



Agenda

Licensing Sub-Committee

Thursday, 5 July 2018 at 1.00 pm
1-2 Seven Arches Road, Brentwood

Membership (Quorum – 3)

Cllrs Chilvers, Haigh and Russell

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.	Licensing Sub-Committee Hearing in respect of an Application for a New Premises Licence - Licensing Act 2003	Brentwood North; Brentwood South	5 - 116

P. L. Russell

Head of Paid Service

Town Hall
Brentwood, Essex
27.06.2018

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

Access to Information and Meetings

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

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

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

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

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

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

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Access

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Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in front of the Visitor Car Park.

5 July 2018

Licensing and Appeals Committee

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

**SPORTS LOUNGE, FIRST FLOOR, 40 HIGH STREET,
BRENTWOOD, ESSEX, CM14 4AJ**

Report of: Paul Adams – Principal Licensing Officer

Wards Affected: Brentwood South & North

This report is: Public

1. Executive Summary

- 1.1 An application has been received for a new premises licence in respect of **Sports Lounge, First Floor, 40 High Street, Brentwood Essex, CM14 4AJ**. **Three relevant representations have been received.** 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 That the Sub Committee:

Considers this report and appendices together with any oral submissions at the hearing and determines the application in line with the options open to the sub-committee under the Licensing Act 2003: 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 refuse 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.

3.4 The four licensing objectives are;

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

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 14th May 2018 from AA Trading Ltd. in respect of ***Sports Lounge, First Floor 40 High Street, Brentwood, Essex, CM14 4AJ*** A copy of the application is attached at ***Appendix 1.***

- 4.2 This premise is currently a first floor snooker/pool hall and sports bar situated above retail shops in Brentwood High Street, and is currently licensed for the Sale by Retail of Alcohol and Indoor Sporting Events. An OS Street Map and frontage images to better identify the location are attached at **Appendix 2**.
- 4.3 The applicant seeks a new premises licence to conduct the following licensable activity:
- Supply of Alcohol - 11:00 to 02:00 Monday to Sunday
 - Indoor Sporting Events - 11:00 to 02:00 Monday to Sunday
 - Recorded Music - 11:00 to 02:00 Monday to Sunday
- 4.4 There have been 3 valid representations received from two Responsible Authorities and one interested party.
- 4.5 The first representation is from the Environmental Health team, which relates to potential public nuisance that is likely to arise with the introduction of recorded music as a licensable activity and opening up an outside area with no acoustic reduction measures being proposed.
A copy of the full representation is attached at **Appendix 3**.
- 4.6 The second representation is from the Licensing Authority supporting the public nuisance concerns of the Environmental Health Officer and the increased risk to public safety relating to the use of an outside area and its lack of supervision & other safeguards. A copy of the full representation is attached at **Appendix 4**.
- 4.7 The third representation is from an interested party, Mr Rockall, the proprietor of the Heart of Gold Jewellers shop immediately below the Sports Lounge, and relates increased noise and littering as a public nuisance and has security - crime & disorder - concerns relating to rear of his premises.
A copy of the full representation is attached at **Appendix 5**.
- 4.8 Any matters recorded in the Operating Schedule (Section O of the application form) will become conditions on the licence if this application is granted, the following conditions will be attached unless modified by this Committee:
- The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain

on the premises. All recordings will be kept in an unedited format for a period of not less the 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Essex Police or other Responsible Authority recent data or footage with the absolute minimum of delay.
- A plan of the premises identifying the location and direction of CCTV coverage shall be served on Essex Police & the Licensing Authority each time it is altered.
- The premises will maintain a bound log book for all incidents, accidents and emergencies which shall include the following information; and will be available to Essex Police or other Responsible Authority immediately upon lawful request.
 - All crimes reported to the venue.
 - All ejections of patrons.
 - All refusals of service.
 - Any complaints received.
 - Seizures of drugs or offensive weapons.
 - The full name of any person who has been involved in dealing with any of the above matters.
- When licensable activities are permitted beyond 00:00, a minimum of 2 SIA registered Door Supervisors shall be deployed from 21:00 and remain on duty until closing time and all customers have left the premises.
- A bound Door Supervisors register shall be kept. Door Supervisors shall sign to record their start and finish times along with their full name & SIA badge number.
- When SIA registered Door Supervisors are on duty random searching of people and their possessions will be carried out.
- All staff engaged outside the premises shall wear high visibility jackets or vests.

- The management will operate the Essex Police 'Procedures for the Management of Illicit Drugs in Licensed Premises'
- The outside licensed area shall have a screen installed along the wall, a minimum height of 2 meters (or height specified by building control) to prevent objects falling off and/or being thrown.
- Security measures shall be installed to the stairs in the outside licensed area so use of the emergency escape is only in an emergency and to prevent access to the residential area being used by customers.
- Reasonable and adequate staff training to be carried out & properly documented in relation to:
 - Dealing with incidents and prevention of crime and disorder.
 - Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.) prior to being allowed to sell alcohol.
- All training records will be retained for 12 months and made available to Essex Police or other Responsible Authority upon reasonable request.
- The Premises Licence Holder shall have a Dispersal Policy. A copy of which will be made available to Essex Police and Responsible Authority upon request.
- No persons shall be allowed to leave the Premises whilst in possession of any drinking glass vessel or open glass bottle whether empty or containing any beverage.
- Notices shall be prominently displayed at all exits requesting patrons to leave quietly.
- Clear and legible notices shall be prominently displayed in, and at the entrance to any outside licensed area requesting customers to use the area quietly.

- Customers shall not enter or leave the premises by the stairs into the outside licensed area at any time, except in the event of an emergency.
- The premises shall operate a Challenge 25 age verification policy. Any person who appears to be under the age of 25 shall be asked to produce photographic identification to prove they are 18 or over. Failure to produce will result in service being refused. Acceptable forms of photographic identification include:
 - Passport,
 - Photo card Driving Licence,
 - Photographic ID bearing the 'PASS' hologram.

A further two conditions were agreed with the Essex Police Licensing Officer:

- No licensable activities shall take place in external areas at any time.
- No speakers shall be installed or used in the external areas.

5. Reasons for Recommendation

5.1 These are the options available to the Sub-Committee under the Licensing Act 2003.

6. Consultation

6.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003.

6.2 Officers from the Licensing Authority have made checks on the display of public notices and in a local newspaper and are satisfied that these requirements have been met.

7. Statement of Licensing Policy

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

8. Relevant Sections of the Secretary of State's Guidance

8.1 The licensing objectives relating to public nuisance matters arising from this application are covered in Section 2, paragraphs 22.15 to 2.25 (pages 9 & 10) of the Licensing Act 2003, Section 182 Guidance (April 2018).

9. Legal Considerations

9.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.

9.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.

9.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

Appendices to this report

- Appendix 1 - Application Form
- Appendix 2 - OS Street Plan & frontage images
- Appendix 3 - Representation from Environmental Health (Blake)
- Appendix 4 - Representation from Licensing Authority (Leonard)
- Appendix 5 - Representation from Interested Party (Mr. Rockall)

Report Author Contact Details:

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Telephone: 01277 312503

E-mail: paul.adams@brentwood.gov.uk

Revised Guidance issued under section 182 of the Licensing Act 2003

April 2018

2. The licensing objectives

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

SPORTS LOUNGE, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ

APPENDIX 1
APPLICATION FOR
A NEW PREMISES LICENCE

Application Form

26 JULY 2016

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

Reference: PrL75684252

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

Before completing this form please read the guidance notes:

[Premises Licence Application Guidance Notes](#)

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

Cost of Licence

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

What is the Nondomestic rateable value of the premises?: 4301-33000

Cost of licence: £190.00

I/We,

Applicant first name: AA Trading Limited

Applicant surname: AA Trading Limited

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

Premises Details

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

Ordnance survey map reference or description:

Premises Address

Flat number (if any)

First Floor

House number/name

40

Road name High Street
Town Brentwood
County Essex
Post Code CM14 4AJ

Daytime contact telephone number (if any): 01277631811

Premises email address (optional): office@dadds.co.uk

Please state whether you are applying for a Premises Licence as: (b) a person other than an individual: as a limited company; as a partnership; as an incorporated association; or other (for example, a statutory corporation)

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

Individual Applicants

Title:

First name(s):

Surname:

I am 18 years old or older:

Applicant Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Daytime contact telephone number:

Application email address (optional):

Second Individual Applicant (if applicable)

Title:

First name(s):

Surname:

I am 18 years old or older:

Applicant Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Daytime contact telephone number:

Application email address (optional):

Other Applicants

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

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

Flat number (if any)	AA Trading Limited - 09287224
House number/name	389c
Road name	High Road
Town	London
County	
Post Code	N22 8JA

Operating Schedule

When do you want the premises licence to start?: 13/06/2018

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

General description of the premises (Please read guidance note 1):

Licensed bar

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

What licensable activities do you intend to carry on from the premises? (please see [section 1](#) and [section 14](#) of the Licensing Act 2003 and [Schedule 1](#) and [Schedule 2](#) to the Licensing Act 2003)

Provision of regulated entertainment for:

(c) indoor sporting events, (f) recorded music

Provision of late night refreshment:

Supply of alcohol:

Yes

a) Plays

Will the performance of a play take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for performing plays (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed above, please list (please read guidance note 5):

b) Films

Will the exhibition of films take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for the exhibition of films (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed above, please list (please read guidance note 5):

c) Indoor Sporting Events

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	11:00:00	02:00:00
Tuesday	11:00:00	02:00:00
Wednesday	11:00:00	02:00:00
Thursday	11:00:00	02:00:00
Friday	11:00:00	02:00:00
Saturday	11:00:00	02:00:00
Sunday	11:00:00	02:00:00

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

Such indoor sporting events as may be undertaken on the premises from time to time including, for example, pool, snooker etc.

State any seasonal variations for indoor sporting events (please read guidance note 4):

none

Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed above, please list (please read guidance note 5):

On the trading day on which the clocks go forward (i.e. the start of British Summer Time) permitted hours may be extended for an additional hour

d) Boxing or Wrestling

Will the boxing or wrestling entertainment take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4):

Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed above, please list (please read guidance note 5):

e) Live Music

Will the performance of a live music take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for the performance of live music (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed above, please list (please read guidance note 5):

f) Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 2):
Indoors

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	11:00:00	02:00:00
Tuesday	11:00:00	02:00:00
Wednesday	11:00:00	02:00:00
Thursday	11:00:00	02:00:00
Friday	11:00:00	02:00:00
Saturday	11:00:00	02:00:00
Sunday	11:00:00	02:00:00

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

The applicants wish to have the facility for the provision of recorded music whether as the principal entertainment provided or in conjunction with dancing or any other permitted activity.

