



# Agenda

## Licensing Sub-Committee

Friday, 2 October 2020 at 10.00 am  
Virtual Meeting held via MS Teams

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### Membership (Quorum – 3 )

Cllrs Fryd, Jakobsson and Kerslake

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### Agenda

| Item | Item                                                                                                                                                                                                                                                                                                                                                       | Wards(s)<br>Affected | Page No |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------|
|      | <b>Contents</b>                                                                                                                                                                                                                                                                                                                                            |                      |         |
| 1.   | <b>Appointment of Chair</b>                                                                                                                                                                                                                                                                                                                                |                      |         |
| 2.   | <b>Administrative Function</b><br>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.   | <b>Application for a Premises Licence - Licensing Act 2003 - Bloc 40, First Floor, 40 High Street, Brentwood. CM14 4AJ</b>                                                                                                                                                                                                                                 | Brentwood South      | 5 - 74  |



A handwritten signature in black ink, appearing to read 'J. Stephenson', is centered within a light blue rectangular box.

Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
24.09.2020



## Information for Members

Please note the changes in blue apply to remote meetings

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### Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

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### Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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### Rights to Attend and Speak

Any member may remotely attend any Committee to which these rules apply.

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.

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### 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. |



### Access to Information and Meetings

You have the right to **remotely** attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

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

**The Council will be holding remote Committee meetings and will make these accessible to the public remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

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

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

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

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

### Private Session

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

**The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.**

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### Access

**The Council will provide remote access for public participation by the meeting be accessible.**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

### Evacuation Procedures

**This procedure does not apply whilst using remote meetings**

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



2 October 2020

## Licensing and Appeals Committee

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

#### BLOC 40, FIRST FLOOR, 40 HIGH ST, BRENTWOOD CM14 4AJ

**Report of:** Dave Leonard – Licensing Officer

**Wards Affected:** Brentwood South / Brentwood North

**This report is:** Public

## 1. Executive Summary

- 1.1 An application has been received for a new premises licence for the provision of indoor sporting events, recorded music and the supply of alcohol in respect of **Bloc 40, First Floor 40 High Street, Brentwood CM14 4AJ**. There have been two representations received from the Responsible Authorities and one relevant representation received from Other Persons. 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 11 July 2020 from AA Trading Ltd in respect of ***Bloc 40, First Floor 40 High Street, Brentwood CM14 4AJ***. The nominated DPS is Daniel Capitanchik. A copy of the application, including an operating schedule of proposed conditions is attached at ***Appendix 1***.

4.2 This premise is already a licensed late-night entertainment venue with the licence holder being AA Trading Ltd. and the DPS being Daniel Capitanchik. It is currently licenced for the following activities to the hours shown;



Indoor Sporting Events, Recorded Music and the Supply of Alcohol:  
Monday-Sunday 1100hrs-0200hrs with opening hours from 1100hrs-0230hrs

A set of OS Street Maps and images together with the existing premises licence currently issued to the premises to better identify the location are attached at **Appendix 2**

- 4.3 This application for a new premises licence is, effectively, seeking to extend the terminal hour of the same activities by one additional hour to the hours shown;

