



Agenda

Licensing Sub-Committee

Tuesday, 28 August 2018 at 2.00 pm

Meeting Room SAR 3, 1-2 Seven Arches Road, Brentwood, CM15 8AY

Membership (Quorum – 3)

Cllrs Chilvers, Haigh and Mrs Pound

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 to vary a Premises Licence - Licensing Act 2003 - PIVAZ, 90B-92A High Street, Brentwood CM14 4AP		5 - 94

P. L. 

Head of Paid Service

Town Hall
Brentwood, Essex
17.08.2018

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

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

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

Private Session

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

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Access

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Evacuation Procedures

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28 August 2018

Licensing and Appeals Committee

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

PIVAZ, 90B-92A HIGH STREET, BRENTWOOD, CM14 4AP

Report of: Maria Williams – Licensing Officer

Wards Affected: Brentwood South & North

This report is: Public

1. Executive Summary

- 1.1 An application has been received to vary a premises licence in respect of **Pivaz, 90B-92A High Street, Brentwood Essex, CM14 4AP**. Five 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 2nd July 2018 from Pivaz Brentwood Ltd. in respect of ***Pivaz, 90B-92A High Street, Brentwood, Essex, CM14 4AP.*** A copy of the application is attached at ***Appendix 1.***

4.2 This premise is currently a restaurant specialising in Mediterranean cuisine on a ground and first floor situated in Brentwood High Street, and it is currently

licensed for the Sale by Retail of Alcohol & Late Night Refreshment. A copy of the premises licence together with OS street maps and images to better identify the location are attached at **Appendix 2**.

4.3 The applicant seeks amend Annex 3 condition to:

“All sales of alcohol on the ground floor shall be sold ancillary to table meals, such meals being prepared on the premises and consumed at a table.”

The current premises licence Annex 3 condition reads:

“All sales of alcohol shall be made ancillary to a table meal service, such meals being prepared on the premises and consumed at a table. The holding areas which shall be restricted to 20 persons at any one time.”

4.4 There have been 5 valid representations received from three Responsible Authorities and two interested parties.

4.5 The first representation is from the Essex Police Licensing Officer who has concerns that the amendment of the wording of the condition would allow the premises to operate in an entirely different manner without the control measures that other such vertical drinking High Street establishments would be required to conform to. This increases the likelihood for alcohol related crime & disorder and public nuisance. A copy of the full representation is attached at **Appendix 3**.

4.6 The second representation is from the Environmental Health Officer, who states that the applicant has not taken sufficient measures to control noise break out from the premises with no acoustic reduction measures being proposed. There are nearby residential flats and there is a real potential for public nuisance if these concerns are not satisfactorily addressed. A copy of the full representation is attached at **Appendix 3**.

4.7 The third representation is from the Licensing Authority supporting the potential crime and disorder and public nuisance concerns of both the Police and the Environmental Health Officers. Reference is also drawn to the decision-making process of the Sub-Committee when granting the licence in 2016. A copy of the full representation is attached at **Appendix 3**.

4.8 The fourth representation is from an interested party, Mr Bryan Atkins, the owner and resident of 94A, a first-floor flat abutting the very area that the applicant is seeking to amend his business operation. Mr Atkins fears that the increased

activity and noise nuisance will affect his quality of life.
A copy of the full representation is attached at **Appendix 4**.

- 4.9 A representation has also been received by Mr David Dadds on behalf of two local interested parties, Ms Kate Gregori and Mr John English, who have concerns that the premises is going to 'morph' into a late night bar that will in turn lead to an undermining of the four licensing objectives. A copy of the full representation is attached at **Appendix 5**.

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 2.21 (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 - Premises Licence, OS street maps & images
- Appendix 3 - Representations from Responsible Authorities;
Essex Police Licensing (Jones)
- Representation from Environmental Health (Blake)
- Representation from Licensing Authority (Leonard)
- Appendix 4 - Representation from Interested Party (Mr. Bryan Atkins)
- Appendix 5 - Representation from David Dadds
(on behalf of Ms Kate Gregori & Mr John English)

Report Author Contact Details:

Name: Maria Williams

Telephone: 01277 312642

E-mail: maria.williams@brentwood.gov.uk

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PIVAZ RESTAURANT, 90B-92A HIGH ST BRENTWOOD CM14 4AP

APPENDIX 1

APPLICATION FORM

28 AUGUST 2018

Application to Vary a Premises Licence under the Licensing Act 2003

CONSUMED 30/7/18

Reference: VPrL80316372

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

Before completing this form, please read the guidance notes:

[Application to Vary a Premises Licence Guidance Notes](#)

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

Cost of Licence

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

What is the Non-domestic rateable value of the premises?: 87001-125000

Cost of licence: £450.00

I/We, Pivaz Brentwood Limited, being the premises licence holder, apply for to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 - Premises Details

Premises Address

Flat number (if any)

House number/name 90B and 92A

Road name High Street

Town Brentwood

County Essex

Post code cm14 4ap

Daytime contact telephone number (if any):

Premises email address (optional):

Applicant Address

Flat number (if any)

House number/name 90B and 92A

Road name High Street

Town Brentwood

County Essex

Post code cm14 4ap

Daytime contact telephone number: 01277821152

Applicant email address:

Part 2 - Variation

Do you want the proposed variation to have effect as soon as possible?: Yes

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

Please describe briefly the nature of the proposed variation (please see guidance note 1):

Amend Annex 3 condition to : All sales of alcohol on the ground floor shall be sold ancillary to table meals, such meals being prepared on the premises and consumed at a table.

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

Part 3 - Operating Schedule

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

Provision of regulated entertainment for:

Provision of late night refreshment:

Supply of alcohol:

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)

Day Start Finish

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)

Day Start Finish

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)

Day Start Finish

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

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

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):

d) Box 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)

Day Start Finish

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 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):

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 playing recorded music (please read guidance note 4):

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

g) Performance of Dance

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

Standard Days and Timings (please read guidance note 6)

Day Start Finish

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

State any seasonal variations for the performance of dance (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)

Day Start Finish

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

Standard Days and Timings (please read guidance note 6)

Day Start Finish

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 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 supply of alcohol be for consumption on the premises or off the premises or both? (please read guidance note 7):

Standard Days and Timings (please read guidance note 6)

Day Start Finish

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

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

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):

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

Name:

Address

Flat number (if any)

House number/name

Road name

Town

County

Post code

Personal Licence Number (if known):

Issuing Licence Authority (if known):

(I) Hours premises are open to public

Standard Days and Timings (please read guidance note 6)

Day Start Finish

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

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

N/a

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

N/a

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

N/a

Alternatively, this 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.

