAD - SOUTHEND ON SEA - ESSEX - S51 1PG
TELEPHONE - 01702 392302
EMAIL - tonymerry@da1.com

LICENSING ACT 2003
Notice of Application to Vary a Premises Licence

I, Mr Andreas Artemi, hereby make application to vary the Premises Licence in respect of The Vine, 104 High Street, Brentwood, CM14 4AP

The proposed variation is to amend the approved plans to incorporate a small extension to the licensed area & some remodelling to the bar. To widen the rear escape route. To extend the terminal hour for all licensable activities to 02.00 Friday & Saturday and midnight during the week.

Responsible authorities or any person may make representations to the Licensing Authority (Brentwood Borough Council). All such representations shall be made in writing, by 4th January 2017.

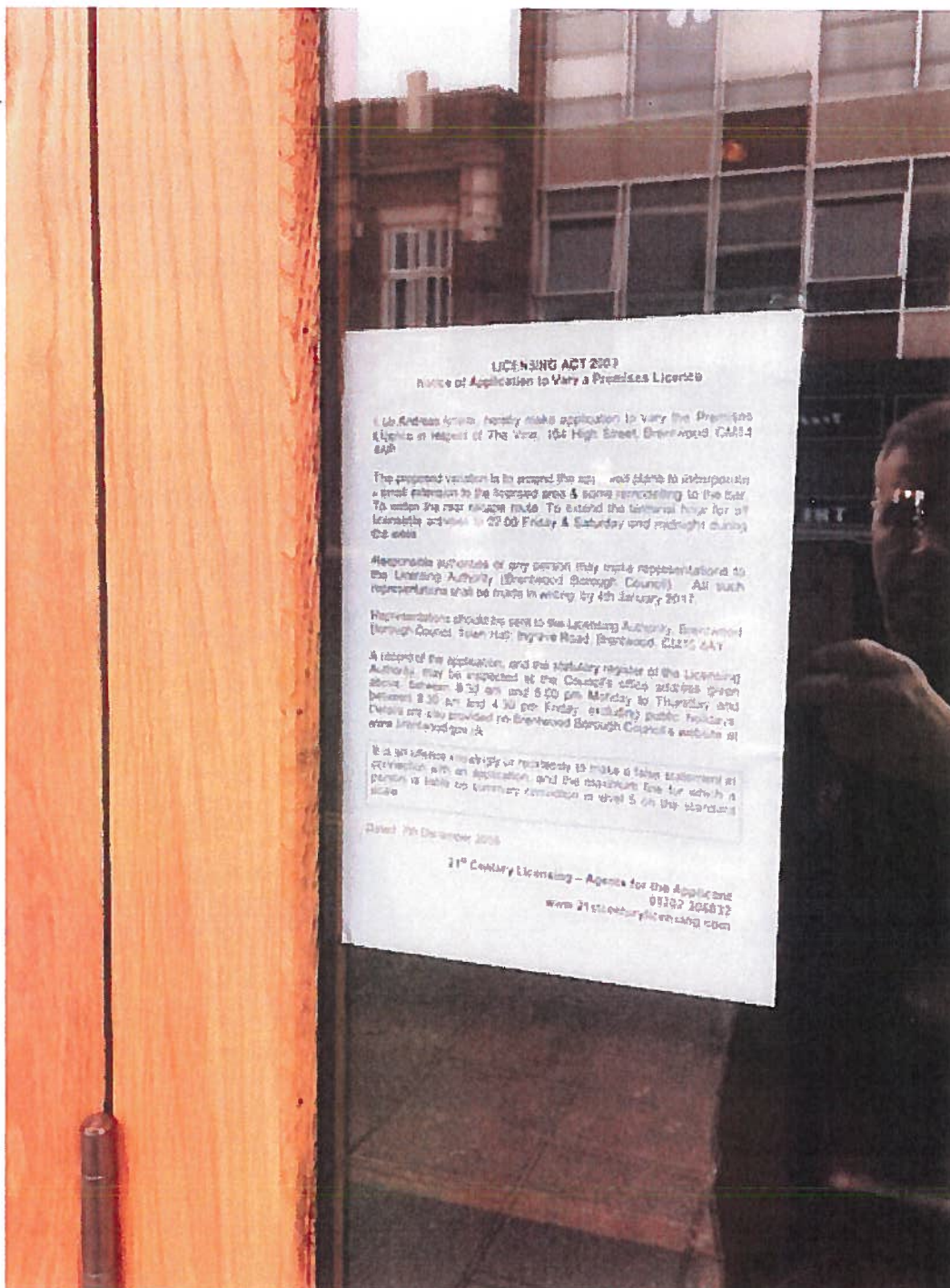
Representations should be sent to the Licensing Authority, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, CM15 8AY

A record of the application, and the statutory register of the Licensing Authority, may be inspected at the Council's office address given above, 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

It is an offence knowingly or recklessly to make a false statement in connection with an application, and the maximum fine for which a person is liable on summary conviction is level 5 on the standard scale

Dated: 7th December 2016.

21st Century Licensing – Agents for the Applicant
01702 306832
www.21stcenturylicensing.com



THE VINE, 104 HIGH STREET, BRENTWOOD CM14 4AP

APPENDIX 2

Representation

Responsible Authorities

Environmental Health

Steve Blake

And Responses from

Paul West (21st Century Licensing for Applicant)

1 FEBRUARY 2017



**BRENTWOOD
BOROUGH COUNCIL**

Mr Dave Leonard
Licensing Officer
Brentwood Borough Council
Town Hall
Brentwood
Essex CM15 8AY

Your Reference: PRM 0319 013

Our Reference: 16/001961/LIPRE

Date: 23 December 2016

Dear Mr Leonard

Re: The Vine 104 High Street Brentwood Essex CM14 4AP

Further to the above application for a variation on the 6th December 2016, I confirm that Environmental Health have a number of concerns.

The existing Licensing conditions/controls are inadequate for the proposed variations extension of hours and use as a cocktail bar. Additionally, there is insufficient detail offered in the premises operating schedule under the promotion of the licensing objectives of The Prevention of Public Nuisance and Public Safety.

I am therefore making a representation as a responsible authority in accordance with the Licensing Act 2003. This representation is under the licensing objective of the Prevention of Public Nuisance and Public Safety and it is Environmental Health's opinion as a Responsible Authority that the extension of the premises terminal hours will exacerbate and increase Public Nuisance in the localised area.

A number of the drinking establishments are closed by around midnight from Sunday to Thursday, whilst, other than the Sugar Hut/Slug and Lettuce, many of the drinking establishments close by 01:00hrs. This therefore leaves Hart street relatively quiet after 01:00hrs.

It this authorities concern that if this License is granted, noise from entertainment and customers will be more noticeable particularly after 01:00hrs where the background levels will be slower.

If however the Licensing Committee is minded to agree to the extension of the hours in principle, then the following conditions and requirements will be required to control and prevent Public Nuisance in the area.