**Indoor Sporting Events, Recorded Music and the Supply of Alcohol:  
Monday-Sunday 1100hrs-0300hrs**

**Opening Hours:  
Monday-Sunday 1100hrs-0330hrs**

- 4.4 There have been two valid representations received from Responsible Authorities which are both attached at **Appendix 3**.
- 4.5 Brentwood Borough Council Environmental Health Manager, Mr David Carter, has concerns relating to the potential for noise nuisance being caused to nearby neighbours based on previous complaints received from residents at both the front and to the rear of the premises. He points out that the hours of operation at the premises had previously been reduced from 0300hrs following concerns raised by the Pollution Team. Mr Carter also makes reference to the impact of noise breakout from the rear smoking terrace area. He responds to the suggested proposals nos. 21-31 in the Operating Schedule (Section O of the application form) and draws attention to proposal 29. *The number of persons accommodated on the terrace (excluding staff) shall not exceed (insert number)*. These proposals were always intended by the applicant to be agreed through negotiation with the Pollution Team. Mr Carter's representation is attached at **Appendix 3**
- 4.6 Brentwood Borough Council Principal Environmental Health Officer, Ms Elaine Higgins, makes representation against the application under the licensing objective of public safety. Ms Higgins' concerns are all in relation to the use of the rear first-floor roof terrace and the integrity of the safety measures currently in place. No information has been supplied with the application to justify additional loading in an area which is effectively the fire escape. She maintains



that there is a lack of information supplied on the terrace area, the structural capacity, the maximum loading and the need to take into account the weight of any fixtures and fittings, furniture and persons in this area. Once again, there has been ongoing consultation between the applicant and the local authority in an effort to address and resolve these issues and it has been the reason for the applicant seeking to adjourn dates previously set for this hearing. Ms Higgins' representation and consultation enquiry are attached at **Appendix 3**

- 4.7 One further valid representation against the application has been received. Mrs Greta Millwood, a local resident from nearby Alfred Road, claims that her neighbourhood has been blighted with an intolerable and entirely avoidable level of night-time noise nuisance caused from a combination of amplified music disorderly behaviour of customers and the disposal of refuse from the premises. Mrs Millwood's representation, together with supporting diary sheets kept in consultation with the Pollution Team, have been attached at **Appendix 4**.
- 4.8 Any matters recorded in the Operating Schedule (Section O of the application form - see **Appendix 1**) will become conditions on the licence if this application is granted, the following conditions will be attached unless modified by this Committee:
1. The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less than 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authorities. Download or export of CCTV should be in the native file format with the native player.
  2. A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Essex Police or other Responsible Authority recent data or footage with the absolute minimum of delay.
  3. A plan of the premises identifying the location & direction of CCTV coverage shall be served on Essex Police & the Licensing Authority each time it is altered.



4. The premises will maintain a bound log book for all incidents, accidents and emergencies which shall include the following information; and will be available to Essex Police or other Responsible Authorities immediately upon lawful request:-
  - All crimes reported to the venue;
  - All ejections of patrons.
  - All refusals of service.
  - Any complaints received.
  - Seizures of drugs or offensive weapons.
  - The full name of any person who has been involved in dealing with any of the above matters.
5. When licensable activities are permitted beyond 00:00, a minimum of 2 SIA registered Door Supervisors shall be deployed from 21:00 and remain on duty until closing time and all customers have left the premises.
6. A bound Door Supervisors register shall be kept. Door Supervisors shall sign to record their start and finish times along with their full name and SIA badge number
7. When SIA registered Door Supervisors are on duty random searching of people and their possessions will be carried out.
8. All staff engaged outside the premises shall wear high visibility jackets or vests.
9. The management will operate the Essex Police 'Procedures for the Management of Illicit Drugs in Licensed Premises'
10. The outside licensed area shall have a screen installed along the wall, a minimum height of 2meters (or height specified by building control) to prevent objects falling off and/or being thrown.
11. Security measures shall be installed to the stairs in the outside licensed area so use of the emergency escape is only in an emergency and to prevent access to the residential area being used by customers.
12. Reasonable and adequate staff training to be carried out and properly documented in relation to:
  - Dealing with incidents and prevention of crime and disorder.
  - Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.) prior to being allowed to sell alcohol.
13. All training records will be retained for 12 months and made available to Essex Police or other Responsible Authority upon reasonable request.