If you are not able to provide the premises licence or relevant part of the premises licence, please state the reason why:

(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):

N/a

(o) Promoting Licensing Objectives

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

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

N/a

b) The prevention of crime and disorder:

N/a

c) Public safety:

N/a

d) The prevention of public nuisance:

N/a

e) The protection of children from harm:

N/a

Declaration

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 to Vary](#)

I have attached the premises licence or relevant part of it or an explanation: 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, liable on summary conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application

Part 4 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) 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: Matt Lauezzari

Date: 02/07/2018

Capacity: Licensing Agent

Where the premises licence is jointly held, 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:

Date: 02/07/2018

Capacity:

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

Correspondence Name:

Correspondence Address

Flat number (if any) 2 Limes Court
House number/name Sound Licensing
Road name Limes Road
Town Cheshunt
County Herts
Post code EN8 3JE

Telephone number: 020 7096 1555

Mobile telephone number: 07536088512

Email address: enquiries@soundlicensing.co.uk

PIVAZ RESTAURANT, 90B-92A HIGH ST BRENTWOOD CM14 4AP

APPENDIX 2

Premises Licence

OS Map & Images

28 AUGUST 2018

Premises Licence

Premises Licence Number

PRM_525

Application Number

17/00063/LAPRE

Date of Issue

22nd August 2017

Part 1 – Premises Details

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

**Pivaz
90B-92A High Street
Brentwood
Essex
CM14 4AP**

Telephone number

01277 821152

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Provision of Late Night Refreshments
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

Provision of Late Night Refreshments

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 01:00
Friday	23:00 - 01:00
Saturday	23:00 - 01:00
Sunday	23:00 - 01:00

All days prior to Bank Holiday licensed until 01:00.

New Year's Eve licensed until terminal hour on the following day.

New Year's Day licensed until 01:00

Sale by Retail of Alcohol

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

**All days prior to Bank Holiday licensed until 01:00.
New Year's Eve licensed until terminal hour on the following day.
New Year's Day licensed until 01:00**

The opening hours of the premises

Monday	07:00 - 01:00
Tuesday	07:00 - 01:00
Wednesday	07:00 - 01:00
Thursday	07:00 - 02:00
Friday	07:00 - 02:00
Saturday	07:00 - 02:00
Sunday	07:00 - 01:00

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:

Pivaz Brentwood Limited
90B-92A High Street
Brentwood
Essex
CM14 4AP

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

Company Number **09915853**

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

Mr Ismail Erdogan
117 Pemberton Road
London
N4 1AY

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: 14897
Licensing Authority: London Borough of Haringey

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 must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— .

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .

(ii) drink as much alcohol as possible (whether within a time limit or otherwise); .

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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,**
- (ii) 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."

Annex 2 – Conditions consistent with the Operating Schedule

- 1 All staff to receive training to ensure their understanding of licence conditions and responsibilities relating to the sale of alcohol, with particular regard to underage sales and provision of alcohol to persons who are drunk. Training records should be retained and made available to the police or any authorized offices of the council.**
- 2 A comprehensive CCTV system should be installed maintained in good working order and operated at all times the premises is open for licensable activity.**
- 3 The CCTV system shall cover both the internal and external areas of the premises, including all entry and exit points in order that it may enable full frontal identification of every person entering in all light conditions.**
- 4 All CCTV recordings must be kept in unedited format for a period of not less than 28 days and able to be time/date stamped (or equivalent). Such recordings must be made available to the police or any authorised offices of the council upon request.**
- 5 At least one member of staff who is fully conversant with the operation of the CCTV system shall be available at all times the premises are open to the public. This staff member must be able to show the police or authorised officer from any other responsible authority any data or footage with the minimum of delay.**
- 6 A clear and legible notice must be displayed outside the premises to indicate the normal hours during which licensable activity is permitted under the terms of this licence.**
- 7 Custom shall not be sought by means of personal solicitation either directly outside or in the vicinity of the premises.**
- 8 A responsible person shall ensure that staff activity engage in asking customers to use the premises in an orderly and respectful manner.**
- 9 The premises shall operate a challenge 25 scheme. No sale of alcohol shall be made to any person appearing to be below the age of 25, unless they are able to produce a recognised photographic identification to prove that they are over 18 (or over 16 as in the case of a sale made under provision of section 149 (s) i.e the sale to a 16 or 17 year old of beer, wine or cider provided that they are accompanied by a person over 18 and is for consumption with a table meal.**
- 10 A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made refusals of sale of alcohol or any incidents at or on the premises. The log book shall be kept available for inspection by any police officer or authorised officer of the council.**

