

Minutes

Licensing Sub-Committee Friday, 27th September, 2019

Attendance

Cllr McLaren
Cllr Morrissey

Cllr Mynott

Also Present

Cllr Mrs Davies
Cllr McCheyne

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer

217. Appointment of Chair

Members **RESOLVED** that Cllr McLaren should chair the meeting.

218. 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.

219. Licensing Act 2003 - Application for New Premises Licence - Dusk, Ongar Road, Pilgrims Hatch, Brentwood. CM15 9SS

The application was received on 5th August 2019 from Mr. Abdul Uddin on behalf of Susu Enterprises Limited. The application was for the provision of live entertainment, recorded music and late night refreshment. One representation had been received from a Responsible Authority namely from

the Environmental Health Department of the Council who had concerns about noise pollution in a semi-rural location. Essex Police had no opposition to the application based on a number of conditions relating to CCTV being adopted, incident log being maintained, SIA door supervisors to be deployed and a Challenge 25 scheme being deployed. There were also 14 representations received from local residents.

The Sub-Committee heard from 2 objecting councillors namely Clls McCheyne and Mrs Davies. Cllr Mrs Davies spoke on behalf of residents and stated that as the area subject of the complaint was not soundproofed, noise of live music would have an impact on the neighbourhood. Noise in rural areas had a greater impact and the music could not be monitored in non-soundproofed areas. The installation of CCTV and door staff was welcomed but would be of minimal use in reference to 300 customers having to be escorted to their cars. She questioned how the amount of alcohol being brought into premises could be monitored. One of the objectors was also worried since they had 2 foster children who needed care and attention and would be disturbed by the sound of the music. Cllr McCheyne then addressed the Committee. Noise was a major issue and he also questioned how alcohol could be regulated if it was not sold on the premises. People leaving the premises would be noisy and leave litter.

The Environmental Health Officer Mr. Fairweather then addressed the Committee and stated that because the outside had to be 50% open, noise from loud music would be an issue. The Applicant clarified that it would all be toughened glass to which Mr. Fairweather responded that that was not the same as sound proofed. The Applicant then stated that he was aiming for a Michelin star for the food so would not be interested in having "riff-raff" making excessive noise.

Resident 10 then stated that she had 2 children who had medical conditions and so noise would impact on them.

The Applicant then stated that he had deliberately not applied for an alcohol sale license because he wanted to engender fine food and a Michelin star. There was no intention to become a club. There would be ambient music for smoking a hookah and no dancing but just sitting and eating food. In the evenings coffee would be served. The restaurant closed at 10.30 pm.

It was clarified that there were 120 covers inside and 65 outside with 110 covers in the function room. There would be minimal noise in the car park as all 300 people were unlikely to leave together. On Fridays/Saturdays there would be 2 door staff who would chaperone everyone to their cars. There would be lighting in the car park to deter suspicious activity.

It was part of the planning permission to take noise prevention measures. Door staff checked people's bags and the waiters and other staff were trained to detect underage drinking. On the job training was provided.

The Committee then retired to consider its decision. Various aspects of the matter were discussed but Members decided to adjourn the hearing to allow

time for a site visit of the premises as clarity was required on the construction and use of the outdoor space.

The meeting concluded at 20:00 and a site visit and meeting was scheduled for 1st October 2019.