State any seasonal variations for playing recorded music (please read guidance note 4):

none

Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed above, please list (please read guidance note 5):

On the trading day on which the clocks go forward (i.e. the start of British Summer Time) permitted hours may be extended for an additional hour

g) Performances of Dance

Will the performance of dances take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for the performance of dances (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed above, please list (please read guidance note 5):

h) Anything of a Similar Description to that falling within (e) Live Music, (f) Recorded Music or (g) Performance of Dance

Please give a description of the type of entertainment you will be providing:

Will this entertainment take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for entertainment of similar description to that falling within (e), (f) or (g) (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed above, please list (please read guidance note 5):

i) Late Night Refreshment

Will the provision of late night refreshment be taking place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

j) Supply of Alcohol

Will the sale of alcohol be for consumption on the premises, of the premises or both? (please read guidance note 7): Both

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	11:00:00	02:00:00
Tuesday	11:00:00	02:00:00
Wednesday	11:00:00	02:00:00
Thursday	11:00:00	02:00:00
Friday	11:00:00	02:00:00
Saturday	11:00:00	02:00:00
Sunday	11:00:00	02:00:00

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

Sale and supply of alcohol

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

none

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list (please read guidance note 5):

On the trading day on which the clocks go forward (i.e. the start of British Summer Time) permitted hours may be extended for an additional hour

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

Name: Mr Artan Zefi

Address

Flat number (if any)	Flat 2
House number/name	Compton Court
Road name	Compton Terrace
Town	Wickford
County	Essex
Post Code	SS11 8QE

Personal Licence Number (if known): BAS/PM 1955

Issuing Licensing Authority (if known): BASILDON BOROUGH COUNCIL

l) Hours Premises are open to the public

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	11:00:00	02:30:00
Tuesday	11:00:00	02:30:00
Wednesday	11:00:00	02:30:00
Thursday	11:00:00	02:30:00
Friday	11:00:00	02:30:00
Saturday	11:00:00	02:30:00
Sunday	11:00:00	02:30:00

State any seasonal variations (please read guidance note 4):

none

Non standard timings. Where you intend to have the premises to be open to the public at different times to those listed above, please list (please read guidance note 5):

On the trading day on which the clocks go forward (i.e. the start of British Summer Time) permitted hours may be extended for an additional hour

n) Adult Entertainment and Services

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8):

There will be no activity of this nature

o) Promoting Licensing Objectives

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

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9):

Please see operating schedule below to support the licensing objectives

b) The prevention of crime and disorder:

1. The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less the 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Essex Police or other Responsible Authority recent data or footage with the absolute minimum of delay.

3. A plan of the premises identifying the location and direction of CCTV coverage shall be served on Essex Police and the Licensing Authority each time it is altered.

4. The premises will maintain a bound log book for all incidents, accidents and emergencies which shall include the following information; and will be available to Essex Police or other Responsible Authority immediately upon lawful request.

a) All crimes reported to the venue.

b) All ejections of patrons.

c) All refusals of service.

d) Any complaints received.

e) Seizures of drugs or offensive weapons.

f) The full name of any person who has been involved in dealing with any of the above matters.

5. When licensable activities are permitted beyond 00:00, a minimum of 2 SIA registered Door Supervisors shall be deployed from 21:00 and remain on duty until closing time and all customers have left the premises.

6. 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.

7. When SIA registered Door Supervisors are on duty random searching of people and their possessions will be carried out.

8. All staff engaged outside the premises shall wear high visibility jackets or vests.

9. The management will operate the Essex Police 'Procedures for the Management of Illicit Drugs in Licensed Premises'

10. The outside licensed area shall have a screen installed along the wall, a minimum height of 2 meters (or height specified by building control) to prevent objects falling off and/or being thrown.

11. Security measures shall be installed to the stairs in the outside licensed area so use of the emergency escape is only in an emergency and to prevent access to the residential area being used by customers.

c) Public safety:

12. Reasonable and adequate staff training to be carried out and properly documented in relation to:

a) Dealing with incidents and prevention of crime and disorder.

b) Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.) prior to being allowed to sell alcohol.

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

14. The Premises Licence Holder shall have a Dispersal Policy. A copy of which will be made available to Essex Police and Responsible Authority upon request.

15. No persons shall be allowed to leave the Premises whilst in possession of any drinking glass vessel or open glass bottle whether empty or containing any beverage.

d) The prevention of public nuisance:

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

17. Clear and legible notices shall be prominently displayed in, and at the entrance to any outside licensed area requesting customers to use the area quietly.

18. Customers shall not enter or leave the premises by the stairs into the outside licensed area at any time, except in the event of an emergency.

e) The protection of children from harm:

19. The premises shall operate a Challenge 25 age verification policy. Any person who appears to be under the age of 25 shall be asked to produce photographic identification to prove they are 18 or over. Failure to produce will result in service being refused. Acceptable forms of photographic identification include:

a) Passport,

b) Photo card Driving Licence,

c) Photographic ID bearing the 'PASS' hologram.

Declaration

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

Alternatively these should be sent by post to:

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

Please include the reference number for this form, which will be produced when you submit it.

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

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

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

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

[Public Notice of Application](#)

(Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15): I agree

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Signatures

(please read guidance note 10)

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

Signature (name): David Dadds

Date: 15/05/2018

Capacity: Applicant's Solicitor

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature (name):

Date: 15/05/2018

Capacity:

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

Correspondence name: Dadds Solicitors LLP

Telephone number: 01277 631811

Mobile telephone number:

Correspondence Address

Flat number (if any)

House number/name

Crescent House

Road name

51 High Street

Town

Billericay

County

Essex

Post Code

CM12 9AX

To receive email confirmation of your application and payment, please provide a correspondence email address:
office@dadds.co.uk

SPORTS LOUNGE, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ

APPENDIX 2

OS MAPS & IMAGES



40 High Street, Brentwood

Location Map

Drawing No. :
 Scale at A4 : 1:1250
 Drawn by : OSJ
 Service : ICT
 Date : 8th July 2016

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



40 High Street, Brentwood

Location Map

Drawing No. :
 Scale at A4 : 1:500
 Drawn by : OSJ
 Service : ICT
 Date : 8th July 2016



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

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SPORTS LOUNGE, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ

APPENDIX 3

REPRESENTATION

RESPONSIBLE AUTHORITIES

Steve Blake

(Brentwood Borough Council Environmental Health)

26 JULY 2016



**BRENTWOOD
BOROUGH COUNCIL**

Date: 7th June 2018
Our Reference:
License Ref.: 18/00021/LAPRE

Dadds LLP Solicitors
Crescent House
51 High Street
Billericay
Essex
CM12 9AX

Dear Mr Dadds,

Application for a New Premises License plus current Premises License

**Brentwood Snooker Club trading as The Sports Lounge, First Floor, 40 High Street, Brentwood, Essex,
CM14 4AJ**

I refer to the above application received on 14th May 2018 by the Pollution Team of the Council.

The application contains insufficient information to demonstrate that the licensing objectives, namely prevention of public nuisance, will be achieved.

The Sports Lounge is located in the centre of the High Street on the first floor. This is a relatively quiet area of the High Street as most of the licensed premises are located in the west end of the High Street. There are two accesses to the licensed premises, one from the High Street and the other, an emergency access/egress, at the rear of the premises.

Secondly, the acoustic quality between the Licensed premises and the three flats immediately above is very poor. Noise from talking and television within the licensed premises can clearly be heard in these flats and so any form of music being carried out could cause disturbance and or nuisance to any occupants of these said flats.

Additionally, there appears to be some ambiguity as to how the proposed licensable area located on the rear flat roof is going to be used or how the Licensee plans to utilise this area.

Taking the above into account, this authority has concerns regarding the addressing of public nuisance objectives relating to the above.



In particular, this authority requires clarification (relating to potential issues as noise/light/alarms etc)regarding:

- what structural arrangements are going to be made inside and outside the building and where will they be located (i.e. lobbies, double glazing, etc)
- what equipment is going to be installed inside and/or outside the building and where they/it will be located (i.e. Noise limiters, speakers, lighting, Security lights)
- what 'hard'/equipment security provisions are going to be employed inside/outside the building indicating where they will be and how they will operate (i.e. CCTV, Security alarms)
- what management arrangements will be made to control noise issues (i.e. Door staff, management processes/procedures, control of customer numbers etc)

In the spirit of the licensing guidance, I would request that the applicant address this Authorities concerns, particularly the use of the outside rear flat roof area, in writing.

Should you wish to negotiate these matters, or require assistance in drawing up usable License conditions, please contact this Authority.

I look forward to your response concerning this matter.

Yours Sincerely

Mr Steve Blake
EHO
Environmental Health & Licensing
Telephone:
Email: stephen.blake@brentwood.gov.uk

CC

Licensing Authority
Brentwood Borough Council

Mr Steve Blake EHO
Environmental Health & Licensing
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, Essex
CM15 8AY

Our Ref: dd/lb/MEL2-2

Your Ref: 18/00021/LAPRE

11th June 2018

Email: stephen.blake@brentwood.gov.uk

Dear Mr Blake,

**Re: Licensing Act 2003 – Application for a New Premises Licence
First Floor, 40 High Street, Brentwood, Essex CM14 4HA**

Please find enclosed herewith a letter sent to David Leonard. I have enclosed it as a point of reference so as to save duplication.

However, to clarify the particular points raised we will say the following.

1. There is no intention to install a lobby at this time, however in the future should one be required we will consider it.
2. Our client does not intend to propose a noise limiter however our client would not be disagreeable to installation should the need arise.
3. Our client will be installing CCTV and normal alarm systems. Details of which would not normally be enclosed in an application, other than an indication that CCTV would be provide, and the premises is secured by an alarm. Our client's installation of the alarm, locks and CCTV will be in accordance with British Standards and European Standards.
4. In relation to the management arrangements, they will continue in accordance with the current operations of the premises. Door staff will be engaged. Staff will be employed and trained. Our clients will be working with the responsible authorities should any matters arise. As you will be aware, there was a licensing review which was rejected on the grounds that there was no public nuisance. The only complaint that has ever arisen has related to the flats immediately above the licensed premises which are now in and under our client's control. It is only intended to use those flats for those for persons who either work night shift, cannot be disturbed by the premises below, i.e. workers etc, notwithstanding the letting of those dwellings will not be a matter covered by the Licensing Act.

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX
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W: www.dadds.co.uk DX: 32202 BILLERICAY

Page 53




5. In relation to the outside rear flat roof area, as reiterated before there will be no licensable activities carried on. This area will be used for smoking and the consumption of alcohol. As we have indicated previously, our client would rather have the three flats not occupied so that the external area can be used. It is likely that the flats will be used by workers or persons that work nights, so therefore they are not troubled by external use. Furthermore, there are no neighbouring residents that in our opinion could be troubled by the use and, notwithstanding that, if the outside area was not used then customers would go to the front and use the front high street to smoke. As has been indicated previously by other responsible authorities, they would prefer that our client had their own designated area, i.e. the roof terrace area.