The Prevention of Public Nuisance

Details of the following matters have not been considered in the operating schedule

- Dispersal Policy; this document will need to be included with the application and be agreed with this authority prior to business opening
- Noise management policy; this document should include procedures and actions that the Licensee intends to carry out to control noise levels outside the premises from disturbance to nearby noise sensitive residential premises.
- Under (H) of the variation there is no detail as to what the similar entertainment is proposed to be. This must be clarified and detailed within the document.
- Regarding (M) of the variation, the times relating to the 'wind down' procedure as detailed in the original Licence must marry up with the new times identified within the 'new' proposed variation.
- There are nearby residential flats to the proposed licensed premises. Details are required as to what proposals are being considered to control and reduce potential Public nuisance to these premises.
- All doors and windows of the licensed premises are to be kept closed during operational hours after 23:00hrs.
- There shall be a 'wind down' period of ½ hour prior to each terminal hour. Details shall be submitted to the Licensing authority as to what this process will involve and the policy is to be agreed with the said authority prior to commencement of licensable activity.
- No new admissions to the licensable premises shall be allowed after 24:00hrs
- With regard to the 'Smoking Policy', details are required as to how the business will operate and control their customers.
- Noise Breakout:
 - The Licensed premises shall not operate until an acoustic scheme for protecting the nearby flats from noise emanating from Bar located on the ground floor; and from night-time activities on the High Street has been submitted to and has been agreed by the Licensing Authority. This can be detailed in the afore mentioned Noise Management Policy.
 - In order to restrict and control excessive noise breakout from the main entrance when patrons are entering and exiting the premises a two door lobby will be required. These doors must be fitted with self closing mechanisms and be soundly constructed.
 - Prior to the start of Licensable activities, the Licensee shall submit to the Licensing Authority the results of an Acoustic Insulation Assessment/check confirming that

the acoustic works carried out have been completed in accordance with good acoustic practice.

Public Safety

In particular, we raise the following matter:

- There does not appear to be any arrangements in place to prevent injury from glass receptacles, consideration should be given to the use of toughened or polycarbonate drinking vessels (excluding bottles) on the premises. The use of specialised glass vessels, for special occasions, can be considered and be agreed with the Licence authority prior to the premises opening

Yours sincerely

Steve Blake

Environmental Health Office

Telephone: 01277 312647

Email: stephen.blake@brentwood.gov.uk

CC: P.E.West
21st Century Licensing,
Century House,
518 Woodgrange Drive,
Southend-on-Sea,
Essex SS13ED



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Professional, Affordable Licensing Solutions

DRAFT ONE.

Mr S. Blake
Environmental Health Office
Brentwood Borough Council,
Town Hall, Ingrave Road,
Brentwood, Essex CM15 8AY

5th January 2017

Dear Mr Blake

RE: The Vine, 104 High Street, Brentwood,

Thank you for your emailed correspondence of 23rd December 2016 in which you request that the variation application is amended to include certain conditions thus avoiding a representation. We were surprised by some of the requests as they seem more suited to a night club than a bar. We are keen to work with Environmental Health and respond to your unnumbered points (underlined in our response) as follows:-

Dispersal Policy; this document will need to be included with the application and be agreed with this authority prior to business opening

We have already agreed the following condition with The Police:-

“The premises shall have a written dispersal and door control policy that outlines the procedure for management, door supervisors and staff. The policy shall contain procedures on:

- a) Supervising queues to avoid any unacceptable behaviour;
- b) Door supervisors ensuring no loitering outside the premises;
- c) Procedures on refusing entry or banning those who repeatedly cause a nuisance by noise or rowdy behaviour;
- d) How door staff will prevent overcrowding both inside and outside the premises;
- e) Searching procedures;
- f) Preventing patrons leaving with alcohol;
- g) Providing written statements to Police of any criminal investigation as and when required;
- h) Monitoring system to be implemented with regards to re-entry e.g. wrist bands or ultra violet marking.

The dispersal policy shall be submitted to the Police and the Licensing Authority which shall be reviewed annually.

We would suggest this duplicates your requirements above.

- A) Noise management policy; this document should include procedures and actions that the Licensee intends to carry out to control noise levels outside the premises from disturbance to nearby noise sensitive residential premises.
- B) There are nearby residential flats to the proposed licensed premises. Details are required as to what proposals are being considered to control and reduce potential Public nuisance to these premises.

We do not have problems now and, as we are not changing procedures, just extending them into a later hour, we do not believe this will be an issue. However, to dispel fears that it might, we can confirm that procedures for the control of patrons at the end of trading will be covered in the dispersal policy above. We have also agreed with the police that 2 door supervisors (not 1 as now) will be on duty on every night where trading goes beyond midnight and will be visible outside the premises for 15 minutes after closing time until all groups of customers have left the vicinity, (condition 21 expands on this).

Potential noise from within trading hours is already covered at conditions 15 (noise limiter), 16, (doors not fixed open at any time), and 17 (wind down period). The application does not seek to remove these conditions. Therefore our 'policy' is to continue to comply with these conditions. We are happy to transfer the conditions into a written document if so required but it seems more appropriate that they are on the licence when they can be clear to all.

Under (H) of the variation there is no detail as to what the similar entertainment is proposed to be. This must be clarified and detailed within the document.

This is perhaps the most dichotomous part of the Act with definitions which vary from authority to authority. It has never been made clear by the Act, guidance or regulations. We take it to mean any form of entertainment that is not 100% live music, recorded music or performance of dance and may include a combination or some or all of them or something else. I.E. it is similar but not the same. The reality is that most if not all entertainment would fall into the one or the other 3 categories rather than being similar to them. The Brentwood Borough Council licensing officer will, no doubt, be able to advise you as to what his Licensing Authority would consider as 'similar'.

- A) Regarding (M) of the variation, the times relating to the 'wind down' procedure as detailed in the original Licence must marry up with the new times identified within the 'new' proposed variation.
- B) There shall be a 'wind down' period of ½ hour prior to each terminal hour. Details shall be submitted to the Licensing authority as to what this

to mean rebuilding the entrance of our premises and installing a lobby with all the associated costs for materials, labour, new planning and licensing applications, is that this is not proportionate to the extent of the application. We have not been made aware of any previous problems suffered by the nearby flats since the premises has been under our management, [have we ??] and suggest this request is disproportionate. We would cite paragraph 10.10 of the Home Office Guidance to Licensing Authorities thus:-

“The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises.

Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.”

You will also be aware that conditions require a noise limiter.

For the reasons stated above we cannot accept this condition and would need to revert the matter for the decision of a sub-committee if you feel it is not a matter you can remove from your proposal. We are very willing to work with the authorities in the event that a noise issue does arise, and even if we weren't you will be aware of your powers of review under this Act.