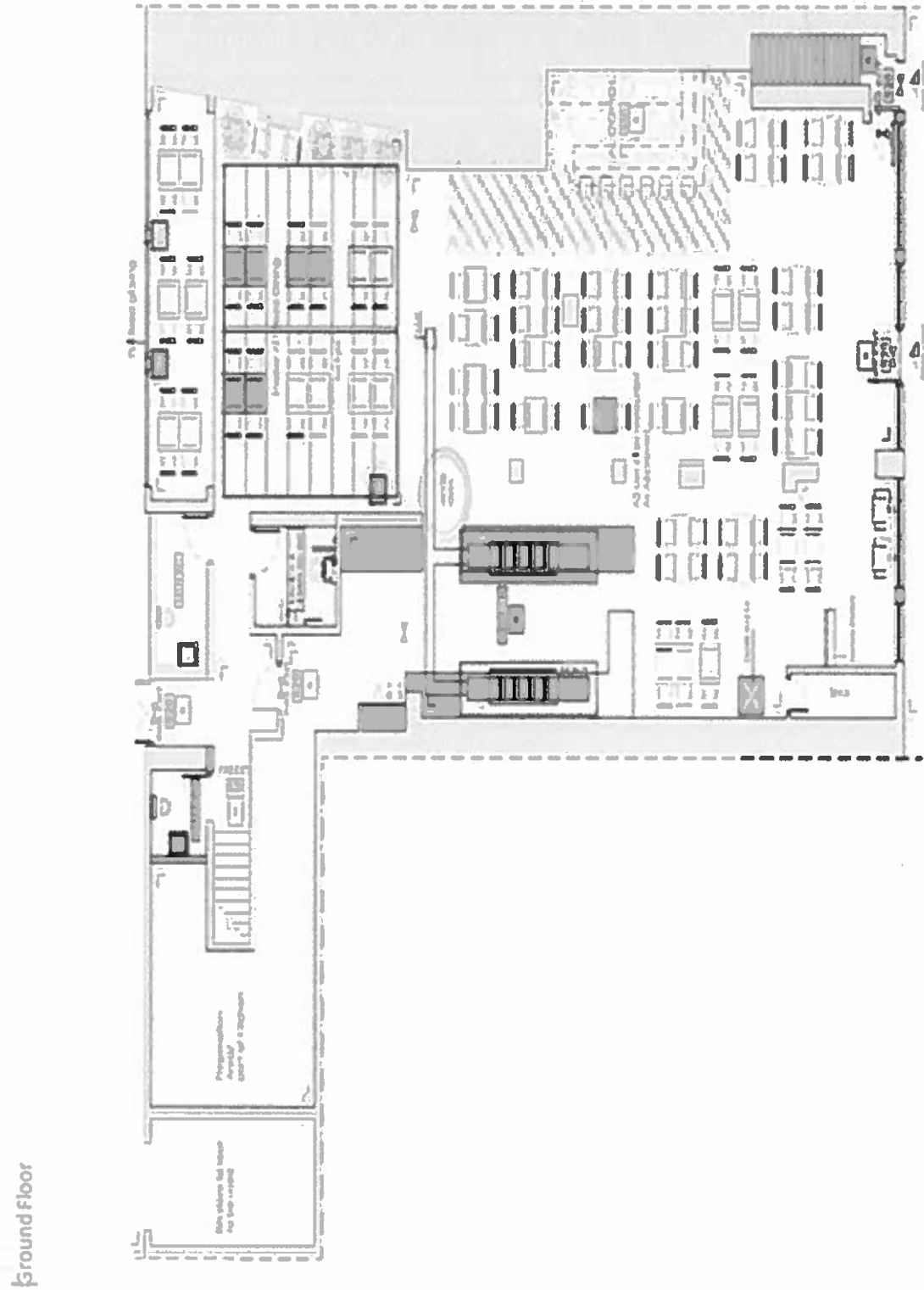
- 11 Prominent clear and legible notices will be displayed at the exit requesting that customers respect the needs of nearby residents and leave the premises and immediate area quietly.**
- 12 Deliveries of goods and stock shall be carried out at such time or in such manner as to prevent nuisance or disturbance to residents.**
- 13 The responsible person shall ensure that staff actively engage in ensuring that customers do not gather in the street immediately o/s of the premises.**
- 14 The movement of bins and rubbish outside of the premises will be kept to a minimum after 21.00 hours.**
- 15 Exterior lighting shall be installed or screened in such a way so as not to cause a disturbance or nuisance to nearby residents.**
- 16 The outside smoking area shall not be used for the consumption of food or drink after 21:30 hrs.**
- 17 No drink or glassware shall be permitted in the outdoor smoking area after 21:30**
- 18 The number of persons using the outdoor smoking area shall be restricted to 35 persons before 21:30 hrs and a maximum of 10 persons after 21:30.**
- 19 The holding area upstairs will be reduced to bar standing/stool area and tables shall have a dining layout similar to the downstairs bar.**
- 20 Barriers around the outside smoking area shall be increased in height to 2.8 metres in order to reduce any impact of noise or disturbance to neighbours.**
- 21 No person shall be permitted to leave the premises with drinks or glassware and patrons will be actively discouraged from standing in my street or outside area other than the smoking area.**
- 22 Use of the smoking area shall be actively managed by staff in order to ensure compliance with all terms and conditions relating to its use.**

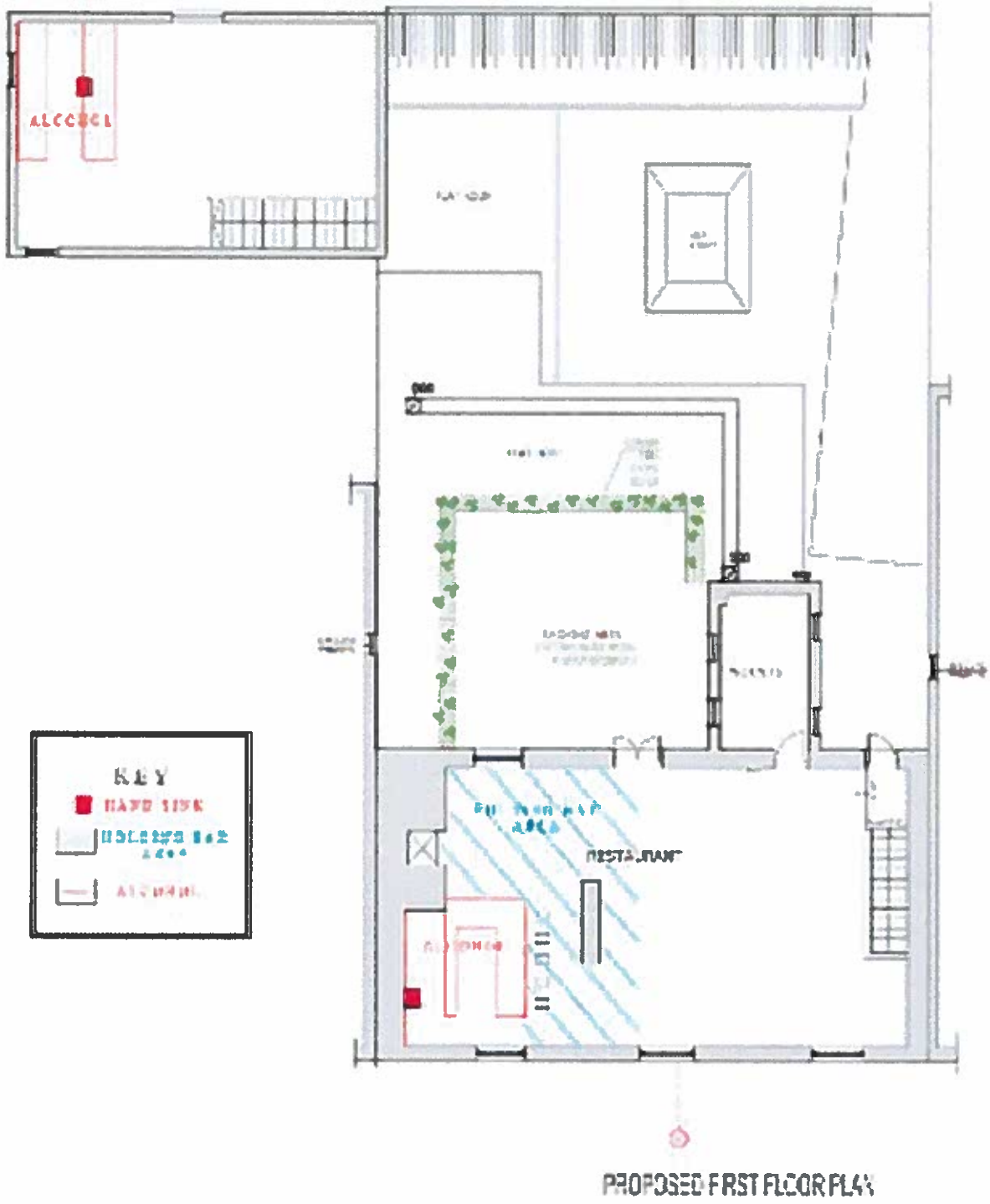
Annex 3 – Conditions attached after a hearing by the licensing authority

- 1 All sales of alcohol shall be made ancillary to a table meal service, such meals being prepared on the premises and consumed at a table. The holding areas which shall be restricted to 20 persons at any one time.**