As reiterated to the police service and to yourself previously, our client will work with you to promote the licensing objectives. Are there any conditions which you wish to suggest? Our client will consider them accordingly.

We believe we have addressed all your concerns in the operating schedule as set out in the application. If there is any further information we can assist you with, please do not hesitate to ask.

Yours faithfully


Dadds LLP
Enc



**BRENTWOOD
BOROUGH COUNCIL**

Date: 12th June 2018

Our Reference:

License Ref.: 18/00021/LAPRE

Dadds LLP Solicitors
Crescent House
51 High Street
Billericay
Essex
CM12 9AX

Dear Mr Dadds,

Application for a New Premises License plus current Premises License

**Brentwood Snooker Club trading as The Sports Lounge, First Floor, 40 High Street, Brentwood, Essex,
CM14 4AJ**

I refer to the above application received on 14th May 2018 by the Pollution Team of the Council.

Further to the above application I confirm that Environmental Health authority have several concerns.

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 it is Environmental Health's opinion as a Responsible Authority that having regulated entertainment will cause Public Nuisance in the localised area unless precautions are carried out, as indicated below.

I am aware of the Police recommended conditions relating to this Application and confirm that Environmental Health supports the applicant's commitment to not install or use any speakers on the rear terrace area.

The Prevention of Public Nuisance

Details of the following matters are required and have not, as yet, been agreed to:

- In order to restrict and control excessive noise breakout from the rear door 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. Any windows associated with these doors must be double glazed.



- There are nearby residential flats opposite 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 when regulated entertainment is taking place.
- 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.
- 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 drinks are to be consumed on the rear terrace area after 23:00hrs
- No tables and chairs are to be made available on the rear terrace area after 23:00hrs
- The rear Terrace area will be monitored by a responsible member of staff and where excessive noise is produced, appropriate action will be taken.
- Supervisory control is to be arranged for the terrace area to ensure that the earlier controls relating to the terrace area are carried out
- The sound system must be able to independently control the music levels on the dance floor and perimeter areas and will incorporate graphic equalizers to control the frequency content of the music.
- Integral noise limiters will be incorporated into the sound system to control noise levels within the venue and shall be set at a level agreed with the Environmental Health authority.

However, if the licensee can demonstrate noise control measures that would satisfactorily control noise breakout from the premises to the Environmental Health authority, this would be acceptable.



It is this authority's opinion that the licensable premises are not suitable for Regulated entertainment should the above flats be occupied. If occupied, it is this authorities opinion that a Public Nuisance will occur.

To obviate this, the Environmental Health authority will require an undertaking from the owner of the premises to confirm that these flats will not be offered for accommodation.

Yours Sincerely

Mr Steve Blake
EHO
Environmental Health & Licensing
Telephone:
Email: stephen.blake@brentwood.gov.uk

CC

Licensing Authority
Brentwood Borough Council

1. CONFIDENTIAL
2. SECRET
3. TOP SECRET

Supplementary report regarding Representation made by Environmental Health 12:06:18:
Application for a New Premises License plus current Premises License Brentwood Snooker Club
trading as The Sports Lounge, First Floor, 40 High Street, Brentwood, Essex, CM14 4AJ

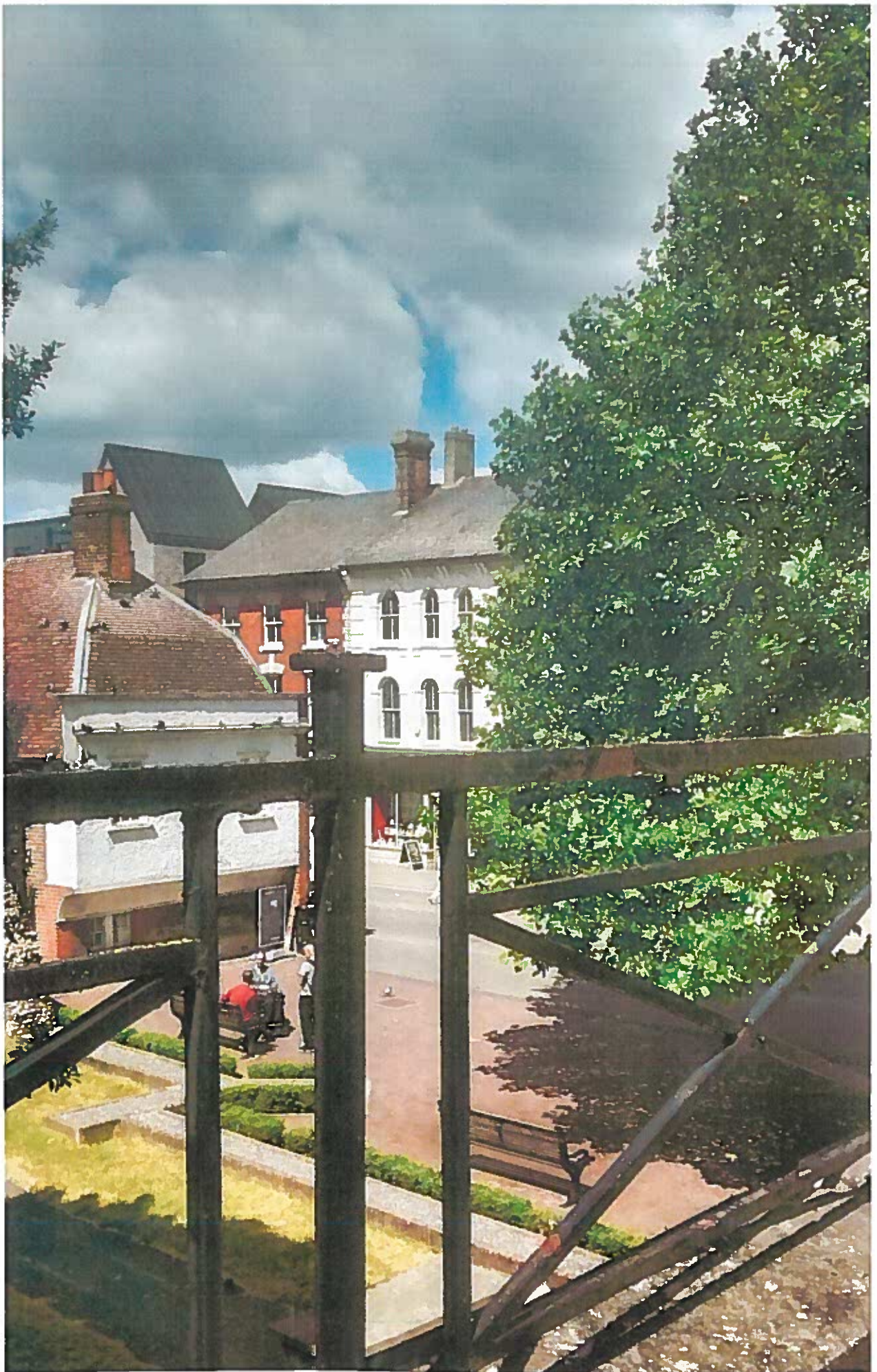
Further to the representation made to the Licensing Authority on the 12th June 2018 regarding the above Application please find attached images and G.I.S. Site Plan which this authority will refer to in order to support its concerns relating to possible noise disturbance to nearby residential properties.

Note the Site Plan also demonstrates 'line of site' between each property and the Licensed premises. Additionally, the distance in metres for each property to the Brentwood Snooker Club is indicated.

S.P.Blake
27:06:2018



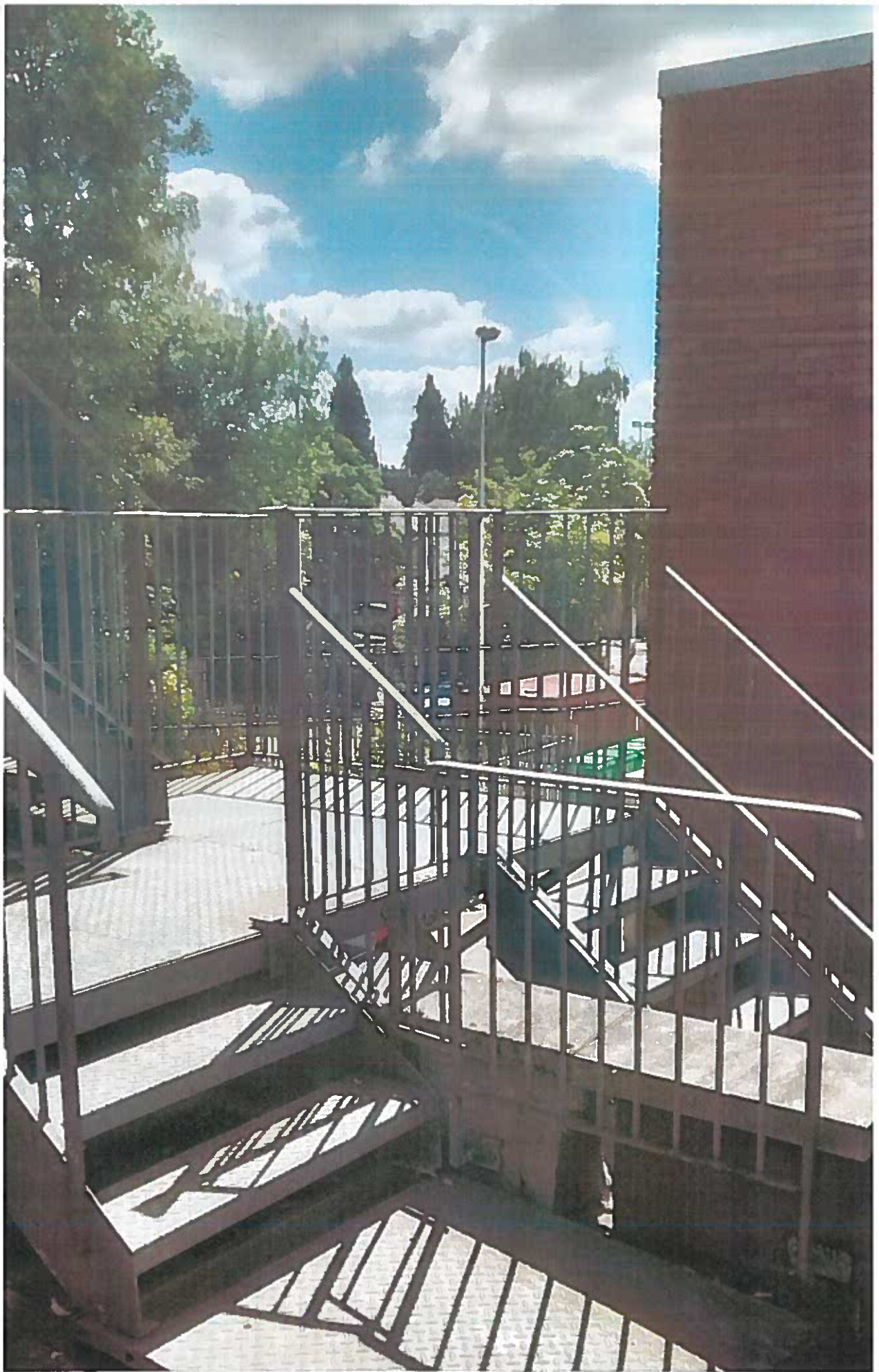
**Photo A: Flats 7 & 13 Hunters Chase, located above
73 High Street, Brentwood**



