

Minutes

Licensing Sub-Committee Monday, 10th December, 2018

Attendance

Cllr Keeble
Cllr McCheyne

Cllr Mrs Slade

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Steve Blake	-	Environmental Health Officer
David Carter	-	Environmental Health Manager
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer
Maria Williams	-	Licensing Officer

268. Appointment of Chair

Members resolved that Cllr McCheyne should chair the meeting.

269. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

270. Declarations of Interest

No declarations of interest were received.

271. Application to Review a Premises Licence - The Skew Bar and Grill, Rayleigh Road, Hutton, Brentwood. CM13 1SG

An application for a review of premises licence for **The Skew Bar and Grill, Rayleigh Road, Hutton, Brentwood CM13 1SG**, was made to Brentwood Borough Council.

The application was brought before the Licensing Sub-Committee for determination on 10th December 2018 following representations from Responsible Authorities (the Environmental Health and Licensing Department of the Council) and following representations by two other persons (local residents Nixon and Hussey). It was noted that Ward Councillors Hossack and Ms. Sanders had also submitted representations on behalf of residents relating to the delivery time of lorries, noise from the area where the bins were located, noise from where the staff congregated, the cooking fumes and the insufficient parking at the venue. They also raised concerns about the noise from the music and bottle collection at the premises.

At the commencement of the hearing the restaurant's solicitor Mr. Dadds asked for confirmation that members of the Sub-Committee had not been lobbied by the Ward Councillors and all three members Keeble, McCheyne and Slade confirmed this to be the case.

The sub-committee first heard from the licensing officer Ms. Moses who outlined her report.

The premises were currently a Turkish restaurant occupying the ground floor of a substantial building with a large car park to one side with residential housing surrounding the building.

On 13th September 2018 an application for a Review was received from Martyn White of 576 Rayleigh Road, Brentwood, Essex citing issues relating to noise and anti-social behavior. The Review related to two Licensing Objectives: Prevention of Crime and Disorder and Prevention of Public Nuisance.

Mr. White addressed the Sub-Committee stating that the noise was excessive particularly at weekends. He also referred to anti-social behavior.

The Sub-Committee then heard a local resident Ms. Nixon who lived next door to the restaurant on the side where the kitchen bin area and staff rest area of the restaurant were located. She complained that she was often disturbed by the noise and violent behavior that took place in the car park mostly late at night and noise from the refuse and glass disposal area. She stated that she also experienced noise from the kitchen during unsocial hours.

The Committee then heard from Stephen Blake, Brentwood Council's Environmental Health Officer and Dave Leonard a Council Licensing Officer who both related to the Sub-Committee their experiences of having attended the premises. Particularly Mr. Blake advised the Sub-Committee that he had recommended conditions to Mr. Dadds which would alleviate the problems relating the Licensing Objectives and produced a list of those conditions.

Councillor Hossack addressed the Sub-Committee and spoke of the problems he had identified in his representation.

Mr. Dadds then made his address and confirmed that the conditions identified by Mr. Blake were acceptable and gave detailed reasons as to why it was felt that the conditions addressed and ameliorated the mischief in reference to which the Review had been brought.

The Sub-Committee then retired to consider its decision.

The Sub-Committee considered carefully all the information that had been presented to them both in the report and verbally at this hearing. The view taken by members was that the conditions identified by Mr. Blake were sufficient to overcome the challenges presented which undermined the two Licensing Objectives the subject of the Review. With a few slight alterations the decision made was to maintain the Premises License as previously granted but with the following additional conditions-

1. Disposal of waste bottles and refuse into external receptacles must not occur between 20.30 and 08.00 hours;
2. The handling of kegs, bottles, cleaning equipment, bottle disposal and similar items shall not take place after 20.30 hours or before 08.00 hours when the noise generated could cause a nuisance particularly outside the building;
3. Arrangements must be in place to ensure that waste collection contractors do not collect refuse between 21.00 and 08.00 hours;
4. An adequate number of suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site;
5. Receptacles of waste shall be emptied regularly and to be maintained in a clean condition and cleaned professionally at least once a week;
6. All external doors and windows must be kept closed, other than for access and egress after 8pm daily and at any time when recorded/live entertainment takes place. (supersedes condition 1 of Annex 2)
7. The external doors associated with the flank/side kitchen and food preparation rooms shall have suitable door closers such closers to operate without having loud impact noise;
8. The floor of the external refuse collection area and bin storage must be maintained to ensure that the floor surface is smooth, hard-wearing and free from holed/pitted areas or cracks on a temporary basis within 6 weeks and on a permanent basis within 3 months of this decision;
9. The premises license holder or a responsible person nominated by them in writing shall receive and respond to complaints throughout the duration of all licensable activities. These complaints must be recorded and must note the steps taken. The records must be made available to the local authority upon request. Such records must be maintained for a minimum of 1 year;

10. The Licensee to present to the Licensing Department of the Council a noise dispersal plan to be reasonably acceptable to the Council within 3 months of this decision;
11. Signs to be erected in the car park to the premises to keep noise down and to refrain from anti-social behaviour;

The committee also asked that every effort should be made on all sides to foster a positive relationship between the premises and the local residents.

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

The meeting ended at 09.30 hours