There does not appear to be any arrangements in place to prevent injury from glass receptacles, consideration should be given to the use of toughened or polycarbonate drinking vessels (excluding bottles) on the premises. The use of specialised glass vessels, for special occasions, can be considered and be agreed with the Licence authority prior to the premises opening

The Police sought similar clarification. When we explained that it does not accord with our business profile as a cocktail bar to serve fine wines and champagnes and other drinks in polycarbonate glasses, they accepted this and agreed the following condition:-

“The licensee shall risk assess the use of polycarbonate drinking vessels for each style of trading session. Where a risk is highlighted polycarbonate glasses shall be used in place of ‘regular’ stock and all no polycarbonate will be removed from the bar area during that session. Any risk assessment made will include the provision for taking Police advice on local event crowd profiling”

process will involve and the policy is to be agreed with the said authority prior to commencement of licensable activity.

The application confirms on page 2 that “The conditions on the existing licence are unchanged.” Condition 17 requires an existing wind down period of a least 30 minutes. This will be complied with.

All doors and windows of the licensed premises are to be kept closed during operational hours after 23:00hrs.

We are happy to agree this on the proviso that it is reworded as follows:- “All doors (except for during access, egress and emergency evacuation) and windows of the licensed premises are to be kept closed during operational hours after 23:00hrs.”

No new admissions to the licensable premises shall be allowed after 24:00hrs

Last admittance is already set at midnight by condition 22, on the existing licence. As all conditions are carried forward this will remain on the licence.

With regard to the ‘Smoking Policy’, details are required as to how the business will operate and control their customers

The existing (and carried forward) conditions 18,19 and 23 cover this. We have also agreed with the Police that notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

The Licensed premises shall not operate until an acoustic scheme for protecting the nearby flats from noise emanating from Bar located on the ground floor; and from night-time activities on the High Street has been submitted to and has been agreed by the Licensing Authority. This can be detailed in the afore mentioned Noise Management Policy.

In order to restrict and control excessive noise breakout from the main entrance when patrons are entering and exiting the premises a two door lobby will be required. These doors must be fitted with self closing mechanisms and be soundly constructed.

Prior to the start of Licensable activities, the Licensee shall submit to the Licensing Authority the results of an Acoustic Insulation Assessment/check confirming that the acoustic works carried out have been completed in accordance with good acoustic practice.

Please see above in regard to noise control measures already in place and proven to be working. Our feeling on “an acoustic scheme” which appears, in your view,

So, for example, a high-risk event in town such as a carnival, where a different patron profile may be expected to attend, may mean that all glasses are switched for that day.

Again guidance 10.10 assists in that it uses the example "...conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises"

As the Licensing Authority have not objected, we are not in a position to negotiate this condition with them as you suggest and will need to divert agreement to yourselves. Our proposal is that the Police agreement above is recognised as appropriate by the Environmental Health team.

We welcome the opportunity to discuss further where matters cannot be agreed at this stage and look forward to hearing from you in due course.

Yours sincerely

Paul E. West
Licensing Consultant on behalf of the applicant.

Dave Leonard

From: Stephen Blake
Sent: 11 January 2017 17:12
To: Licensing; Dave Leonard
Cc: David Carter
Subject: The Vine- Variation of Licence 06:12:16; Representation from Environmental Health dated 23:12:16
Attachments: DAIRYMAN.DOCX; O'NEILL's.docx; SLUG & LETTUCE.docx; SUGAR HUT.docx; THE MERCHANT.docx; THE SWAN.docx; THE VINE.docx

Dear Licensing,

Further to the above and my comments relating to same in the said correspondence, I confirm that in support of our requirement regarding the provision of a lobby area to the front entrance of the premises I have visited and inspected all of the main licensed establishments on the High Street, Brentwood.

In all of the said premises visited, it was noted that all had two door lobby entrances to their establishments. These include Night Cubs, Bars and Public Houses.

I enclose in support of this Authorities Representation photographs taken at the time these visits were made. It is this authorities contention that the provision of a lobbied entrance is normal practice in this locality when dealing with the night time economy. i.e. High Street, Brentwood.

In addition, this licensed premises has been noted to play music late at night and in the early hours of the morning that is excessively loud.

Furthermore, the Vines present (single) front entrance door is already recessed which should provide easy conversion. Please see enclosed photograph.

Should you have any queries, please contact me.

Yours Sincerely,

Steve Blake

Stephen Blake | Environmental Health Officer | Brentwood Council
T 01277 312647 | F 01277 312743 | www.brentwood.gov.uk | stephen.blake@brentwood.gov.uk