**Photo B: Flats above 71 and 69 High Street, Brentwood
viewed from 40 High Street rear Terrace**



**Photo C: Flats above 56/57 High Street, Brentwood (access
To flats at rear of Plot 62 immediately opposite 40
High Street, Brentwood**



**Photo D: 55 Alfred Road, Page 62
Barnwood (property located
between the Poplar trees)**

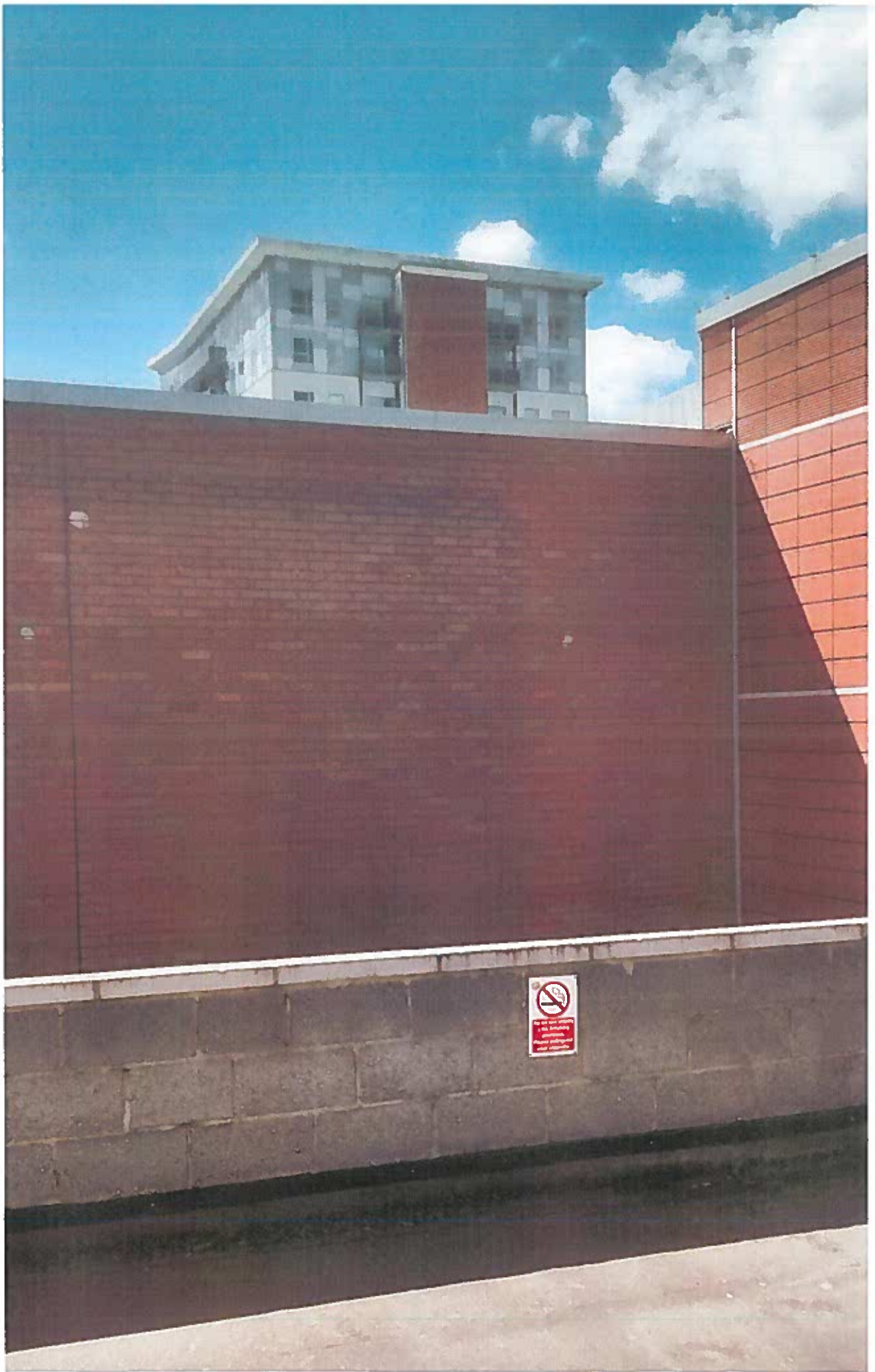


Photo E: Beckett House, Brentwood; 3 uppermost floors facing rear off 40 High Street, Brentwood



Site Plan of 40 High Street, Brentwood and surrounding area



Drawing No. : No.2
 Scale at A4 : 1:1000
 Drawn by : S.P.Blake
 Service : Environmental Health
 Date : 21st June 2018

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

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SPORTS LOUNGE, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ

APPENDIX 4

REPRESENTATION

RESPONSIBLE AUTHORITIES

Dave Leonard

(Brentwood Borough Council Licensing)

26 JULY 2016



**BRENTWOOD
BOROUGH COUNCIL**

Date: 6th June 2018
Our Reference:
License Ref.: 18/00035/LAPRE

Dadds LLP Solicitors
Crescent House
51 High Street
Billericay
Essex
CM12 9AX

Dear Mr Dadds,

Re: The Sports Lounge, 40 High Street, Brentwood CM14 4AJ
Application for a New Premises License plus current Premises License

Further to the above application for the grant of a Premises Licence received on 14th May 2018, I wish to receive clarification of what is intended to take place on the flat roof at the rear of the premises & what measures are being proposed to promote public safety and prevent crime and disorder.

I have maintained that many of the applicant's proposals, with clarification on how suitable address will be made to the promotion of the licensing objectives, may be capable of being supported.

At the meeting on 26th April 2018, we have established that it is the applicant's intention to remove the snooker & pool tables and fixed seating areas and seek to convert the venue into a late night vertical drinking establishment complete with a DJ booth and a proposed 200 capacity. I wish to seek clarification on what the applicant intends to do with the outside area on a flat roof at the rear of the premises.

I note that this latest application, contains more information, but still requires further clarification in relation to the intended used of the rear outside area, particularly as it does not include the first condition on Annex 2 of the current premises licence at The Sports Lounge;

"Except in an emergency, patrons and staff shall use the front entrance of the club only."

The outside area on a flat roof to the rear of the premises is accessible by a solitary fire door. The plan denotes it as an area for smoking and the consumption of alcohol. Neither of these activities are licensable and yet the application asks for the area to be licensed. Opening up the outside area also creates access to the rear of the shops below, and leaving them potentially vulnerable to crime, I understand that the service yard doors were installed to enhance security of the jewellers below.

More importantly, I have serious concerns regarding the safety of customers and staff and the potential public nuisance issues. The flat roof is currently not designed to facilitate the congregation of customers, further details are required as to how customers will be managed to ensure that order is maintained and how persons and particularly objects will be prevented from falling onto members of the public below. Whilst I appreciate that an element of this will be addressed through building regulations and planning controls, there will be further considerations that may need to be addressed through the operation of the premises rather than the actual design.

As for the potential for public nuisance, the premises has previously had its licence Reviewed at a Licensing Sub-Committee Hearing by the Environmental Health Noise Pollution team for having poor acoustic retention, and yet, it is proposed to open up onto an outside roof with no mention of any sound reducing measures such as the installation of a acoustic lobby which, incidentally, other late night drinking establishments in Brentwood High Street have.

To assist with my assessment of this application could you please provide a response to the following points:

1. *What measures are being taken to secure the outside area to safeguard the rear of the shops whilst retaining a safe and effective fire escape?*
2. *I note that the application for the licensable activity of recorded music only relates to indoors. I would like to know if there is any intention to install speakers in that outside area or if there will be the capability to play music whether it be of licensable or background level?*
3. *Is there going to be a limit to the number of people being outside at any one time and, if so, what will it be?*
4. *Will there be a terminal hour for use of the outside area?*
5. *What measures will be taken to manage those outside, and particularly is there any intention to engage door staff for this area?*
6. *Whilst I am sure that a café style roof terrace with tables and chairs may work on a summer's afternoon, I wish to know what activity is taking place in the evening when the venue is catering for a vertical drinking customer base.*
7. *Will this outside area be covered by external CCTV? If so, how many cameras will be installed and where will they be positioned to ensure best coverage?*
8. *As the nature of this premises is changing towards a late night vertical drinking establishment, is there consideration for the use of toughened drinking vessels as condition. Such as, "Only polycarbonate or other plastic type drinking vessels are to be used in the club room on the first floor of the premises. All glass bottles to be decanted, with the exception of champagne. Staff will promptly clear such bottles when empty."*

If the applicant satisfactorily addresses my concerns surrounding the security and safety of the outside area and considers and responds to my proposed conditions relating the use of polycarbonate drinking vessels, I may be minded to support this application.

It is my contention that these issues need to be addressed and, if they cannot be agreed, I will consider making representation and seek to have this application presented before a Licensing Sub-Committee.

If I can be of any further assistance in this matter, please do not hesitate to contact me at the contact details below.

Yours Faithfully,

Dave Leonard

Mr David Leonard
Licensing Officer
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, Essex
CM15 8AY

Our Ref: dd/lb/MEL2-2

Your Ref: 18/00035/LAPRE

11th June 2018

Email: dave.leonard@brentwood.gov.uk

Dear Mr Leonard,

**Re: Licensing Act 2003 – Application for a New Premises Licence
First Floor, 40 High Street, Brentwood, Essex CM14 4HA**

We write with reference to the above and further to your letter of the 6th June 2018.

For the avoidance of doubt there will be no licensable activities on the external area of the premises as indicated on the plan. The area will be used for smoking and consumption only. It is our client's intention not to have any regulated entertainment or licensable activities in this external roof area.

Under the Licensing Act it is required to note on the plan the areas where consumption of alcohol is to take place and this is duly complied with.

In relation to the matters requiring a response we will say the following.

1. The outside area will be secured so that no customers can exit the fire escape area unless they open a fire exit. Based on the information presently before us we have no evidence to indicate that our customers in any way would leave the outside area to commit crime or theft at the local nearby shops. Access to the rear can be gained by other external areas and not just the roof terrace. It would be perverse for someone to enter into a licensed premise that has cameras to then exit into an area to then perhaps burgle or commit crime to the local shops, whereas they could enter the alleyway and the rear of the premises without detection. Perhaps you can provide evidence on what basis you say that our customers may be involved in crime insofar as your representations allude to them breaking into or entering as a trespass and committing crime.
2. There will be no licensable activities and no intention to install speakers outside.
3. The capacity of those persons outside will be subject to a risk assessment and a competent person undertaking that assessment under the Fire Safety Orders.
Based on the information presently before us our client intends to limit the area to no more than 50 persons although it is likely to only be occupied by a lesser sum.