Annex 4 – Plans

This licence is issued subject to the following attached plans marked Pivaz







**BRENTWOOD
BOROUGH COUNCIL**

Premises Licence Summary

Premises Licence Number	PRM_525
Application Number	17/00063/LAPRE
Date of Issue	22 nd August 2017

Part 1 – Premises Details

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

**Pivaz
90B-92A High Street
Brentwood
Essex
CM14 4AP**

Telephone number
01277 821152

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Provision of Late Night Refreshments
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

Provision of Late Night Refreshments

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 01:00
Friday	23:00 - 01:00
Saturday	23:00 - 01:00
Sunday	23:00 - 01:00

**All days prior to Bank Holiday licensed until 01:00.
New Year's Eve licensed until terminal hour on the following day.
New Year's Day licensed until 01:00**

Sale by Retail of Alcohol

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 01:00
Friday	10:00 - 01:00
Saturday	10:00 - 01:00
Sunday	10:00 - 00:00

**All days prior to Bank Holiday licensed until 01:00.
New Year's Eve licensed until terminal hour on the following day.
New Year's Day licensed until 01:00**

The opening hours of the premises

Monday	07:00 - 01:00
Tuesday	07:00 - 01:00
Wednesday	07:00 - 01:00
Thursday	07:00 - 02:00
Friday	07:00 - 02:00
Saturday	07:00 - 02:00
Sunday	07:00 - 01:00

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

Pivaz Brentwood Limited
90B-92A High Street
Brentwood
Essex
CM14 4AP

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

Company Number **09915853**

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

Mr Ismail Erdogan

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: 14897
Licensing Authority: London Borough of Haringey



90B High Street, Brentwood

Location Map

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

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



90B High Street, Brentwood

Location Map

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



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



90B High Street, Brentwood

Location Map

Drawing No :
 Scale at A4 : 1:500
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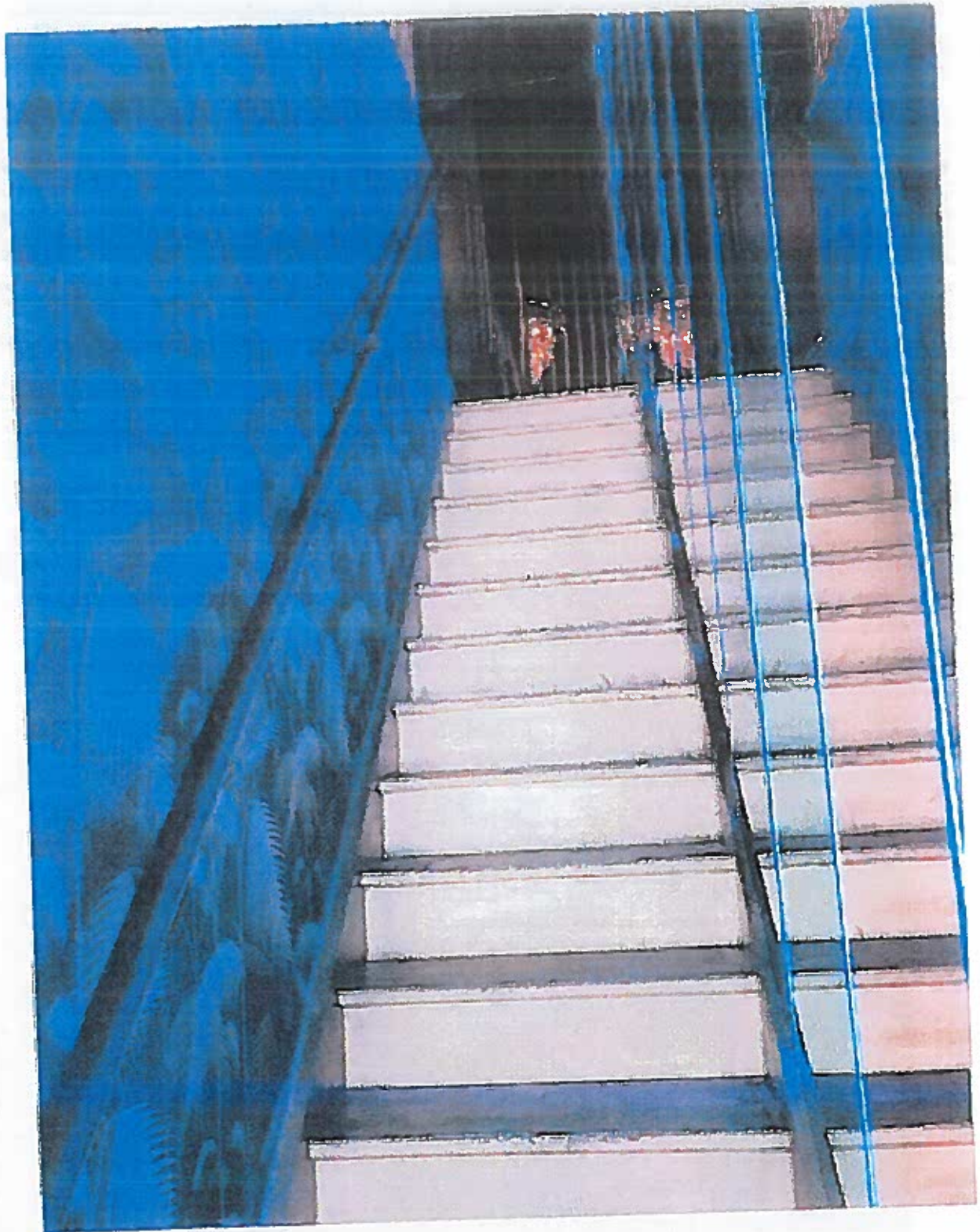












PIVAZ RESTAURANT, 90B-92A HIGH ST BRENTWOOD CM14 4AP

APPENDIX 3

REPRESENTATIONS

Responsible Authorities

Peter Jones – Essex Police Licensing

Stephen Blake – BBC Environmental Health

Dave Leonard – BBC Licensing

28 AUGUST 2018

PIVAZ RESTAURANT, 90B-92A HIGH ST BRENTWOOD CM14 4AP

REPRESENTATION

Responsible Authorities

Peter Jones – Essex Police Licensing

28 AUGUST 2018

Licensing Department
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
CM15 8AY
Police Station



Licensing Department Loughton

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

18 July 2018

Dear Sir / Madam,

In respect of the application to vary the premises licence for Pivaz, High Street, Brentwood; I wish to make the following representation under the licensing objectives of Prevention of Crime & Disorder, Prevention of Public Nuisance and Public Safety.

The premises is in a prominent High Street location with a number of residential and business premises in close proximity. The premises in my opinion operates as a restaurant where table meals are provided and the sale/service of alcohol is ancillary to this.