14. The Premises Licence Holder shall have a Dispersal Policy. A copy of which will be made available to Essex Police & Responsible Authority upon request
15. No persons shall be allowed to leave the Premises whilst in possession of any drinking glass vessel or open glass bottle whether empty or containing any beverage, save for consumption in any designated external area.
16. Customers shall not enter or leave the premises by the stairs into the outside licensed area at any time, except in the event of an emergency
17. No licensable activities shall take place in external areas at any time.
18. The outside terrace area to be covered by CCTV to the satisfaction of Essex Police.
19. The premise is only to serve drinks in polycarbonate, plastic or other safety glass only, save for bottled products of 70cl or above.
20. Clubscan/IDSCAN or similar networked electronic validation system shall be operated at the premises. At those times and days when door supervisors are required to be at the premises as a condition of the licence, persons entering the nightclub would normally be required to provide verifiable ID and have their details recorded on the system;
21. No speakers shall be installed or used in the external areas.
22. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.
23. All windows and doors to be kept closed during regulated entertainment, with the exception for access and egress.
24. The External area shall be monitored by a member of staff with the purpose of controlling noise from customers and ensuring public safety.
25. The external terrace to the rear of the premises will be closed to patrons from 02:30 each morning until close of business.
26. Notices shall be prominently displayed at all exits requesting patrons to leave quietly.
27. Clear & legible notices shall be prominently displayed in, and at the entrance to any outside licensed area requesting customers to use the area quietly.



28. The terrace to be monitored by a staff member at intervals of no more than 30 minutes.

**\*29. The number of persons accommodated on the terrace (excluding staff) shall not exceed (insert number).**

30. No alcohol to be consumed on the terrace after 11pm.

31. Noise at the premises limited after 11pm to a decibel level to be agreed with Environmental Health Department of the Council. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.

32. Sufficient lighting to be maintained on the terrace during licensable hours and for the lighting to be monitored and agreed with the Environmental Health Department of the Council.

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

- Passport,
- Photo card Driving Licence,
- Photographic ID bearing the 'PASS' hologram.

## **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 Brentwood Borough Council's Statement of Licensing Policy makes reference to;**

*19.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.*

*22.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.*

*22.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:-*

*(a) The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.*

*(b) The hours of opening, particularly between 23.00 and 07.00.*

*(c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.*

*(d) The design and layout of premises and in particular the presence of noise limiting features.*

*(e) The occupancy capacity of the premises.*

*(f) The availability of public transport.*

*(g) A 'wind down period' between the end of the licensable activities and closure of the premises.*

*(h) A last admission time.*



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

- 8.1 The following Section 182 Guidance relates to determining applications and disclosure of personal details of persons making representations;

There are no specific references.

## **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 - Current Premises Licence, OS Street Maps & Images
- Appendix 3 - Representations from the Responsible Authorities  
Brentwood Borough Council  
Mr David Carter - Environmental Health Manager  
Ms Elaine Higgins - Principal Environmental Health Officer
- Appendix 4 - Representation from Other Persons  
Mrs Greta Millwood

## **Report Author Contact Details:**

**Name:** Dave Leonard

**Telephone:** 01277 312523

**E-mail:** [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)



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**BLOC 40, FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ**

# **APPENDIX 1**

## **APPLICATION FORM**

*Application for a new Premises Licence*



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



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

Before completing this form please read the guidance notes:

[Premises Licence Application Guidance Notes](#)

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

## Cost of Licence

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

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

Cost of licence: £190.00

I/We,

Applicant first name: AA Trading Limited

Applicant surname: AA Trading Limited

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

## Premises Details

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

Ordnance survey map reference or description:

### Premises Address

Flat number (if any)

House number/name 40

Road name High Street

Town Brentwood

County Essex



Post Code CM14 4AJ  
Daytime contact telephone number (if any):  
Premises email address (optional):

---

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

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

## **Individual Applicants**

Title:

First name(s):

Surname:

Date of birth:

I am 18 years old or older:

Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information):

### **Applicant Address**

Flat number (if any)  
House number/name  
Road name  
Town  
County  
Post Code

Daytime contact telephone number:  
Application email address (optional):