Dadds Solicitors

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

Page 73



4. Our client does not intend to have a terminal hour for the outside area.
5. If persons were not smoking they would exit via the front door and smoke outside on the public highway. At our meeting on the 26th April 2018 it was indicated by others that this was a preferable option rather than have our customers standing on the public highway, but to be in their own area upstairs appropriately supervised.
6. Our client is intending to provide tables and chairs for seating outside but this roof terrace area is no different to other external areas in pubs or bars in the High Street. Some have seating and some don't.
7. The external area will be covered by CCTV. Our client is happy to seek any reasonable recommendations by the police service; however, our client will be engaging a competent CCTV provider in ensuring the area is covered adequately so as to capture what takes place in the outside external area.
8. Our client intends to use polycarbonate and/or toughened glass. It is not our intention to decanter beer bottles. There are many licensed premises up and down the High Street that do not. Our premises have not done so in the past either under the licence or under a temporary event. Of course, we are happy to keep this under assessment.

In relation to the observation generally, our client will be consulting with a structural engineer regarding the use of the outside area. It is already accessible by exiting the premises. Such use would not be carried out until the appropriate consents and surveys are completed. However, this does not prevent our client seeking permission for the area to be used in accordance with its licensed premises.

Our client wishes to promote the licensing objectives. As you will be aware they have acquired all three flats above and this negates the concern raised by yourself regarding public nuisance.

As you are also aware, the review was undertaken previously which related to a private nuisance and not public. Our client wishes to work with you and the other responsible authorities to promote the licensing objectives. If there are any reasonable conditions you wish to propose, our client will be happy to consider such. Following our meeting on the 26th April 2018 it is our understanding you may consider suggesting conditions and we look forward to hearing from you should the need arise.

Hopefully we have now addressed your concerns by the introduction of the additional steps proposed in the application.

If we can assist you further please do not hesitate to ask.

Yours faithfully


Dadds LLP



Date: 12th June 2018
Our Reference:
License Ref.: 18/00035/LAPRE

Dadds LLP Solicitors
Crescent House
51 High Street
Billericay
Essex
CM12 9AX

Dear Mr Dadds,

Re: The Sports Lounge, 40 High Street, Brentwood CM14 4AJ
Application for a New Premises License - Licensing Representation

Thank you for your response to my e-mail dated 6th June 2018.

I am also aware of your response to Steve Blake relating to noise nuisance. At this stage, I share the Environmental Health Department's concerns around the need for conditions to be attached to the premises licence in order to promote the prevention of public nuisance objective and support their representation to this effect and would also seek the conditions they are requesting.

In addition, I still feel that there is insufficient information with regards to public safety in the outside area and the protection offered by the screen surround. Whilst I accept that the protection of persons falling from a height is likely to be controlled by both Planning and Building regulations approval, and the condition that you have already offered ensuring that the barrier is at least 2m high. I still feel that further information is required to satisfy the licensing objective or public safety, around the management of the area, particularly around a policy around the frequency of glass and bottle collecting; how items such as cigarette butts glasses, bottles etc. are prevented from being knocked or thrown over the edge that is above the pedestrian walkway; and what measures will be in place to supervise the outside area which will address my public safety concerns.

You have advised that you will be installing CCTV externally, but the threat of conflict in the smoking area, as with all the other High Street late night drinking establishments, needs to be supervised and controlled, ideally by SIA registered door supervisors. CCTV will only ever provide reactive assistance to a subsequent enquiry. It does not necessarily pro-actively deter incidents from occurring.

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A similar situation was addressed at a former local nightclub with roof terrace with the following condition: ***"The external area will be monitored by a responsible member of staff and where excessive noise is produced, appropriate action will be taken."***

I would be seeking for conditions to be attached to the licence to ensure that these matters are addressed.

A café style roof terrace with tables and chairs may work on a summer's afternoon but the venue will now be catering for a vertical drinking customer base in the evening also. It is on this basis I would support the condition proposed by Environmental Health regarding this area only being used as a smoking area, with customers standing only and without being allowed to take drinks outside after 11.00pm. not only for noise but you may be aware that it is Brentwood Borough Council's Policy on pavement permits, limits the use of tables and chairs outside to 2200hrs for safety reasons. I accept that a pavement permit is not required for tables and chairs at this venue, but the safety concerns remain if they are capable of being removed.

I note that "a plan of the premises identifying the location and direction of CCTV coverage shall be served on Essex Police and the Licensing Authority each time it is altered." I would prefer: ***"a plan of the premises identifying the location and direction of CCTV coverage shall be served on Essex Police and the Licensing Authority and approved. This procedure will apply on each occasion it is amended."***

And, as this venue will be recognised as a late night vertical drinking establishment, I would like to see a responsible operating schedule that includes the use of toughened drinking vessels with a condition;

"Only polycarbonate or other plastic type drinking vessels are to be used in the club room on the first floor of the premises. All glass bottles to be decanted, with the exception of champagne. Staff will promptly clear such bottles when empty."

At this point, I make representation against this application as it is my contention that the applicant has not satisfactorily addressed the promotion of the licensing objectives in relation to public safety and public nuisance.

If the applicant satisfactorily addresses my concerns, by the addition of conditions as suggested by Environmental Health and as above, or similar, I am likely to withdraw my representation, if they cannot be agreed, the application may have to be resolved by being presented before a Licensing Sub-Committee.

If I can be of any further assistance in this matter, please do not hesitate to contact me at the contact details below.

Yours Faithfully,

Dave Leonard
Licensing Officer

LICENSING OFFICER'S REPRESENTATION

SUPPORTING DOCUMENTATION

1. *Copy of current Premises Licence (redacted) issued 29th June 2017*
 - *Also includes Summary*
2. *A selection of images to assist with the location and layout*



Premises Licence

Premises Licence Number

PRM_0075

Application Number

17/00042/LAPRE

Date of Issue

29th June 2017

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Sports Lounge
First Floor
40 High Street
Brentwood
Essex
CM14 4AJ**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Indoor Sporting Event
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

Indoor Sporting Event

Monday	11:00 - 03:00
Tuesday	11:00 - 03:00
Wednesday	11:00 - 03:00
Thursday	11:00 - 03:00
Friday	11:00 - 03:00
Saturday	11:00 - 03:00
Sunday	11:00 - 03:00

Sale by Retail of Alcohol

Monday	11:00 - 02:30
Tuesday	11:00 - 02:30
Wednesday	11:00 - 02:30
Thursday	11:00 - 02:30
Friday	11:00 - 02:30
Saturday	11:00 - 02:30
Sunday	11:00 - 02:30

The opening hours of the premises

Monday	11:00 - 03:00
Tuesday	11:00 - 03:00
Wednesday	11:00 - 03:00
Thursday	11:00 - 03:00
Friday	11:00 - 03:00
Saturday	11:00 - 03:00
Sunday	11:00 - 03:00

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

Alcohol is supplied for consumption both on and off the Premise

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

AA Trading Limited
First Floor
40 High Street
Brentwood
Essex
CM14 4AJ

Email Address

ahmet_melin@hotmail.com

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

Company Number

09287224

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

Mr Artan Zefi

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

Personal Licence Number: PSL - BAS/PM 1955
Licensing Authority: Basildon Borough Council

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under this licence
 - a) At a time when there is no designated supervisor in respect of it 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 made under this licence must be made or authorised by a person who holds a personal licence.
- 3 (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.
- 4 (A). 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.

(B).For the purposes of the condition set out in paragraph 1 -
 - (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 where-

$$P = D = (D \times V)$$
 - (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) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

5 (1) The responsible person shall take all reasonable steps to 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).

6 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available

- 7 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."**
- 8 Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:**
- a) Unauthorised access or occupation (eg through door supervision), or**
 - b) Outbreaks of disorder, or**
 - c) Damage**

Annex 2 – Conditions consistent with the Operating Schedule

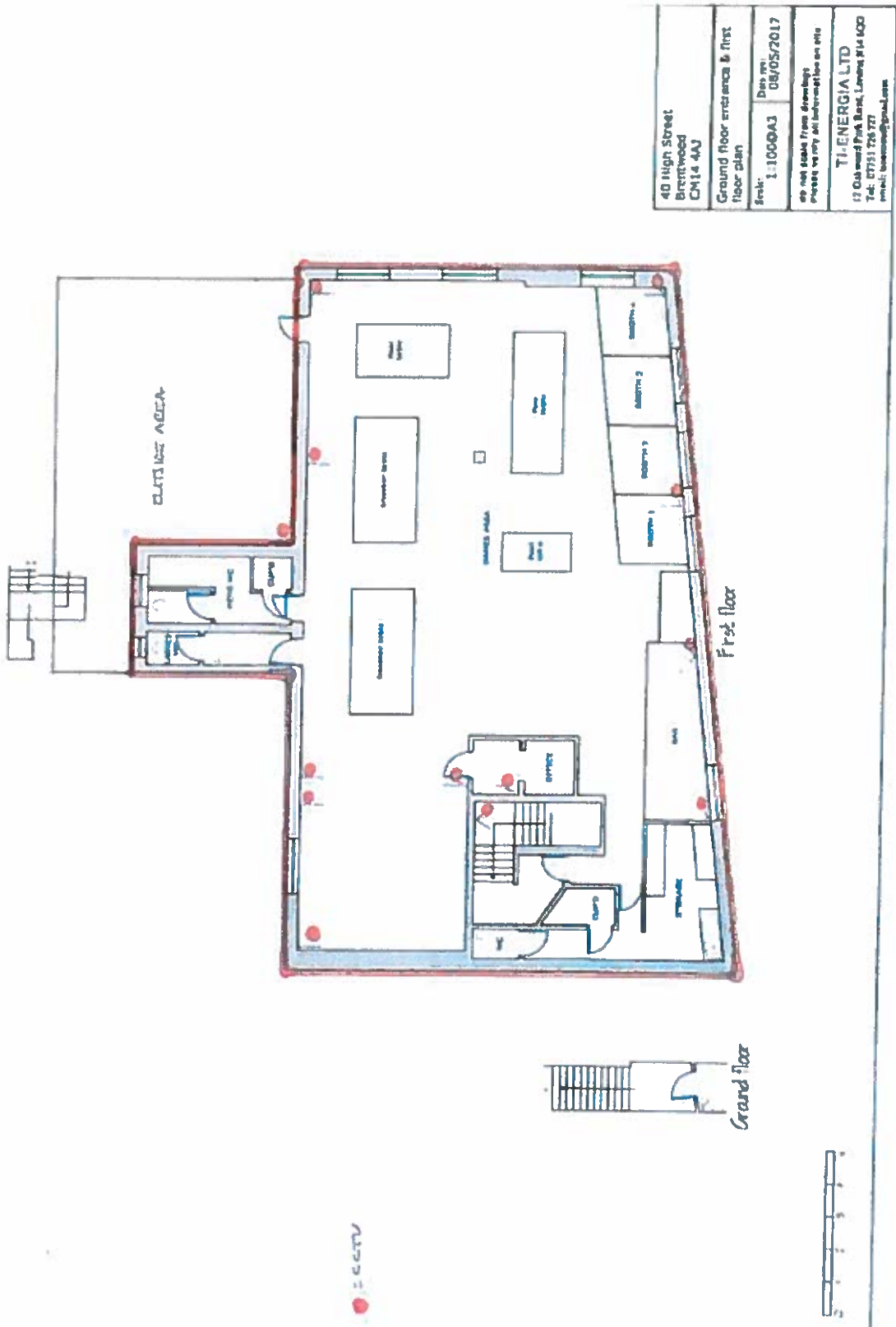
- 1 Except in an emergency, patrons and staff shall use the front entrance of the club only.**
- 2 There shall be no playing of music at the Licensed Premises.**
- 3 The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less the 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.**
- 4 A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Essex Police or other Responsible Authority recent data or footage with the absolute minimum of delay.**
- 5 A plan of the premises identifying the location and direction of CCTV coverage shall be served on Essex Police and the Licensing Authority each time it is altered.**
- 6 The premises will maintain a bound log book for all incidents, accidents and emergencies which shall include the following information; and will be available to Essex Police or other Responsible Authority immediately upon lawful request.**
 - a) All crimes reported to the venue.**
 - b) All ejections of patrons.**
 - c) All refusals of service.**
 - d) Any complaints received.**
 - e) Seizures of drugs or offensive weapons.**
 - f) The full name of any person who has been involved in dealing with any of the above matters.**
- 7 When licensable activities are permitted beyond 00:00, a minimum of 2 SIA registered Door Supervisors shall be deployed from 21:00 and remain on duty until closing time and all customers have left the premises.**
- 8 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.**