THE MERCHANT





THE SWAN







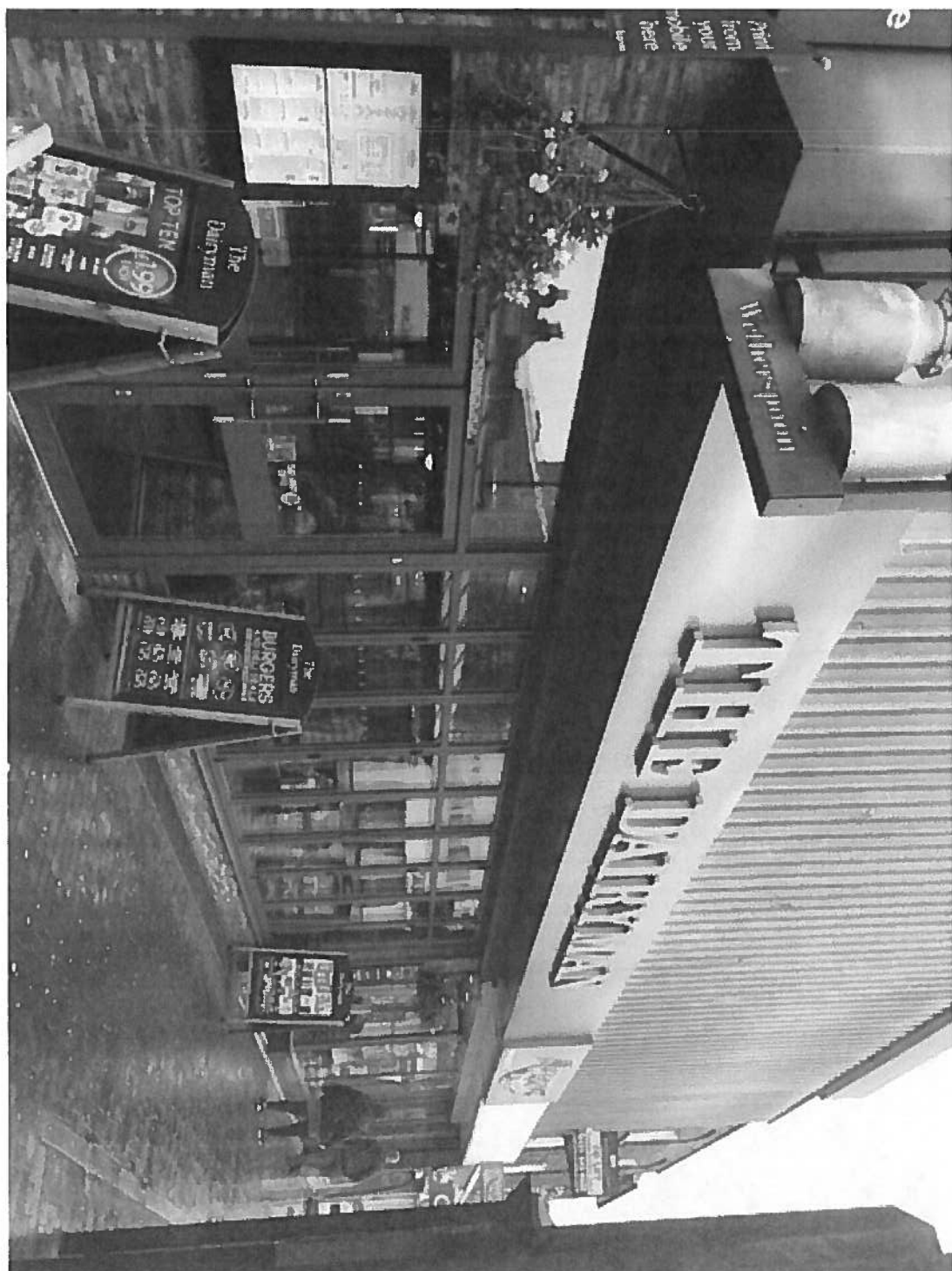








DAIRYMAN





THE VINE, 104 HIGH STREET, BRENTWOOD CM14 4AP

APPENDIX 3

Responsible Authorities

Consultation & Mediation

Essex Police Licensing

Peter Jones

And Responses from

Paul West (21st Century Licensing for Applicant)

Essex County Fire & Rescue Service

Garry Owles

1 FEBRUARY 2017

Dave Leonard

From: Peter Jones 42007706 [Peter.Jones@essex.pnn.police.uk]
Sent: 04 January 2017 12:33
To: Dave Leonard; Licensing; 'paul@21stcenturylicensing.com'
Subject: The Vine, 104 High Street, Brentwood
Attachments: Vine, Brentwood - Rep Withdrawal & Correspondance.pdf; ATT00001.txt

Good Afternoon,

Please find attached letter regarding the agreement of conditions and the withdrawal of the Essex Police representation.


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.



ESSEX COMMUNITY MESSAGING

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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
Tel: 01279 625 405
Email: 7706@essex.pnn.police.uk

04 January 2017

Dear Mr Leonard,

LICENSING ACT 2003 – PREMISE LICENCE VARIATION S.34

PREMISE: The Vine, 104 High Street, Brentwood

Further to the Variation received on 6th December 2016 and with reference to my representation made on 20th December 2016, I write to inform you that after considerable negotiation with the applicant and conditions being agreed; I can confirm that Essex Police withdraw said representation.

I enclose copies of all correspondence and the agreed conditions.

Should you have any queries please do not hesitate to contact me.

Yours sincerely,

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

Enc

Cc. Mr P West, 21st Century Licensing – via email paul@21stcenturylicensing.com

AGREED CONDITIONS

The Vine, 104 High Street, Brentwood – Agreed Condition

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder;
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any visit by a relevant authority or emergency service.
2. The premises shall have a written dispersal and door control policy that outlines the procedure for management, door supervisors and staff. The policy shall contain procedures on:
 - a) Supervising queues to avoid any unacceptable behaviour;
 - b) Door supervisors ensuring no loitering outside the premises;
 - c) Procedures on refusing entry or banning those who repeatedly cause a nuisance by noise or rowdy behaviour;
 - d) How door staff will prevent overcrowding both inside and outside the premises;
 - e) Searching procedures;
 - f) Preventing patrons leaving with alcohol;
 - g) Providing written statements to Police of any criminal investigation as and when required;
 - h) Monitoring system to be implemented with regards to re-entry e.g. wrist bands or ultra violet marking.The dispersal policy shall be submitted to the Police and the Licensing Authority which shall be reviewed annually.
3. When door supervisors are required a minimum of 2 SIA licensed door supervisors shall be on duty. A bound Door Supervisors register shall be kept. Door Supervisors shall sign to record their start and finish times along with their full name and SIA badge number.
4. When employed externally Door staff shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff by way of a uniform agreed by the Premises Licence Holder.
5. There shall be no admittance or re-admittance to the premises after 00:00 except for patrons using the designated smoking area.
6. The licensee shall risk assess the use of polycarbonate drinking vessels for each style of trading session. Where a risk is highlighted polycarbonate glasses shall be used in place of 'regular' stock and all non-polycarbonate will be removed from the bar area during that session. Any risk assessment made will include the provision for taking Police advice on local event crowd profiling.
7. A member of management who is conversant with the operation of the CCTV system shall be available within 1 hour travelling time when the premises are open. This person shall be able to provide a police constable or authorised member of the Licensing Authority copies of recent CCTV images with the absolute minimum of delay when requested, subject to the provisions of the Data Protection Act or subsequent relevant legislation.
8. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
9. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

CORRESPONDENCE

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
Tel: 01279 625 405
Email: 7706@essex.pnn.police.uk
20th December 2016

Dear Mr Leonard,

LICENSING ACT 2003 – PREMISE LICENCE VARIATION S.34

PREMISE: The Vine, 104 High Street, Brentwood

Further to the Variation received on 6th December 2016, I write to inform you that Essex Police will be making representations to this variation for the following reasons:

The application seeks to remove the kitchen and widen a fire door; which in turn will increase the licensable area, and the capacity of the premises. Furthermore the application seeks to increase the licensable hours.

With the change of use moving away from food towards a vertical drinking establishment there is the increased likelihood of crime and disorder and public nuisance.

In the interest of promoting the licensing objectives and preventing crime and disorder and public nuisance, Essex Police seek conditions be added to the Premises Licence.

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder;
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
2. The premises shall have a written dispersal and door control policy that outlines the procedure for management, door supervisors and staff. The policy shall contain procedures on:
 - a) Supervising queues to avoid any unacceptable behaviour;
 - b) Door supervisors ensuring no loitering outside the premises;
 - c) Procedures on refusing entry or banning those who repeatedly cause a nuisance by noise or rowdy behaviour;
 - d) How door staff will prevent overcrowding both inside and outside the premises;
 - e) Searching procedures;

- f) Preventing patrons leaving with alcohol;
- g) Providing written statements to Police of any criminal investigation as and when required;
- h) Monitoring system to be implemented with regards to re-entry e.g. wrist bands or ultra violet marking.

The dispersal policy shall be submitted to the Police and the Licensing Authority which shall be reviewed annually.

3. When door supervisors are required a minimum of 3 SIA licensed door supervisors shall be on duty. A bound Door Supervisors register shall be kept. Door Supervisors shall sign to record their start and finish times along with their full name and SIA badge number.
4. When employed externally Door staff shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff by way of a uniform agreed by the Premises Licence Holder.
5. There shall be no admittance or re-admittance to the premises after 00:00 except for patrons using the designated smoking area. There will be a monitoring system in place such as wrist bands/UV marking to ensure this can be implemented effectively. This monitoring system will be agreed with Brentwood Borough Council and detailed within the licence.
6. All drinking vessels shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served.
7. 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 premise is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
9. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
10. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

Should this be agreed by the applicant, Essex Police will withdraw this representation.