Amending the wording of the condition would allow the 1st floor of the premises to operate in an entirely different manner and it is the concern of Essex Police that this change enables the premises to have a solely alcohol operation on the first floor, without the control measures that such a premises would require.

An alcohol only establishment increases the likelihood for alcohol related crime, disorder and public nuisance. Furthermore there would be a direct impact on those persons using the ground floor as a restaurant.

With the High Street, already having a high concentration of alcohol only licensed premises in close proximity, and without this condition giving assurance that the premises operates as a 'restaurant'; Essex Police would seek for the variation to *not* be granted; however if it were the attached schedule of amendments to the current conditions are sought.

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

Yours sincerely,

Mr Peter Jones MIOL, MBI
Essex Police Licensing Officer
West LPA

Enc.

Prevention of Crime & Disorder

1. On any occasion where the premises conducts licensable activities past 00:00 hours, at least 3 SIA licensed door supervisors must be on duty from 20:00 hours until at least 30 minutes after the premises closes.
2. Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:
 - i. The day and date when door supervisors were deployed;
 - ii. The name and SIA registration number of each door supervisor on duty at the premises; and
 - iii. The start and finish time of each door supervisor's worked duty period.

This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.
3. When SIA licensed door supervisors are used all persons entering or re-entering the premises shall be searched by a SIA licensed door supervisor for drugs and concealed weapons.

Prominent signs (minimum size 200 x 150 mm) to this effect shall be displayed at all entrances and be legible to prospective patrons whilst the premises is open for licensable activities.
4. During the period in which the premises is open for licensable activities, toilets shall be checked on at least an hourly basis for the purpose:
 - a) of detecting and deterring the use of controlled drugs and psychoactive substances; and
 - b) maintaining public safety.

A record of these checks shall be maintained with the date, time, and condition of the toilets and staff member conducting the check. These records shall be made contemporaneously, retained at the premises for at least 3 months and made available immediately upon demand to police or licensing authority staff.
5. The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy shall specifically include but not be limited to:
 - i. Searching practices upon entry;
 - ii. Dealing with patrons suspected of using drugs on the premises;
 - iii. Scrutiny of spaces including toilets or outside areas;
 - iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
 - v. Staff training regarding identification of suspicious activity and what action to take;
 - vi. The handling of items suspected to be illegal drugs or psychoactive substances
 - vii. Steps taken to discourage and disrupt drug use on the premises
 - viii. Steps to be taken to inform patrons of the premises drug policy/practices

A copy of this policy document shall be lodged with the police and licensing authority.

6. There shall be no events at the premises that are organised, promoted or advertised by an external promoter (i.e. by an individual/organisation not directly related to the management of the premises).

Prevention of Public Nuisance

7. A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:
 - How patrons leaving the premises shall be directed away from the premises;
 - How patrons will be informed of the services of taxi and private hire operators;
 - What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
 - Any 'wind' down periods;
 - Methods to prevent re-entry to the premises;
 - How bottles and glasses will be prevented from being removed from the premises at closing time.
8. Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut at all times when music is being played and/or after 22:00 hours at any other time.
9. After 23:00 no persons shall be re-admitted unless from a designated smoking area.
10. Drinks must only be served in polycarbonate/plastic containers.
11. Customers will not be permitted to remove from the premises any drinks supplied by the premises in open containers.

PIVAZ RESTAURANT, 90B-92A HIGH ST BRENTWOOD CM14 4AP

REPRESENTATION

Responsible Authorities

Stephen Blake – BBC Environmental Health

28 AUGUST 2018

Dave Leonard

From: Stephen Blake
Sent: 24 July 2018 11:14
To: Licensing; Dave Leonard
Cc: David Carter; enquiries@soundlicensing.co.uk
Subject: PIVAZ, 90B-92A HIGH STREET, BRENTWOOD CM14 4AP - APPLICATION FOR A VARIATION TO THE PREMISES LICENCE

Importance: High

Dear Licensing,

I refer to the above application received on 2nd July 2018 by the Environmental Health Authority 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 any amplified musical entertainment in the First Floor room will cause Public Nuisance in the localised area unless precautions are carried out.

The Authorities concerns are as follows:

The Prevention of Public Nuisance

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

- There are nearby residential flats to the First Floor licensed premises/room. 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 amplified music 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 should any amplified music be played in the First Floor room.

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.

In addition to the above, The Environmental Health Authority also recommends that any sound system employed within the First Floor area should be able to be independently controlled regarding any music levels on the dance floor area(s). This system should incorporate graphic equalizers to control the frequency content of the music.

At present, there has been no agreement with the Licensee regarding the above measures.

It is the hope of the Environmental Health Authority that discussion with the Licensee and this Authority will resolve its concern prior to the Committee hearing.

Should you have any queries, please contact me.

Yours Sincerely,

Steve Blake

Stephen Blake Environmental Health Officer
Brentwood Borough Council
Email: Stephen.blake@brentwood.gov.uk Tel. No. 01277 312500

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Dave Leonard

From: Enquiries @ Sound Licensing <enquiries@soundlicensing.co.uk>
Sent: 24 July 2018 13:47
To: Stephen Blake; Licensing; Dave Leonard
Cc: David Carter
Subject: Re: PIVAZ, 90B-92A HIGH STREET, BRENTWOOD CM14 4AP - APPLICATION FOR A VARIATION TO THE PREMISES LICENCE

Follow Up Flag: Follow up
Flag Status: Completed

Dear Stephen,

thank you for your email, I will take instruction from my client and get back to you as soon as possible.

Regards

Matt Lauezzari MIOA MIOI
Principal Consultant



Sound Licensing
Registered in England and Wales. Company No: 07584162
Tel. 020 7096 1555

www.soundlicensing.co.uk
enquiries@soundlicensing.co.uk

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From: Stephen Blake <stephen.blake@brentwood.gov.uk>
Sent: Tuesday, July 24, 2018 11:13:48 AM
To: Licensing; Dave Leonard
Cc: David Carter; Enquiries @ Sound Licensing
Subject: PIVAZ, 90B-92A HIGH STREET, BRENTWOOD CM14 4AP - APPLICATION FOR A VARIATION TO THE PREMISES LICENCE

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At present, there has been no agreement with the Licensee regarding the above measures.

It is the hope of the Environmental Health Authority that discussion with the Licensee and this Authority will resolve its concern prior to the Committee hearing.

Should you have any queries, please contact me.