- 9 When SIA registered Door Supervisors are on duty random searching of people and their possessions will be carried out.**
- 10 All staff engaged outside the premises shall wear high visibility jackets or vests.**
- 11 The management will operate the Essex Police 'Procedures for the Management of Illicit Drugs in Licensed Premises'**
- 12 Reasonable and adequate staff training to be carried out and properly documented in relation to:
 - a) Dealing with incidents and prevention of crime and disorder.**
 - b) Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.) prior to being allowed to sell alcohol.****
- 13 All training records will be retained for 12 months and made available to Essex Police or other Responsible Authority upon reasonable request.**
- 14 The Premises Licence Holder shall have a Dispersal Policy. A copy of which will be made available to Essex Police and Responsible Authority upon request.**
- 15 No persons shall be allowed to leave the Premises whilst in possession of any drinking glass vessel or open glass bottle whether empty or containing any beverage.**
- 16 Notices shall be prominently displayed at all exits requesting patrons to leave quietly.**
- 17 The premises shall operate a Challenge 25 age verification policy. Any person who appears to be under the age of 25 shall be asked to produce photographic identification to prove they are 18 or over. Failure to produce will result in service being refused. Acceptable forms of photographic identification include:
 - a) Passport,**
 - b) Photo card Driving Licence,**
 - c) Photographic ID bearing the 'PASS' hologram.****
- 18 There shall be no under 18 events held at the premises.**
- 19 Persons under 16 are not permitted on the premises unless supervised by a person over 18.**

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

Annex 4 – Plans

This licence is issued subject to the attached plan dated 08/05/2017 marked **40 High Street, Brentwood CM14 4AJ**



Premises Licence Summary

Premises Licence Number	PRM_0075
Application Number	17/00042/LAPRE
Date of Issue	29th June 2017

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Sports Lounge
First Floor
40 High Street
Brentwood
Essex
CM14 4AJ**

Telephone number

Where the licence is time limited the dates

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**Indoor Sporting Event
Sale by Retail of Alcohol**

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

AA Trading Limited
First Floor
40 High Street
Brentwood
Essex
CM14 4AJ

Email Address

ahmet_melin@hotmail.com

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

Company Number

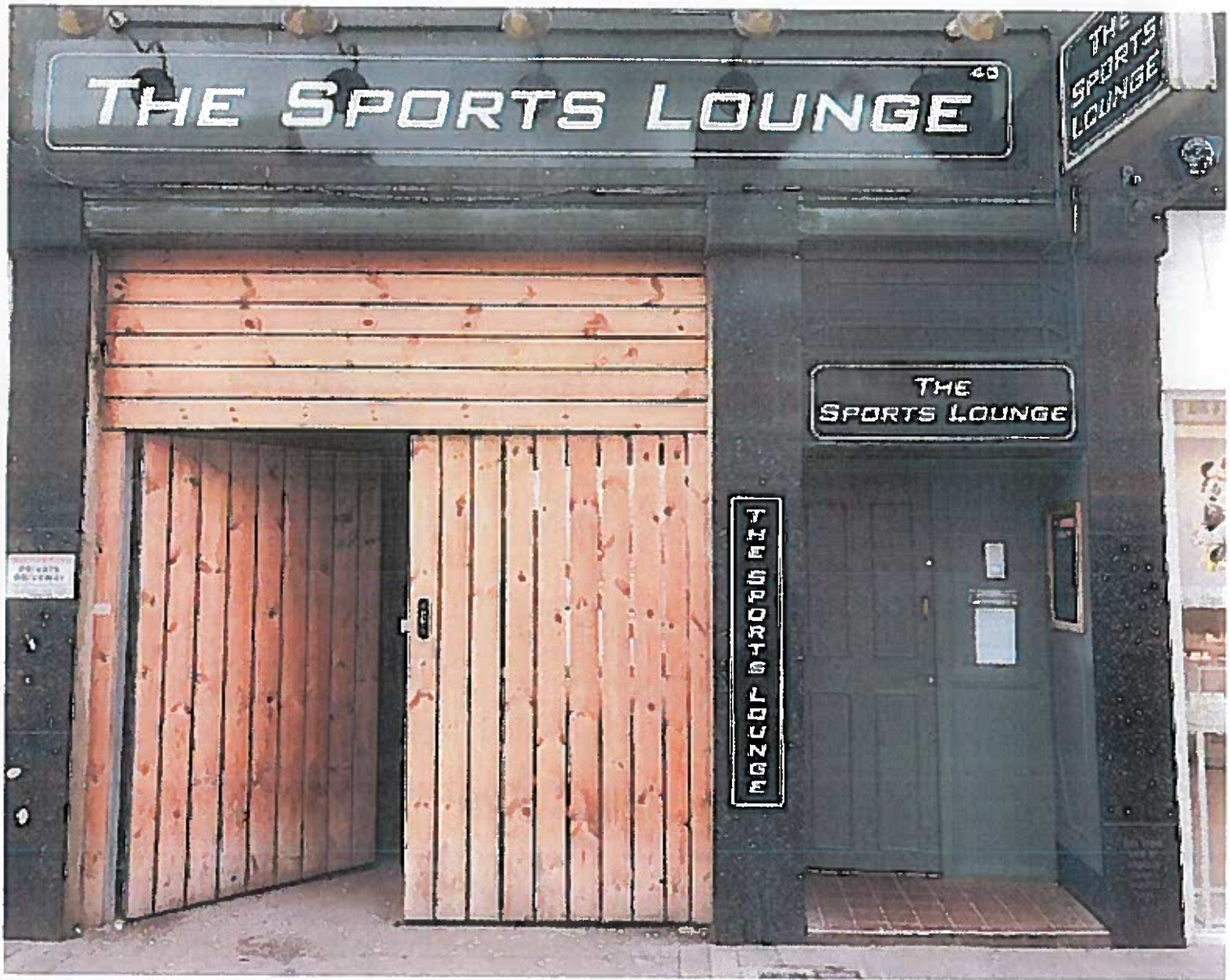
09287224

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Artan Zefi

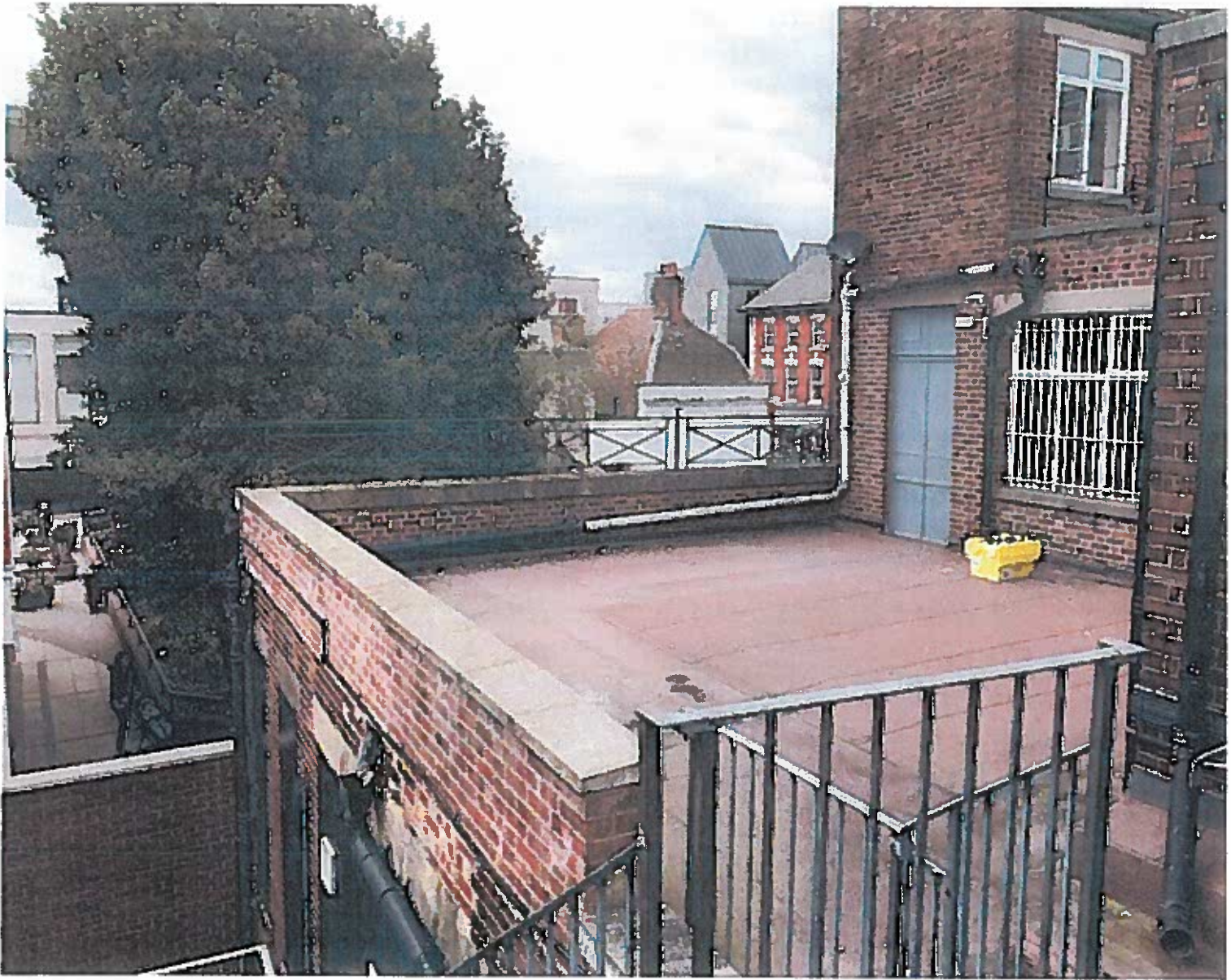
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