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

Yours sincerely,



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

cc. Mr P West, 21st Century Licensing – via email paul@21stcenturylicensing.com



www.21stcenturylicensing.com
Professional, Affordable Licensing Solutions

Mr P Jones
Essex Police Licensing Dept.
Loughton Police Station
158 High Road
Loughton. IG10 4BE

23rd December 2016

Dear Mr Jones,

RE: The Vine, 104 High Street, Brentwood,

Thank you for your emailed correspondence of 20th December 2016 in which you request that the variation application is amended to include certain conditions thus avoiding a police representation. We were surprised by some of the requests as they seem more suited to a night club than a bar. The licensed area is increasing but we do not accept that this will mean an increase crime and disorder or public nuisance. However we are keen to work with the police and respond to your numbered points as follows.

1. **Agreed**, but either point g) or condition 12 of annex 2 needs to be removed as they are duplicitous.
2. We don't anticipate queuing will occur and believe the rest of this is covered in a large part of the conditions in annex 2. However we are prepared to agree to this request which in essence will, in the main, formalise those conditions into a policy. **Agreed**
3. We cannot accept that three door supervisors are required or proportionate. We cannot physically fit more than around 150 patrons in the expanded area. Bearing in mind that we are aware that Essex Police do not request more than a 1:100 (patrons) ration in nightclubs we feel that three is unreasonable and excessive. We are prepared to accept two from 22.00 (when door staff are utilised). **Open to negotiation.**
4. **Agreed.**
5. Last admittance is already set at midnight by condition 22, annex 2 on the existing licence. We do not have problems currently and do not feel adding a 'nightclub style' wristband/UV condition is proportionate, nor, in our view, is it appropriate for the police to request a condition which binds another authority (the Council) to agree management systems. Accordingly this condition is **not agreed.**

6. It does not accord with our business profile as a cocktail bar to serve fine wines and champagnes in polycarbonate glasses. Polycarbonate carafes do not have an EU declaration of compliance mark, or a Crown stamp, denoting they have been passed as fit for use for trade by a UK Inspector of Weights and Measures & therefore do not comply with trading standards requirements. Therefore, this condition is **not agreed**.
7. As part of our requirement under the Act to promote the 'prevention of crime & disorder' objective, our CCTV system is used to monitor potential staff theft. This would be undermined by allowing all staff access to the CCTV system. However, we are prepared to offer a condition which reads "A member of management who is conversant with the operation of the CCTV system shall be available within 1 hour travelling time when the premises are open. This person shall be able to provide a police constable or authorised member of the Licensing Authority copies of recent CCTV images with the absolute minimum of delay when requested, subject to the provisions of the Data Protection Act or subsequent relevant legislation." In reality a member of management will be on site most of the time anyway. **Open to negotiation**.
8. **Agreed**
9. **Agreed**
10. This condition duplicates the requirements of the agreed condition of point 2 above and is therefore **not agreed**.

We welcome the opportunity to discuss further where matters cannot be agreed at this stage and look forward to hearing from you in due course.

Yours sincerely

Paul E. West
Licensing Consultant on behalf of the applicant.

Mr P West
21st Century Licensing
Century House
518 Woodgrange Drive
Southend-on-Sea
SS13ED



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

20th December 2016

Dear Mr West,

PREMISE: The Vine, 104 High Street, Brentwood

Further to your correspondence dated 23rd December 2016, I acknowledge your agreement to a number of points, and suggest alternatives where appropriate.

1. Agreed with the removal of point g).
2. Agreed
3. Amend to 2 door supervisors. The current licence stipulates they are employed from 20:00 until at least 30 minutes after closing on days activities surpass midnight; and would see this as in line with the current operation.
4. Agreed
5. I acknowledge the last entry time in place, and would seek for this to extend to re-admittance save for the smoking area without the additional requirements originally stipulated. 'There shall be no admittance or re-admittance to the premises after 00:00 except for patrons using the designated smoking area'
6. Given your comments I would suggest an amendment to: 'All drinking vessels shall be polycarbonate. Save for wine glasses and champagne flutes'
7. Agreed with amended wording as suggested by you. 'A member of management who is conversant with the operation of the CCTV system shall be available within 1 hour travelling time when the premises are open. This person shall be able to provide a police constable or authorised member of the Licensing Authority copies of recent CCTV images with the absolute minimum of delay when requested, subject to the provisions of the Data Protection Act or subsequent relevant legislation.'
8. Agreed
9. Agreed
10. Remove

Yours sincerely,

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

cc. Mr D Leonard, Brentwood Borough Council



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Professional, Affordable Licensing Solutions

Mr P Jones
Essex Police Licensing Dept.
Loughton Police Station
158 High Road
Loughton. IG10 4BE

2nd January 2017

Dear Mr Jones,

RE: The Vine, 104 High Street, Brentwood,

Thank you for your emailed correspondence of 23rd December 2016 in which it would seem we are close to finalising our agreement. In that letter, we have agreed points (from your letter of 20th Dec and our response) 1,2,4,7,8 & 9 and removed point 10. On the remaining points, I suggest the following may form as resolution:

Points 3 & 5 – your rewording is acceptable and we agree these.

On point 6 we still remain of the view that our business profile as a cocktail bar does not lend itself to the general use of polycarbonate. The example of wine glasses and champagne flutes was just an example rather than an offer of a condition.

We respectfully suggest the following condition could be agreed:

“The licensee shall risk assess the use of polycarbonate drinking vessels for each style of trading session. Where a risk is highlighted polycarbonate glasses shall be used in place of ‘regular’ stock and all no polycarbonate will be removed from the bar area during that session. Any risk assessment made will include the provision for taking Police advice on local event crowd profiling”

So, for example, a high-risk event in town such as a carnival, where a different patron profile may be expected to attend, may mean that all glasses are switched for that day.

We welcome the opportunity to discuss further in the hope that matters can now be concluded and look forward to hearing from you again soon.

Yours sincerely

Paul E. West
Licensing Consultant on behalf of the applicant.

cc. Mr D Leonard, Brentwood Borough Council

Dave Leonard

From: Garry Owles [garry.owles@essex-fire.gov.uk]
Sent: 06 January 2017 14:03
To: Dave Leonard
Subject: 104 High Street 15-12-2016 LIC1
Attachments: 104 High Street 15-12-2016 LIC1.pdf

Hi Dave

As discussed, The only letter I sent was the usual acknowledgment letter (copy attached) to the applicant Paul West and copied you in.