PIVAZ RESTAURANT, 90B-92A HIGH ST BRENTWOOD CM14 4AP

REPRESENTATION

Responsible Authorities

Dave Leonard – BBC Licensing

28 AUGUST 2018

Dave Leonard

From: Dave Leonard
Sent: 30 July 2018 14:58
To: Enquiries @ Sound Licensing
Cc: Licensing
Subject: RE: 90B & 92A HIGH STREET, BRENTWOOD CM14 4AP - APPLICATION TO VARY A PREMISES LICENCE
Attachments: PIVAZ - Licensing REP 27JUL18.pdf; PIVAZ appln to vary PL 02JUL18 interested party (ATKINS) REP 24JUL18.pdf

Hi Matt,

Please find attached my representation against this application that was completed on Friday afternoon. I have been waiting to attach a public document from our Committee Services department, namely the decision notice from the Licensing Sub-Committee hearing of 29th June 2016, that supports my concerns. I will send a copy of that to you when the date for the Licensing Sub-Committee hearing is set and my office sends out your formal invite.

The Licensing Office has also received a representation from Mr. Bryan Atkins who lives in the flat next door at 94A High Street. I cannot attach the e-mail but have attached a copy of the content for your information. Once again, my office will send out all the information that you require at the earliest opportunity.

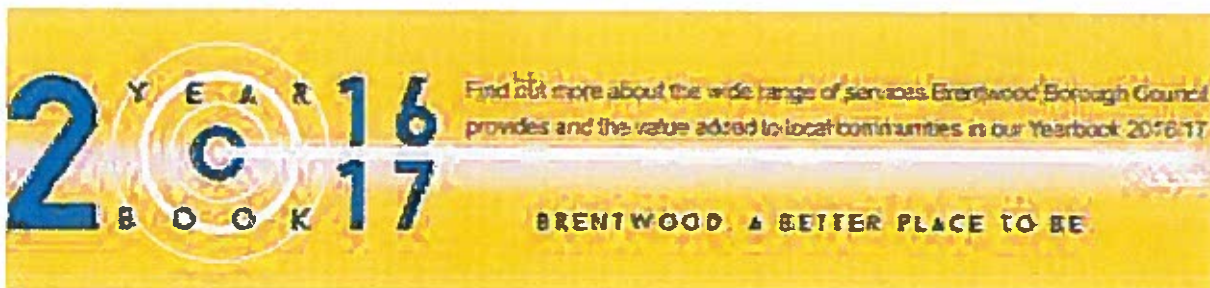
If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523**.

Kind regards,



Dave Leonard | Licensing Officer

T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk



From: Enquiries @ Sound Licensing <enquiries@soundlicensing.co.uk>
Sent: 30 July 2018 14:17
To: Dave Leonard <dave.leonard@brentwood.gov.uk>
Subject: Re: 90B & 92A HIGH STREET, BRENTWOOD CM14 4AP - APPLICATION TO VARY A PREMISES LICENCE

Dear Dave,

to-date we have received representations from the Police and Env Health, have there been any further representations?

Kind regards

Matt Lauezzari MIOA MIOA

Principal Consultant



Sound Licensing Limited, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Sound Licensing

Registered in England and Wales. Company No: 07584162

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Paul Adams
Principal Licensing Officer,
Brentwood Borough Council Depot
The Drive
Warley CM13 3BH

Friday, 27th July 2018

Dear Mr Adams,

PIVAZ, 90B & 92A HIGH STREET, BRENTWOOD CM14 4AP

Application To Vary a Premises Licence

Representation by a Responsible Authority (Licensing)

I wish to make a representation against the Application to Vary a Premises Licence at Pivaz, 90B & 92A High Street, Brentwood CM14 4AP made by Pivaz Brentwood Ltd. I make this representation as a Responsible Authority (Licensing) in my capacity as the Brentwood Borough Council Licensing Officer as permitted by virtue of the Licensing Act 2003 (as amended).

I am aware of a representation to this application submitted by the Essex Police Licensing Officer, Mr Peter Jones, relating to the prevention of crime & disorder, prevention of public nuisance and public safety and I share his concerns around the need for substantive additional conditions to be attached to the premises licence if consideration is going to be given by the Licensing Sub-Committee to granting this proposed variation. I support the police representation to this effect and the conditions they are recommending.

I am also aware of the representation submitted by the Environmental Health Officer, Mr Stephen Blake, relating to the potential for public nuisance. I also share and support Mr Blake's concerns.

Further to this, I was also present at the Licensing Sub-Committee hearing convened on 29th June 2016 to determine the application by the same applicant for a new premises licence at this venue. A representation raised concerns that this business operation, without the appropriate conditions attached, would 'morph' into a late night vertical drinking style bar and away from a restaurant. This representation was rigorously argued by the applicant who stressed that they had no desire to trade as anything other than a specialist restaurant and, with these assurances and the offer of alcohol being supplied ancillary to a table meal being a written condition, the Licensing Sub-Committee readily granted a new premises licence.

I have seen a number of restaurants in Brentwood 'morph' from primarily eating establishments into entertainment venues providing live music and hosting private parties to the detriment of residents living locally. In the past, I have been approached by the next door neighbour, Mr Brian Atkins, regarding matters relating to Pivaz's use of the rear outside flat roof and, again, when a query to re-locate the first floor bar was raised. Mr Atkins' living accommodation is directly next to the first-floor area where the applicant proposes to remove 'restaurant conditions' to a licensed bar. I am aware that Mr Atkins has now submitted a representation and I support his concerns.

The applicant has made no mention of any additional measures they intend to take to address potential noise nuisance of potential private parties or, indeed, a standard bar. The applicant has had the opportunity to host a number of temporary events (TENS) to ascertain if this proposed

venture would be viable with neighbours next door but this does not appear to have been a consideration.

I fully support the concerns raised by Essex Police, The Environmental Health officer & Mr Atkins and make representation against this application on the grounds that it fails to adequately promote the licensing objectives relating to the prevention of crime and disorder and, potentially, to public safety and, as is most likely, the prevention of public nuisance.

It is my contention that these issues need to be addressed and, if they cannot be agreed, the application may have to be determined by being presented before a Licensing Sub-Committee.

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

Yours sincerely,

Dave Leonard

Licensing Officer | Brentwood Borough Council

LICENSING SUB-COMMITTEE HEARING – Wednesday, 29th June 2016

DECISION NOTICE

We write further to your application for premises licence, made to Brentwood Council.

The sub-committee first heard from the licensing officer who outlined his report.

Sub-Committee then heard from Mr Dadds as representative The Sugar Hut. It was accepted by Mr Dadds that the licence should be granted, but that it should be granted with conditions.

IT was submitted that this was not a "trade objection" but rather that it was to ensure that the licence objectives were properly met, particularly with regard to the prevention of crime and public safety.

Concerns were raised about the wind time of one hour and that there was a risk that over time the venue would "morph" into a bar and away from a restaurant, there were insufficient safeguards and conditions to the licence as it was being sought to meet the licence objectives.

Reference was made to the model conditions adopted by Westminster Council and Mr Dadds referred to a proposed amendment to the licence conditions outlined at paragraph 1 to his Email at page 42 in the bundle before sub-committee. Mr Dadds then set out his rationale for the additional condition he set out at paragraphs 2 and 3 in that Email.