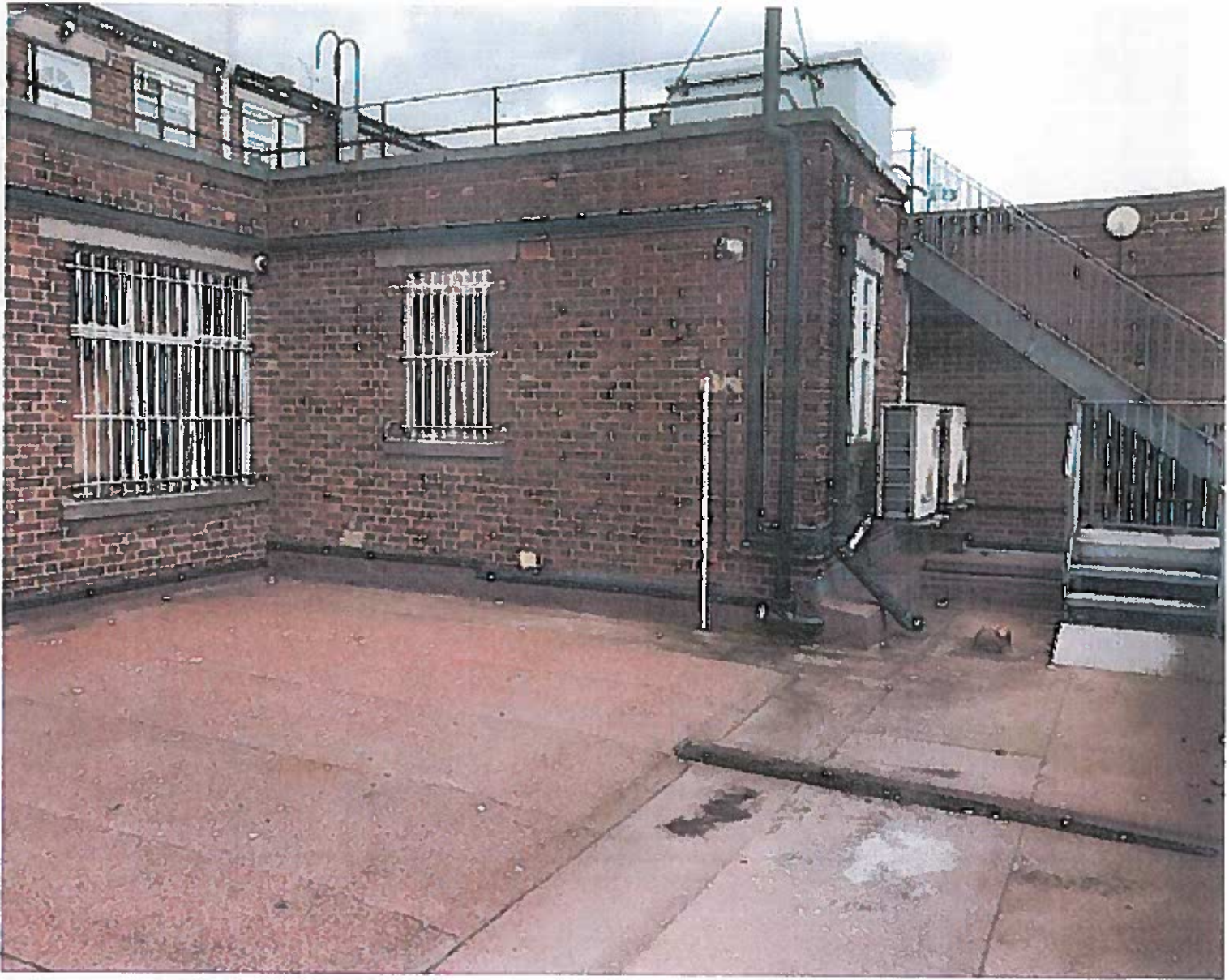
Personal Licence Number: PSL - BAS/PM 1955
Licensing Authority: Basildon Borough Council