## **Second Individual Applicant (if applicable)**

Title:

First name(s):

Surname:

Date of birth:

I am 18 years old or older:

Nationality:



Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information):

### **Applicant Address**

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Daytime contact telephone number:

Application email address (optional):

### **Other Applicants**

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

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

Name: AA Trading Limited

Flat number (if any)

House number/name 389c

Road name High Road

Town London

County

Post Code N22 8JA

Registered number (where applicable): 09287224

Description of Applicant: Limited Company

Telephone:

Email:

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# Operating Schedule

When do you want the premises licence to start?: 09/07/2020

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

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

A Late Night Entertainment Venue within Brentwood Town Centre.

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

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

Provision of regulated entertainment for:

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

Provision of late night refreshment:

Supply of alcohol:

Yes



## a) Plays

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

**Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

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

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

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



## b) Films

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

**Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

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

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

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



## c) Indoor Sporting Events

**Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday     | 11:00        | 03:00         |
| Tuesday    | 11:00        | 03:00         |
| Wednesday  | 11:00        | 03:00         |
| Thursday   | 11:00        | 03:00         |
| Friday     | 11:00        | 03:00         |
| Saturday   | 11:00        | 03:00         |
| Sunday     | 11:00        | 03:00         |

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

Possible exhibition events, for example, darts or pool where spectators are present.

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

N/A

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):

An additional hour to the standard and non-standard timings on the day when British Summertime commences.



**d) Boxing or Wrestling**

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

**Standard Days and Timings (please read guidance note 6)**

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

**Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

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

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

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



## f) Recorded Music

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

**Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday     | 11:00        | 03:00         |
| Tuesday    | 11:00        | 03:00         |
| Wednesday  | 11:00        | 03:00         |
| Thursday   | 11:00        | 03:00         |
| Friday     | 11:00        | 03:00         |
| Saturday   | 11:00        | 03:00         |
| Sunday     | 11:00        | 03:00         |

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

Music via a recorded source (CD, download, etc.) for entertainment

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

N/A

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

An additional hour to the standard and non-standard timings on the day when British Summertime commences.



## **g) Performances of Dance**

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

**Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

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

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

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



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

Please give a description of the type of entertainment you will be providing:  
Will this entertainment take place indoors or outdoors or both? (please read guidance note 2):  
**Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

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

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

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



# i) Late Night Refreshment

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

**Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

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

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

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



## j) Supply of Alcohol

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

### **Standard Days and Timings (please read guidance note 6)**

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday     | 11:00        | 03:00         |
| Tuesday    | 11:00        | 03:00         |
| Wednesday  | 11:00        | 03:00         |
| Thursday   | 11:00        | 03:00         |
| Friday     | 11:00        | 03:00         |
| Saturday   | 11:00        | 03:00         |
| Sunday     | 11:00        | 03:00         |

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

N/A

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

N/A

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):

An additional hour to the standard and non-standard timings on the day when British Summertime commences.

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

Name: Danie

### **Address**

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Personal Licence Number (if known):

Issuing Licensing Authority (if known): Swindon Borough Council



## I) Hours Premises are open to the public

### Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday     | 11:00        | 03:30         |
| Tuesday    | 11:00        | 03:30         |
| Wednesday  | 11:00        | 03:30         |
| Thursday   | 11:00        | 03:30         |
| Friday     | 11:00        | 03:30         |
| Saturday   | 11:00        | 03:30         |
| Sunday     | 11:00        | 03:30         |

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

N/A

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

An additional hour to the standard and non-standard timings on the day when British Summertime commences.



## **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):

None

---

## **o) Promoting Licensing Objectives**

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

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

NB. These premises have the benefit of a current existing Premises Licence, 20/00019/LAVDPS. If this application is granted it will replace the current Premises Licence which will be surrendered upon the receipt of the new licence. Pre consultation has taken place with the Police and EHO and new conditions regarding the use of ID scan and the use of the external terrace have been added.