If 1050mm throughout is achieved as per drawing and the front door is confirmed as opening outwards and equal to or greater than 1050mm then the number can be increased etc

Kind

Regards

Garry

Garry Owles G.I.Fire E

Essex County Fire and Rescue Service
Technical Fire Safety (West Area Command)
Basildon & Brentwood
Tel: 01376 576700
DD: 01376 576705
Mobile: 07785977317
E-mail: garry.owles@essex-fire.gov.uk



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

For the attention of Mr Paul West
21st Century Licensing
Century House
518 Woodgrange Drive
Southend on Sea
Essex
SS1 3ED

BASILDON SERVICE DELIVERY POINT
Fire Station
Broadmayne
Basildon
SS14 1EH
☎ 01376 576700
✉ basildonsdp@essex-fire.gov.uk

Date: 15th December 2016
Our Ref: 588216-100091433984
Your Ref: VineBW/2016
Enquiries to: Fire Safety Officer Garry Owles

Dear Sir

LICENSING ACT 2003

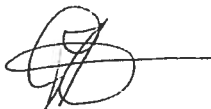
Type of Licence: Premises Licence (Application to Vary)

Re: "The Vine" 104 High Street Brentwood Essex CM14 4AP

Receipt is acknowledged of the above consultation(s), which will be audited by the Essex Fire & Rescue Authority (the Authority).

Should there be any significant concerns regarding the application(s) you will be notified in due course.

Yours faithfully



G. Owles
Fire Protection Inspecting Officer
West Area Command

Cc Mr David Leonard Brentwood Licensing

THE VINE, 104 HIGH STREET, BRENTWOOD CM14 4AP

APPENDIX 4

The Vine

Premises Licence

OS Street Maps

Frontage Images

1 FEBRUARY 2017



**BRENTWOOD
BOROUGH COUNCIL**

**Licensing Act 2003
Premises Licence**

Premises licence number PRM_446

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**The Vine
104 High Street**

Post town **Brentwood**

Post code **CM14 4AP**

Telephone number **01277 225399**

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

- 1. Sale of Alcohol**
- 2. Recorded music**
- 3. Performance of dance**
- 4. Films**
- 5. Late Night Refreshment**
- 6. Anything of a similar description to Live Music, Recorded Music and the Performance of Dance**

16/00023/LAPRE

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Monday to Thursday	10:00 – 23:30
Friday & Saturday	10:00 - 01:00
Sunday	10:00 – 23:30

Films and Recorded Music

Sunday to Thursday	08:00 – 23:00
Friday & Saturday	08:00 – 01:00

Late Night Refreshment

Monday to Thursday	23:00 – 23:30
Friday & Saturday	23:00 - 01:00
Sunday	23:00 – 23:30
Christmas Eve	23:00 - 03:00
New Years Eve	23:00 - 03:00

Seasonal Variations

Sale of Alcohol & Regulated Entertainment

Christmas Eve	08:00 - 03:00
New Years Eve	08:00 - 03:00

An additional hour is permitted for the licensable activities on St Patrick's Day, St George's Day, St Andrew's Day, St Valentine's Day, all Fridays, Saturdays and Sundays prior to a Bank Holiday and 23 December and Boxing Day provided that the latest time permitted will be 2am.

An additional hour to the standard and non-standard times will be permitted on the day when British Summer Time commences provided that the latest time permitted will be 2am.

The opening hours of the premises

Monday to Thursday	08:00 – 00:00
Friday & Saturday	08:00 - 01:30
Sunday	08:00 – 00:00
Christmas Eve	08:00 – 03:30
New Years Eve	08:00 – 03:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies: On/Off

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Andreas Artemi
1 Badgers Close
Westcliff-on-Sea
SS0 0AP

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Andreas Artemi

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

10904 issued by Southend-on-Sea Borough Council

Dated 13th May 2016



for Licensing Authority

INFORMATIVE

THIS LICENCE DOES NOT CONFER ANY APPROVAL UNDER THE PLANNING ACTS OR BUILDING CONTROL REGULATIONS.

16/00023/LAPRE

Annex 1 – Mandatory Conditions

- 1. No supply of alcohol may be made under the premises licence:**
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or**
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
- 3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—**
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);**
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;**
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;**
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**

16/00023/LAPRE

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
8. For the purposes of the condition set out in paragraph 7 —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —
$$P=D+(D \times V)$$

16/00023/LAPRE

where —

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence —
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
9. Where the permitted price given by paragraph (b) of paragraph 8 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
10. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 8 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
11. The admission of children, that is persons aged under 18, to the exhibition of any film shall be restricted in accordance with any recommendation made by the film classification body designated by section 4 of the Video Recordings Act 1984.
12. If at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the Operating Schedule

- 1. Staff will be trained in the responsible retailing of alcohol and will receive regular updates through staff briefings. Records will be retained and will be available to authorised officers and Police Constables upon request**
- 2. The licence holder shall participate in the Town link Communications System.**
- 3. 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 & during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less than 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 format with the native player.**
- 4. Challenge 25 with acceptable forms of ID by way of PASS accredited proof of age cards, passport, driving licence only being accepted.**
- 5. The front doors to the premises will be closed except for access and egress between 21.00 and 08.00 (and from 20.00 when 'intense' music is provided).**
- 6. The licence holder will actively engage with the local pub watch and behave or be banned scheme.**
- 7. Door staff shall be employed when activities surpass Midnight and on duty from 20:00 until at least 30 mins after closing.**
- 8. A notice shall be displayed at the entrance/exit of the premises to remind customers to leave the premises quietly and respect our neighbours.**
- 9. The premises will adopt Essex Police handling of illicit substance guidance and staff trained accordingly. Random searches will be made in accordance with the guidance.**
- 10. Toilets will be checked two hourly at times the licence is authorised for licensable activities; this will support public safety and due diligence around drugs.**
- 11. A refusals register will be maintained.**
- 12. No glasses or other drinking vessels shall be allowed to leave the premises. In the case of genuine off sales the bottle will be wrapped and bagged.**
- 13. The outside area shall be cleared of customers no later than 23:00. Between the hours of 23:00 and close the outside area shall be used only as a smoking area which will be supervised by door staff**