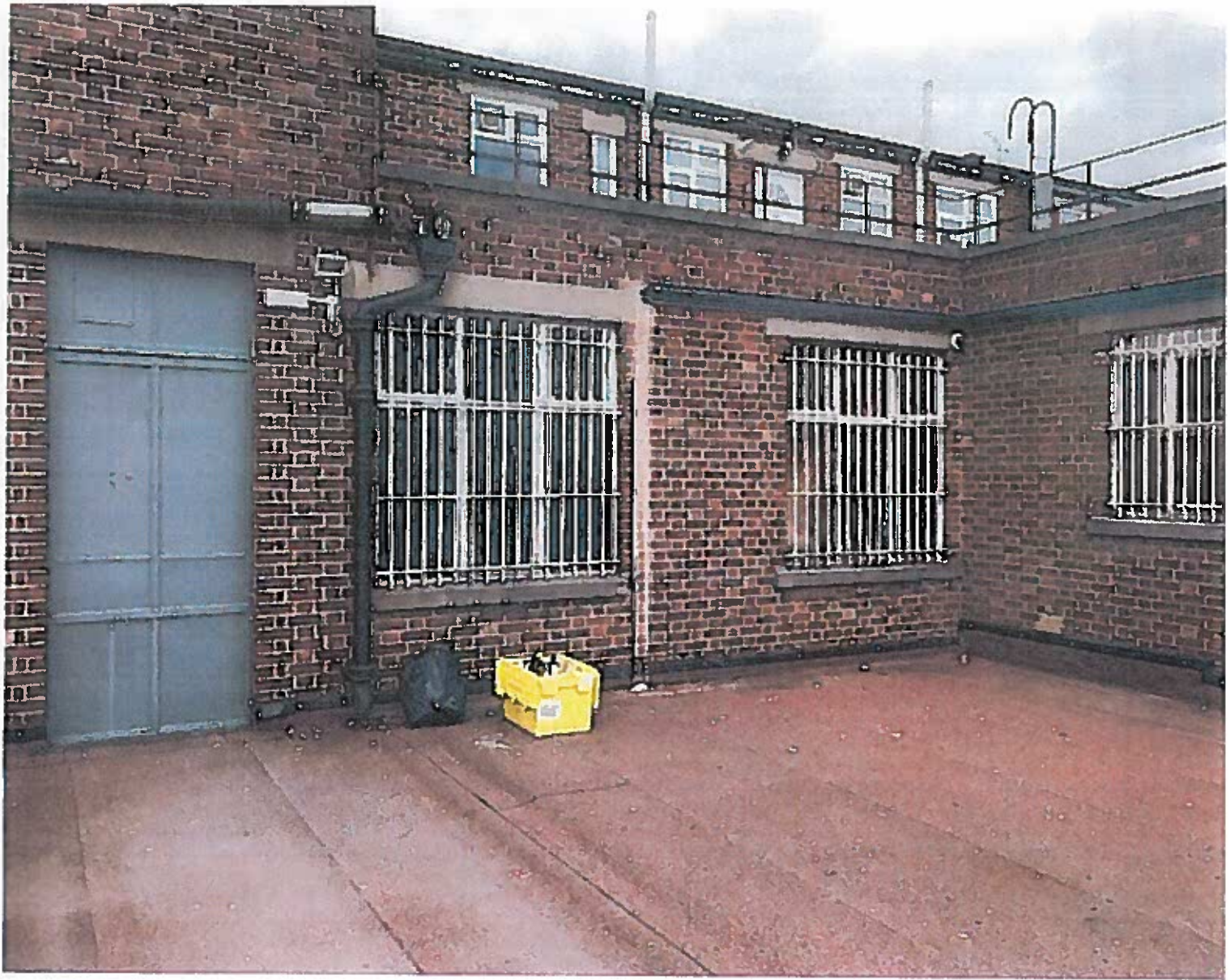














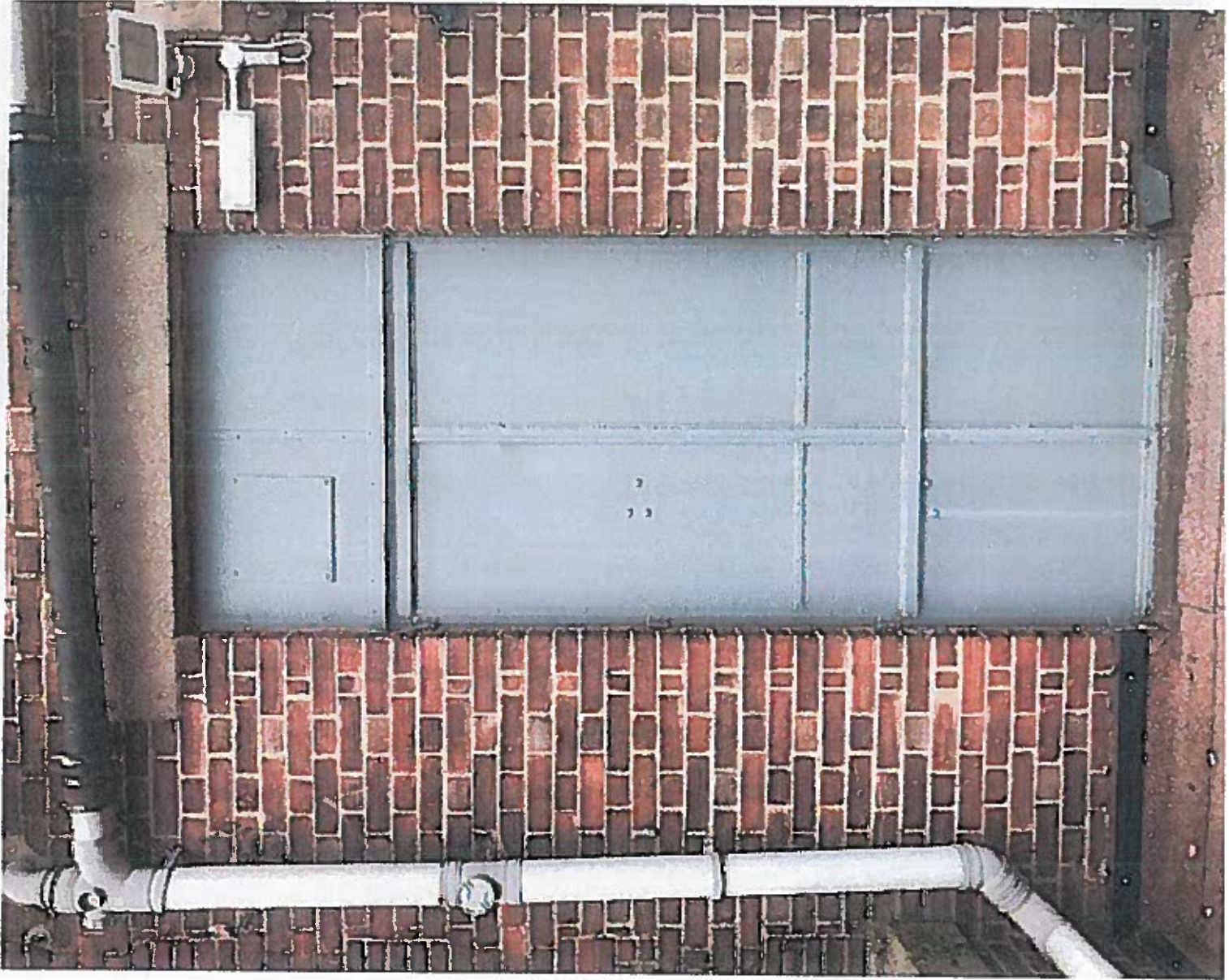


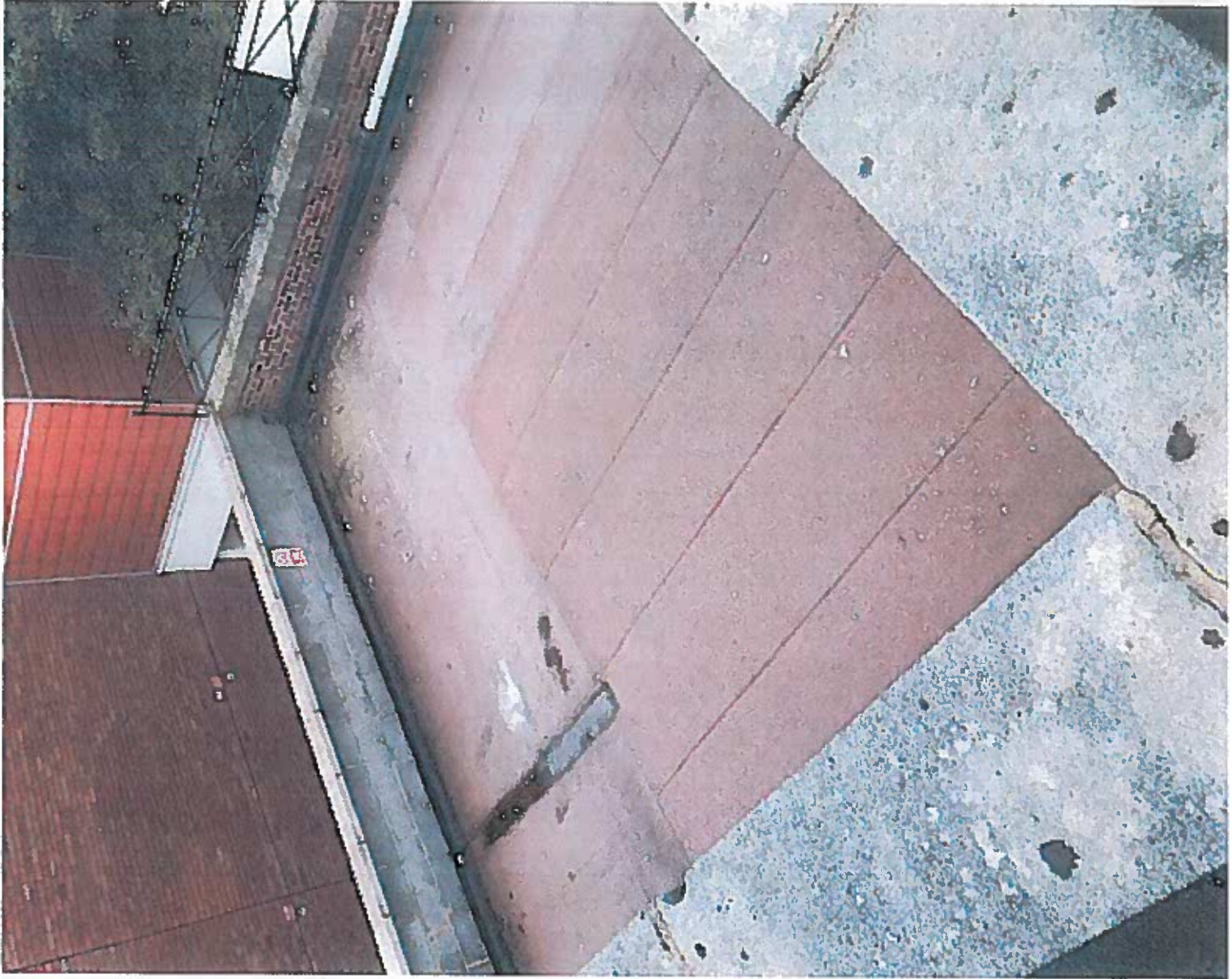




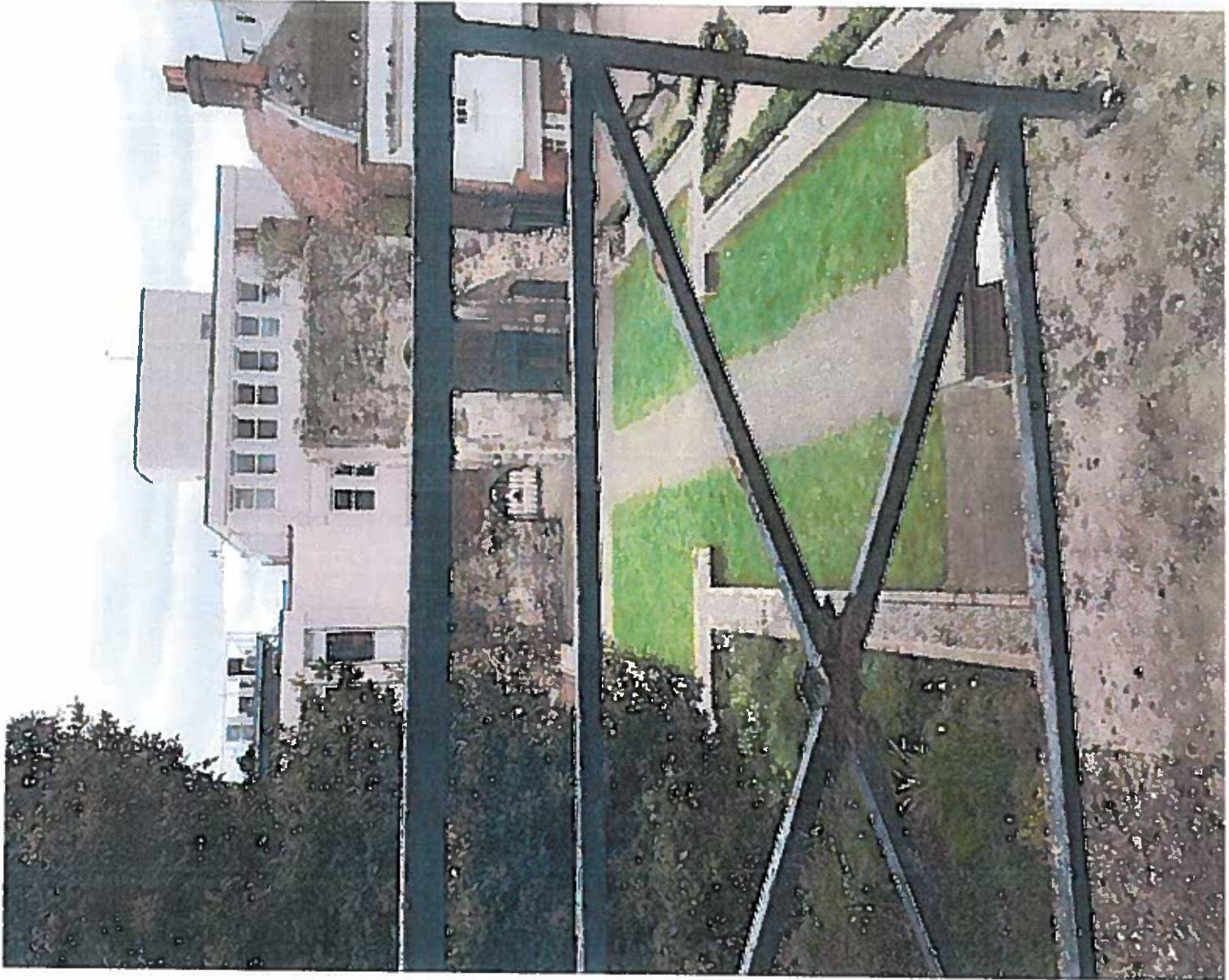












SPORTS LOUNGE, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ

APPENDIX 5

REPRESENTATION

INTERESTED PARTY

Mr Rockall

(Heart of Gold Jewellers Limited)

26 JULY 2016

Dave Leonard

From: info@heartofgoldjeweller.co.uk
Sent: 12 June 2018 09:37
To: Licensing
Subject: Application 1st floor 40 High Street

Follow Up Flag: Follow up
Flag Status: Completed

Ref: 18/00035/LAPRE refers
The Sports Lounge, First Floor, 40 High Street, Brentwood CM14 4AJ

Heart of Gold Jewellers Limited (Mr Rockall)

Re:*The Sports Lounge, First Floor, 40 High Street, Brentwood CM14 4AJ*

With reference to the above we have a number of concern

- 1) Noise during day from music above our retail unit
- 2) The collection of people in and around the High street entrance, using this area as smoking area and affecting the High Street general retail envirovent.
- 3) security concerns relating to outside buildings use by us and the use of rear entrance to neighbour retailers.
- 4) The opening of a rear terrace that would increase noise and people in areas noted in 3
- 5) The disruption and expected rubbish that would be caused by increase in persons using building for long periods and late night.

Overall we feel this would be a negative move for the town and the close proximity of retails with almost a change of use from current useage.

We hope you that our comments on board before your decision is made

Yours

P Rockall
Heart of Gold Jewellers Limited

we can be contacted at 01277 219134



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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.