The application is submitted on the plan which is approved under the existing Premises licence dated 17/04/2019

b) The prevention of crime and disorder:

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

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

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

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

- All crimes reported to the venue;
- All ejections of patrons.
- All refusals of service.
- Any complaints received.
- Seizures of drugs or offensive weapons.
- The full name of any person who has been involved in dealing with any of the above matters.



5. When licensable activities are permitted beyond 00:00, a minimum of 2 SIA registered Door Supervisors shall be deployed from 21:00 and remain on duty until closing time and all customers have left the premises.
6. A bound Door Supervisors register shall be kept. Door Supervisors shall sign to record their start and finish times along with their full name & SIA badge number.
7. When SIA registered Door Supervisors are on duty random searching of people and their possessions will be carried out.
8. All staff engaged outside the premises shall wear high visibility jackets or vests.
9. The management will operate the Essex Police 'Procedures for the Management of Illicit Drugs in Licensed Premises'
10. The outside licensed area shall have a screen installed along the wall, a minimum height of 2 meters (or height specified by building control) to prevent objects falling off and/or being thrown.
11. Security measures shall be installed to the stairs in the outside licensed area so use of the emergency escape is only in an emergency and to prevent access to the residential area being used by customers.
12. Reasonable and adequate staff training to be carried out and properly documented in relation to:
  - Dealing with incidents and prevention of crime and disorder.
  - Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.) prior to being allowed to sell alcohol.
13. All training records will be retained for 12 months and made available to Essex Police or other Responsible Authority upon reasonable request.
14. The Premises Licence Holder shall have a Dispersal Policy. A copy of which will be made available to Essex Police and Responsible Authority upon request.
15. No persons shall be allowed to leave the Premises whilst in possession of any drinking glass vessel or open glass bottle whether empty or containing any beverage, save for consumption in any designated external area.
16. Customers shall not enter or leave the premises by the stairs into the outside licensed area at any time, except in the event of an emergency
17. No licensable activities shall take place in external areas at any time.
18. The outside terrace area to be covered by CCTV to the satisfaction of Essex Police.
19. The premise is only to serve drinks in polycarbonate, plastic or other safety glass only, save for bottled products of 70cl or above.



20. Clubscan/IDSCAN or similar networked electronic validation system shall be operated at the premises. At those times and days when door supervisors are required to be at the premises as a condition of the licence, persons entering the nightclub would normally be required to provide verifiable ID and have their details recorded on the system;

c) Public safety:

See box b) above.

d) The prevention of public nuisance:

21. No speakers shall be installed or used in the external areas.

22. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.

23. All windows and doors to be kept closed during regulated entertainment, with the exception for access and egress.

24. The External area shall be monitored by a member of staff with the purpose of controlling noise from customers and ensuring public safety.

25. The external terrace to the rear of the premises will be closed to patrons from 02:30 each morning until close of business.

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

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

28. The terrace to be monitored by a staff member at intervals of no more than 30 minutes.

29. The number of persons accommodated on the terrace (excluding staff) shall not exceed (insert number).

30. No alcohol to be consumed on the terrace after 11pm.

31. Noise at the premises limited after 11pm to a decibel level to be agreed with Environmental Health Department of the Council. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.

32. Sufficient lighting to be maintained on the terrace during licensable hours and for the lighting to be monitored and agreed with the Environmental Health Department of the Council.

e) The protection of children from harm:

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



- Passport,
- Photo card Driving Licence,
- Photographic ID bearing the 'PASS' hologram.