16/00023/LAPRE

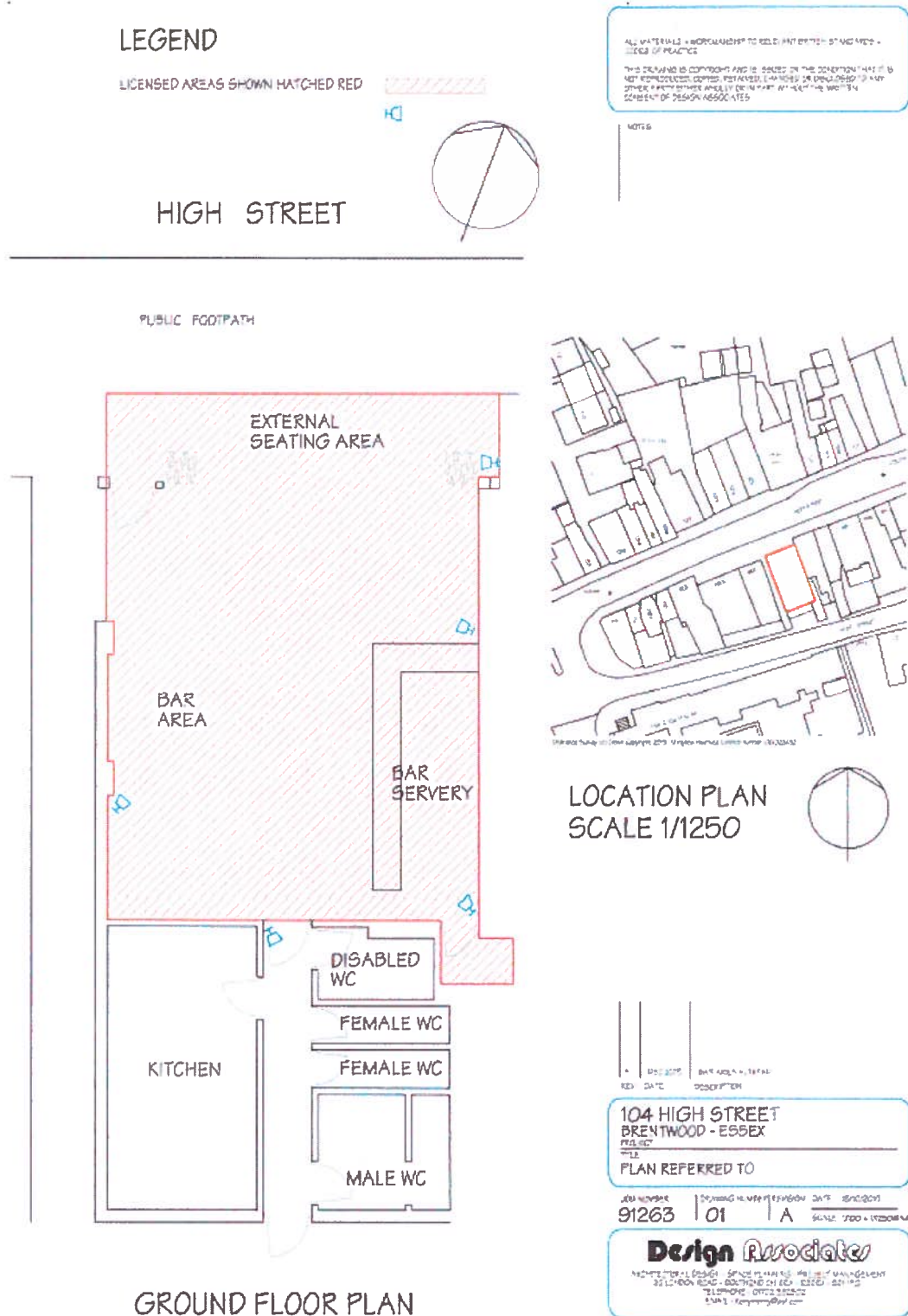
- 14. A suitable noise limiter of a type and specification to the approval of the Licensing Authority shall be installed and operate throughout the performance of live or recorded music at the premises. The electricity supply to all amplification equipment shall at all times be controlled by the noise limiter, which shall be set at a level to be agreed with the Pollution Team.**
- 15. The rear fire doors will be closed except for access & egress between 18.00-08.00**
- 16. A progressive wind down over the last half hour of the trading session. During this period the music will be of a quieter nature and a lower BPM. Lighting levels throughout the premises will be gradually increased over the same period.**
- 17. Ashtrays will be provided for the benefit of customers using the outside areas. These must be emptied throughout the evening if required and/or the start of the business of the following day.**
- 18. The smoking area is to be defined by the use of barriers at all times to prevent pavement blockage. The smoking area will have a limit of 20 people after 1am and be actively supervised by door staff. Signs are to be displayed next to ashtrays asking patrons to use the ashtrays provided.**
- 19. At the end of the trading hours, the outside of the premises is to be swept and left clear of litter.**
- 20. Door supervisors will be visible outside the premises for 15 minutes after closing time until all the groups of customers have left the vicinity. The door supervisors will encourage the customers to either move onto other premises or towards the taxi rank.**
- 21. The latest entry into the premises will be midnight on any day.**
- 22. Door supervisors, when on duty, are to actively manage the smoking area and queuing area (should one be require at any time) to minimise noise nuisance. The door supervisors will also actively manage noise nuisance from departing patrons**

Annex 3 - Conditions attached after a hearing by the licensing authority

All bottles & glassware will be disposed of by the applicant after 10am the following day.

Annex 4 – Plans

This licence is issued subject to the following attached plans:
104 High Street Brentwood / Job No.91263/01 A dated 15/10/2015