This additional condition, it was submitted, would remove the risk of floor plan arrangements being undertaken to create, say, dance floors, and remove the risk of the venue changing over time from a restaurant to a drinking venue.

Questions were then raised about minor changes to floor plan, for example, to private parties.

Further concerns were raised about the lack of door staff and the like if the public could use the bar areas without having to buy substantive meals.

These concerns were mirrored regarding the smoking areas.

It was confirmed that the Sugar Hut welcomed new businesses to continue the growth of the town but all businesses that offer licensable activities need to be properly controlled in accordance with the licence objectives.

Sub committee was reminded that there does not need to be a history of breaches of a licence for sub committee to reject an application or apply conditions to it.

In closing it was submitted that Sugar Hut only wanted to promote a healthy high street. Music could be brought into the venue via live streamed television sets and that there was a risk that the venue would "morph". It was confirmed that Sugar Hut had sought to negate their attendance at the sub committee by entering into a dialogue with the applicant but that this had not brought about any resolution.

Sub committee then heard from the applicant.

A history of the company was set out to committee and the aim of the venue (a restaurant offering various dishes from the Mediterranean area). The applicant outlined the meetings they had had with all relevant authorities and the steps they had put in place to "go above what was being asked of us".

It was confirmed that there was no intention to be anything other than a restaurant.

To alleviate some questions that had been raised such additional measures as CCTV had been installed and the applicant took the view that this was a "trade objections".

The applicant stated that they are a national chain of restaurant venues, although Sugar Hut noted at that point that one of applicant's venues offered drinks without food, which they repeated was the basis of the concerns.

The applicant submitted in reply that the licence over that venue was different for the one being sought here today.

The applicant submitted that they were not a bar, they were not a nightclub – they were a chain of three restaurants with another seven planned.

They turned to the Sugar Hut's additional condition suggested at paragraph 3 of the Email at page 42 of the bundle. Should they be denied private parties, or to charge for events at, for example, New Years Eve?

The applicant submitted that peoples needs were changing, with late shifts in working hours and that people wanted to eat at, say, 10.00pm. They wanted the 1 hour wind down to stop large scale exiting of the venue. This would assist in meeting the licence objectives.

They noted the request for alcohol to be served only via waitress service, but this would damage the working of the waiting area, where alcohol should be served from the bar (and they accepted that the only customers would be those buying or having bought food).

Insofar as Sugar Hut offered the Westminster template, Brentwood was not a "stress area".

The applicant closed by saying that the toilets were health and safety compliant as was the disabled access (although it was accepted by all that these were not issues for this sub committee).

The applicant then took questions from the Sugar Hut.

The applicant confirmed that alcohol would only be offered to someone who was in the venue to eat.

Questions then turned to the type of foods that this could include. A bowl of chips for example? The applicant stated that they could not rule out their menu including such things as tapas, mezze foods or a finger buffet.

The parties then moved to their closing arguments, with Sugar Hut being first to close.

Their objections to the licence without conditions were continued. It was noted that sub committee was asked by the applicant to have regard for their other venues, but that was not what their submissions began with. There was a risk that members of the public could attend the premises, have nothing more than a snack and imbibe "alcohol 'till 2.00am" without door staff being a required.

Whilst sub committee had heard that all relevant authorities were content with the application Sugar Hut attended this sub committee as an experienced operator and they had concerns about the impact the venue would have on the high street as they continued their concerns that the venue could morph into a bar without suitable conditions being applied to the licence.

If, as the applicant says, it will only be and only ever be a restaurant, then the conditions proposed by Sugar Hut are perfectly proportionate.

Whilst it was noted that the applicant would install CCTV, it is already on the street concerned.

As for the objections being trade based, Sugar Hut closed at 10.00pm. They are not competitors. The reason that the applicant suggests that this is a trade objection is that they do intend the venue to morph into a bar.

Closing submissions were made again about non substantial foods being served.

Sugar Hut reminded committee that it was far harder to stop breaches than to put reasonable controls in at the outset. Sub committee was asked to remember that the applicants other venues served drinks without the necessity to buy food.

The applicant then closed.

They repeated that they had asked all responsible authorities at the start of the proposed venture what steps and measures were needed. They had met and exceeded all that was asked of them.

They are not looking at being anything other than a restaurant and denied that there was any attempt to hoodwink sub committee.

There have been references to other venues in the high street. The applicant did not want to be a bar. They did not want to be a nightclub. They invited committee to grant the licence with the conditions detailed at paragraph 5.1 of the agenda bundle.

Finally sub committee heard from the licensing officer.

Door staff at a restaurant would be inappropriate. If committee was minded to impose that, then they were accepting that the venue was intending to become over time a bar. Additional condition would be appropriate in that event.

Sub committee retired to consider their decision.

They agreed promptly that the application should be granted . It was accepted by the Sugar Hut that the application was going to be granted and it was the aim of the licence objectives to grant unless it was appropriate not to. It was

appropriate to grant but that conditions were needed to meet the licence objectives.

Committee turned first to the suggestion that there should be a shorter wind down period (30 minutes as opposed to 1 hour). Committee noted that the licensable activities ended at 1 and that 1 hour as opposed to 30 minutes would mean there was less likelihood of pedestrian congestion. This best met the licence aim of public safety and the prevention of crime and disorder.

Consideration was given to no charging to enter the venue. Sub committee took the view that this would impede the business at stress times (such as new years eve) and that whilst such a condition would stop the venue morphing into a night club, the absence of a music condition in the application also stopped the reasonable likelihood of this.

Sub committee then considered the likelihood of the venue needing door staff. They accepted the view of the licensing officer that it would be an inappropriate step for a restaurant as controlling it morphing into a drinking establishment could be achieved in more proportionate ways.

Sub committee then turned to the issue of alcohol only being served "by waiter or waitress service only", "as part of a substantial meal....consumed at a table" and consumed "by persons who are seated".

Committee considered that some control needed to be applied to ensure that the venue did only serve alcohol as part of the dining experience but felt that the condition submitted by the applicant was too restrictive. People would not be able to order drinks from the bar areas, could only do so whilst seated and felt that it was reasonable for the venue to be able to offer smaller dishes. Not all customers wanted a full meal and tapas, for example, would be an appropriate dish for the venue to offer.

The decision was therefore:-

The application is granted subject to the conditions set out at paragraph 5.1 of the agenda / bundle being added to the licence save that point 1 of those conditions is amended to "All sales of alcohol shall be made ancillary to a table meal service, such meals being prepared on the premises and consumed at a table. The holding areas shall be restricted to 20 persons at any one time".

The Committee would remind all parties that they have a right to appeal against this decision to the Magistrates' Court.