# Declaration

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

**Alternatively these should be sent by post to:**

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

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

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

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

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

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

[Public Notice of Application](#)

(Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15): I agree

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

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

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



## Signatures

(please read guidance note 11)

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

Signature (name): Poppleston Allen

Date: 11/06/2020

Capacity: Solicitors for & on behalf of the applicant

**For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

(Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15): I agree

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15): I agree

Signature (name):

Date: 11/06/2020

Capacity:

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

Correspondence name: Michelle Peach

Telephone number: 01159538509

Mobile telephone number:

Correspondence Address

Flat number (if any)

House number/name Poppleston Allen

Road name 37 Stoney Street

Town Nottingham

County

Post Code NG1 1LS

To receive email confirmation of your application and payment, please provide a correspondence



email address: m.peach@popall.co.uk



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**BLOC 40, FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ**

# **APPENDIX 2**

**Premises Licence 24 January 2020**

**OS Maps & Images**



## Premises Licence

**Premises Licence Number**

**PRM\_0545**

**Application Number**

**20/00019/LAVDPS**

**Date of Issue**

**24 January 2020**

### Part 1 – Premises Details

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

**Bloc 40  
First Floor  
40 High Street  
Brentwood  
Essex CM14 4AJ**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Indoor Sporting Event  
Playing of Recorded music  
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

### Indoor Sporting Event

|                  |                      |
|------------------|----------------------|
| <b>Monday</b>    | <b>11:00 - 02:00</b> |
| <b>Tuesday</b>   | <b>11:00 - 02:00</b> |
| <b>Wednesday</b> | <b>11:00 - 02:00</b> |
| <b>Thursday</b>  | <b>11:00 - 02:00</b> |
| <b>Friday</b>    | <b>11:00 - 02:00</b> |
| <b>Saturday</b>  | <b>11:00 - 02:00</b> |
| <b>Sunday</b>    | <b>11:00 - 02:00</b> |

### Playing of Recorded music

|                  |                      |
|------------------|----------------------|
| <b>Monday</b>    | <b>11:00 - 02:00</b> |
| <b>Tuesday</b>   | <b>11:00 - 02:00</b> |
| <b>Wednesday</b> | <b>11:00 - 02:00</b> |
| <b>Thursday</b>  | <b>11:00 - 02:00</b> |
| <b>Friday</b>    | <b>11:00 - 02:00</b> |
| <b>Saturday</b>  | <b>11:00 - 02:00</b> |
| <b>Sunday</b>    | <b>11:00 - 02:00</b> |



**Sale by Retail of Alcohol**

|                  |                      |
|------------------|----------------------|
| <b>Monday</b>    | <b>11:00 - 02:00</b> |
| <b>Tuesday</b>   | <b>11:00 - 02:00</b> |
| <b>Wednesday</b> | <b>11:00 - 02:00</b> |
| <b>Thursday</b>  | <b>11:00 - 02:00</b> |
| <b>Friday</b>    | <b>11:00 - 02:00</b> |
| <b>Saturday</b>  | <b>11:00 - 02:00</b> |
| <b>Sunday</b>    | <b>11:00 - 02:00</b> |

**The opening hours of the premises**

|                  |                      |
|------------------|----------------------|
| <b>Monday</b>    | <b>11:00 - 02:30</b> |
| <b>Tuesday</b>   | <b>11:00 - 02:30</b> |
| <b>Wednesday</b> | <b>11:00 - 02:30</b> |
| <b>Thursday</b>  | <b>11:00 - 02:30</b> |
| <b>Friday</b>    | <b>11:00 - 02:30</b> |
| <b>Saturday</b>  | <b>11:00 - 02:30</b> |
| <b>Sunday</b>    | <b>11:00 - 02:30</b> |

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

**A A Trading Ltd  
389C High Road  
London  
N22 8JA**

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

**Company Number                      09287224**

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

**Daniel Mark Capitanchik**

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:  
Licensing Authority: Swindon Borough Council**



## **Annex 1 – Mandatory conditions**

- 1 No supply of alcohol may be made under this licence**
  - a) At a time when there is no designated supervisor in respect of it or,**
  - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended**
- 2 Every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.**
- 3 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**  
  