16/00023/LAPRE

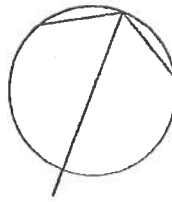
LEGEND

LICENSED AREAS SHOWN HATCHED RED



PROPOSED PLAN

HIGH STREET

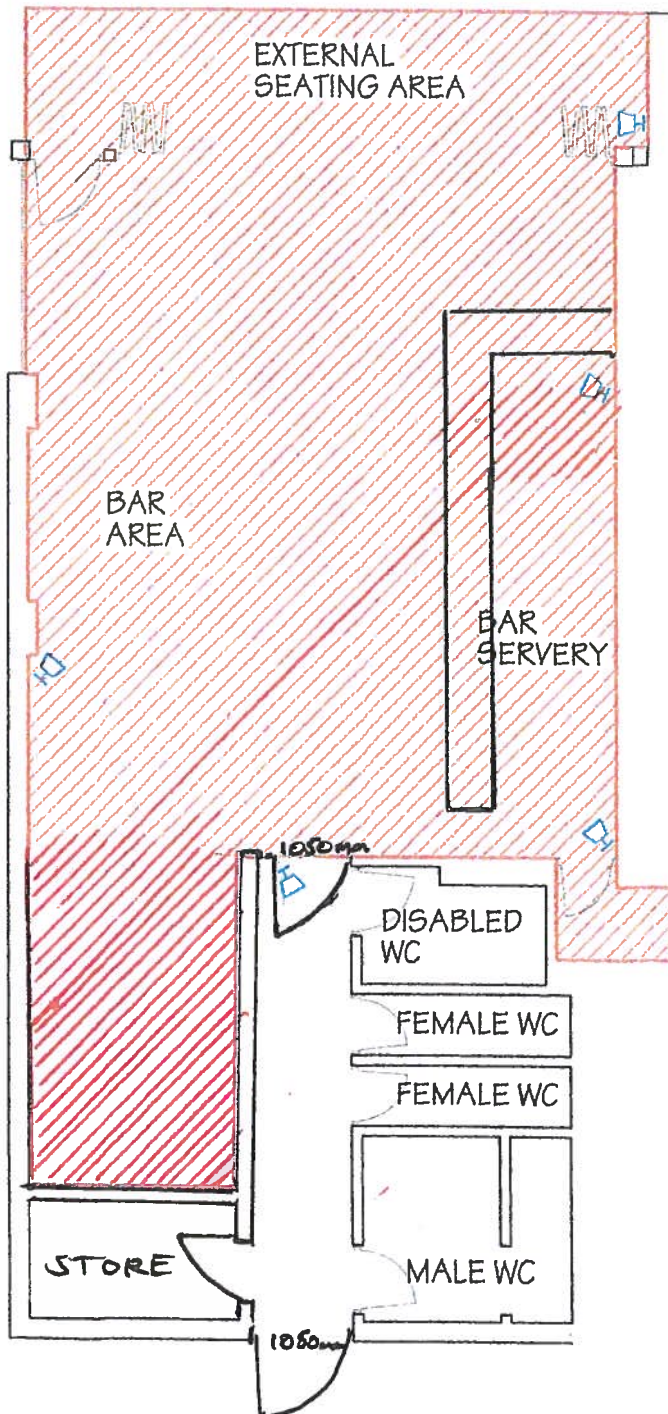


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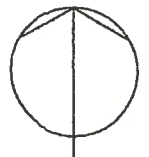
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NOTES

PUBLIC FOOTPATH



LOCATION PLAN
SCALE 1/1250



REV	DATE	DESCRIPTION
A	DEC 2015	BAR AREA ALTERED

104 HIGH STREET
BRENTWOOD - ESSEX

PROJECT
TITLE
PLAN REFERRED TO

JOB NUMBER 91263 | DRAWING NUMBER 01 | REVISION A1 | DATE 15/01/2015 | SCALE 1/100 & 1/250 @ A4

Design Associates

ARCHITECTURAL DESIGN - SPACE PLANNING - PROJECT MANAGEMENT
52 LONDON ROAD - SOUTHEND ON SEA - ESSEX - SS1 7PG
TELEPHONE - 01702 392302
EMAIL - longmerry@da1.com



The Vine, 104 High Street, Brentwood

Drawing No. :

Scale at A4 : 1:500

Drawn by : OSJ

Service : ICT

Date : 6th January 2017

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**BRENTWOOD
BOROUGH COUNCIL**

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



The Vine, 104 High Street, Brentwood

Drawing No. :

Scale at A4 : 1:1250

Drawn by : OSJ

Service : ICT

Date : 10th January 2017

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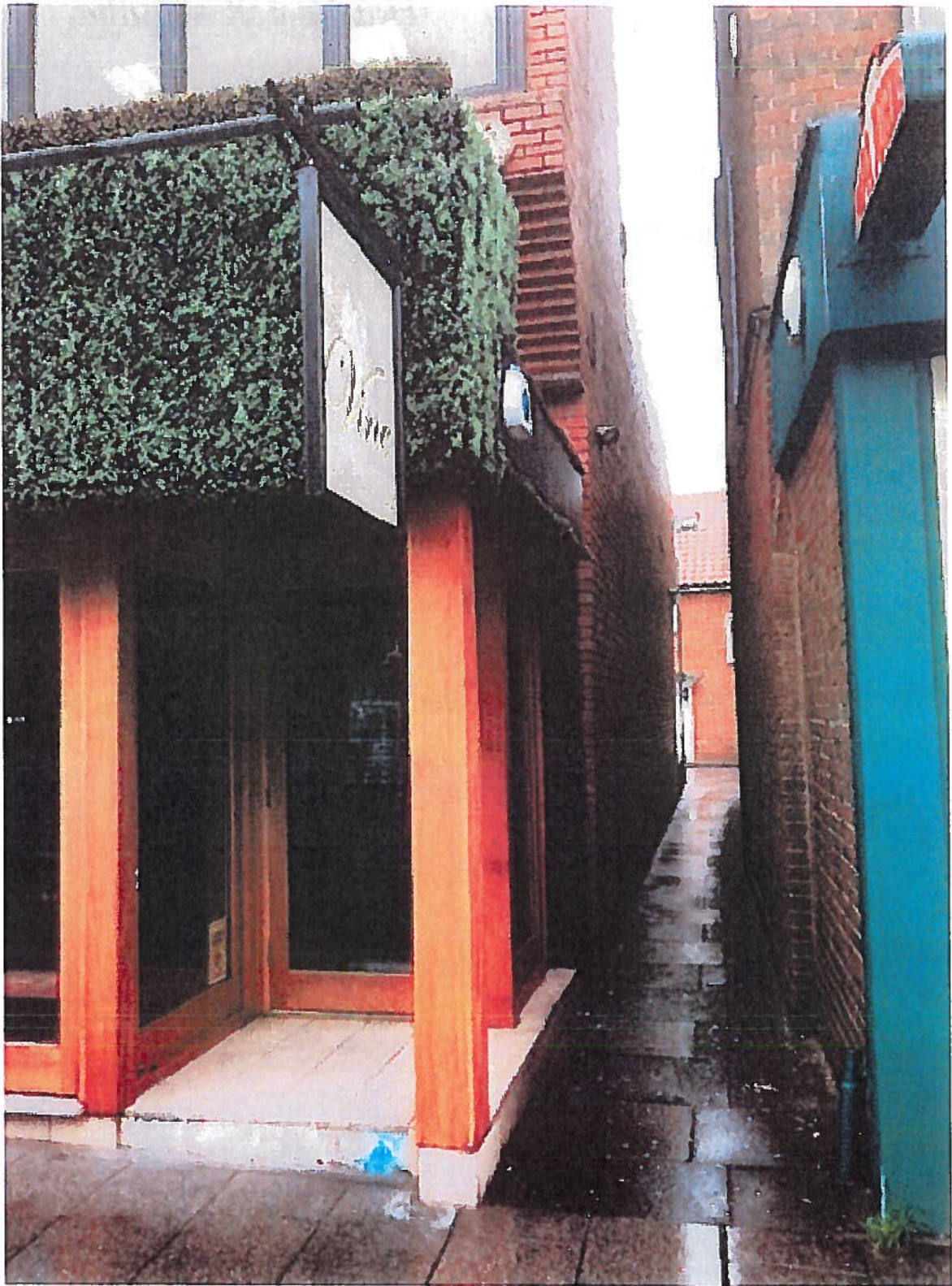
**BRENTWOOD
BOROUGH COUNCIL**

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

PREMISES

CURRENT WEEKEND HOURS
FOR SALE OF ALCOHOL

A. THE VINE 104 High Street	0100hrs* - appln to 0200hrs pending
A. THE MERCHANT 125-127 High Street	0100hrs
B. THE SWAN 123 High Street	0100hrs
C. O'NEILL'S 86 High Street	0100hrs
D. SLUG & LETTUCE 78-82 High Street	0200hrs
E. SUGAR HUT 93 High Street	0300hrs
F. THE GARDENERS ARMS 27 Hart Street	0030hrs* - appln to 0100hrs pending
G. TERISS BAR 5 Hart Street	0100hrs



THE VINE





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.