Signed

Chair

Dated

PIVAZ RESTAURANT, 90B-92A HIGH ST BRENTWOOD CM14 4AP

APPENDIX 4
REPRESENTATION

Interested Party

Bryan Atkins

94A High Street Brentwood CM14 4AP

28 AUGUST 2018

Dave Leonard

From: Bryan Atkins
Sent: 24 July 2018 16:14
To: Licensing
Cc: D Atkins - Abacus Shutters Limited
Subject: FW: OBJECTION - Public Notice Of Application Pivaz Brentwood

To Dave Leonard/Licensing Department,

I'm writing regarding the Public Notice of Application by Pivaz Brentwood Limited who are based at 90B & 92A High Street, Brentwood, CM14 4AP. They have placed an application to vary a premises license, the description of which is as follows:

Amend annex 3 condition to: All sales of alcohol on the ground floor shall be sold ancillary to table meals, such meals being prepared on the premises and consumed at a table.

I believe that this used to read: All sales of alcohol on the ground and first floor shall be sold ancillary to table meals, such meals being prepared on the premises and consumed at a table.

This therefore means that alcohol will not need to be served with a meal on the first floor any longer. As I own the flat next door at 94A, above the co-op funeral care, I have a few causes for concern. They are:

1. The area can then be used as just a bar and will cause a lot more noise into the night. I already have two air conditioning units that have been put up outside my window, which keep the restaurant cool but prevent me from opening the window in the summer due to excessive noise.
2. A bedroom shares the wall with Pivaz, more noise will prevent my flat mate from sleeping. This will severely affect his and my quality of life.
3. People may well go out on the roof to a proposed smoking area alongside my wall and make noise outdoors into the night. This goes directly past my living room and I do not want people walking past at all hours of the day.

Please see the below screenshot which I took on my phone Saturday Afternoon, direct from the Pivaz Brentwood Facebook page. It seems as though they are breaching their licensing condition already. I don't think a DJ in an upstairs cocktail bar fits in with alcohol being sold ancillary to meals.



What is going to be done about this?

I sincerely hope this project does not go ahead without any further consultation with myself. Please respond to this email so I know it has been received and my concerns are being dealt with.

Many Thanks,

Bryan Atkins
Owner and Resident of 94A Brentwood High Street

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PIVAZ RESTAURANT, 90B-92A HIGH ST BRENTWOOD CM14 4AP

APPENDIX 5

REPRESENTATION

Interested Party

David Dadds

On behalf of

Kate Gregori & John English

28 AUGUST 2018

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

Our Ref: dd/lb/Pivaz

Your Ref:

30th July 2018

By email dave.leonard@brentwood.gov.uk
licensing@brentwood.gov.uk

Dear Sirs,

Re: Pivaz, 90B-92A High Street, Brentwood, CM14 4AP
Application to vary a premises licence

We write with reference to the above.

We act on behalf of a local resident, Ms Kate Gregori and a local business who are both based in the High Street and who wish to make a representation against the application to vary this premises licence.

Concerns have been raised historically about the location of this premises and its proximity to residential dwellings. Concerns were raised previously that these premises may morph into a late-night bar and a premise resembling a nightclub/disco. Please find attached a previous representation made by another resident Mr John English in relation to this site albeit not the same applicant.

We would ask you to take into account those comments regarding the locality and the historic concerns and the current concerns about crime and disorder and antisocial behaviour in the area. Both our clients have concerns about the application to vary the premises licence is not made with appropriate conditions and that the affect of granting the application would be to change the trading style of this premises from what is a restaurant to a full licenced bar/late night venue. The current licence does not have appropriate conditions that would be suitable for this kind of premises and style of operation notwithstanding that the location is not appropriate given the potential for noise breakout the smoking area at the rear.

For these reasons we believe that the granting of this application to vary would lead to an undermining of the four licensing objectives.

Dadds Solicitors Please confirm safe receipt of this letter.

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



Yours faithfully

Dadds.

DADDS LLP

John English and Naomi McNair
39 South Street
Brentwood
CM14 4BJ

19th January 2015

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

Dear Sirs,

Re: Application for a premises licence – Faces Kitchen and Bar, 90B, 92 and 92A High Street, Brentwood, CM14 4AP

We write with reference to the above and further to the application made by Liddon Management Limited for the application Faces Kitchen and Bar (Restaurant and Lounge Bar).

We wish to raise concerns regarding the above application under the licensing objectives.

There has been enormous problems and disturbances suffered by residents living close to licensed premises in Brentwood High Street.

We understand that the premises licence application seeks for a restaurant and lounge bar but in addition they are asking for films, live music, recorded music, performance of dance and the sale of alcohol from 10am to 2am Thursdays to Saturdays, in addition they are seeking additional non-standard timings which will permit an extension of those hours on numerous special occasions throughout the year, probably at least no less than 25 times to 3am in the morning.

We would not seek to object to a genuine, well managed restaurant with a quiet clientele being permitted to operate to a sensible hour more in harmony with the densely residential nature of the area. A responsible business is entitled to be given the opportunity to operate responsibly but we have had an opportunity to look online and suggest that Faces at Chelmsford Kitchen and Bar looks like a nightclub or very late night bar. Furthermore we don't know if Faces Lounge and Club in Gants Hill is connected but it appears that those premises have been subjected to a licensing review and of course the councillors and local residents would not want this to occur in Brentwood.

We have also looked at YouTube videos and it appears that the audience is much younger than 30 plus that they seek to attract; perhaps they will agree to a condition relating to age.

However, the current application for a premises licence in its current form does not resemble a standard restaurant licence. Firstly the application permits the sale of alcohol, music and dancing until the early hours, essentially none of the conditions offered contain the usual restaurant conditions linking the sale of alcohol to persons taking a substantial meal. Indeed the licence application looks like it has been carefully written to permit the premises to operate similar to that of the lounge and club in Gants Hill, and the late night bar in Chelmsford.

If the licence is granted in its current terms it is most likely to undermine the licensing objectives.

We would respectfully ask the licensing sub-committee to impose the following conditions:-

- a) All licensable activities must end, and all customers must be off the premises, no later than 23:30hrs Sunday – Thursday, and 00:00 hrs Friday – Saturday;
- b) No customers are to be permitted to remain outside or in any external area of the premises after 23:00hrs Monday – Sunday, save for a maximum of 6 persons who have temporarily in order to smoke;
- c) No customers are permitted to take any drinks outside the premises;
- d) The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23:00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals;
- e) No DJ's may perform at the premises;
- f) All amplified music must be played through a noise-limiter set at a level approved in writing by an authorised officer of Brentwood Council's anti-social behaviour team;
- g) No non-standard timings are permitted (we understand the premises can apply for Temporary Event Notices for specific occasions if required and they can be judged on their individual merits).
- h) 75% of the premises to operate as a restaurant and layout as a restaurant, providing for tables and chairs with alcohol to be served by waiter service.

We intend to appear and be legally represented at the hearing and will amplify our representation on that occasion if we are permitted to do so.

Yours faithfully

John English and Naomi McNair

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.