**(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**  
  
**(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—**
  - (a) a holographic mark, or .**
  - (b) an ultraviolet feature.**
- 4 (A). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.**  
  
**(B).For the purposes of the condition set out in paragraph 1 -**
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;**
  - (b) "permitted price" is the price found by applying the formula where-**  
  
$$P = D + (D \times V)$$
    - (i) P is the permitted price,**
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and**
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;**
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-**
    - (i) the holder of the premises licence,**
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or**
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;**



(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 5 (1) The responsible person 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."**

**8 Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:**

**a) Unauthorised access or occupation (eg through door supervision), or**

**b) Outbreaks of disorder, or**

**c) Damage**



## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1 The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less the 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.**
- 2 A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Essex Police or other Responsible Authority recent data or footage with the absolute minimum of delay.**
- 3 A plan of the premises identifying the location and direction of CCTV coverage shall be served on Essex Police & the Licensing Authority each time it is altered.**
- 4 The premises will maintain a bound log book for all incidents, accidents and emergencies which shall include the following information; and will be available to Essex Police or other Responsible Authority immediately upon lawful request.**
  - All crimes reported to the venue.**
  - All ejections of patrons.**
  - All refusals of service.**
  - Any complaints received.**
  - Seizures of drugs or offensive weapons.**
  - The full name of any person who has been involved in dealing with any of the above matters.**
- 5 When licensable activities are permitted beyond 00:00, a minimum of 2 SIA registered Door Supervisors shall be deployed from 21:00 and remain on duty until closing time and all customers have left the premises.**
- 6 A bound Door Supervisors register shall be kept. Door Supervisors shall sign to record their start and finish times along with their full name & SIA badge number.**
- 7 When SIA registered Door Supervisors are on duty random searching of people and their possessions will be carried out.**
- 8 All staff engaged outside the premises shall wear high visibility jackets or vests.**



- 9 The management will operate the Essex Police 'Procedures for the Management of Illicit Drugs in Licensed Premises'
- 10 The outside licensed area shall have a screen installed along the wall, a minimum height of 2 meters (or height specified by building control) to prevent objects falling off and/or being thrown.
- 11 Security measures shall be installed to the stairs in the outside licensed area so use of the emergency escape is only in an emergency and to prevent access to the residential area being used by customers.
- 12 Reasonable and adequate staff training to be carried out and properly documented in relation to:
  - Dealing with incidents and prevention of crime and disorder.
  - Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.) prior to being allowed to sell alcohol.
- 13 All training records will be retained for 12 months and made available to Essex Police or other Responsible Authority upon reasonable request.
- 14 The Premises Licence Holder shall have a Dispersal Policy. A copy of which will be made available to Essex Police and Responsible Authority upon request.
- 15 No persons shall be allowed to leave the Premises whilst in possession of any drinking glass vessel or open glass bottle whether empty or containing any beverage.
- 16 Notices shall be prominently displayed at all exits requesting patrons to leave quietly.
- 17 Clear and legible notices shall be prominently displayed in, and at the entrance to any outside licensed area requesting customers to use the area quietly.
- 18 Customers shall not enter or leave the premises by the stairs into the outside licensed area at any time, except in the event of an emergency.
- 19 The premises shall operate a Challenge 25 age verification policy. Any person who appears to be under the age of 25 shall be asked to produce photographic identification to prove they are 18 or over. Failure to produce will result in service being refused. Acceptable forms of photographic identification include:
  - Passport,
  - Photo card Driving Licence,
  - Photographic ID bearing the 'PASS' hologram.
- 20 No licensable activities shall take place in external areas at any time.
- 21 No speakers shall be installed or used in the external areas.



- 22 A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.**
- 23 All windows and doors to be kept closed during regulated entertainment, with the exception for access and egress.**
- 24 The External area shall be monitored by a member of staff with the purpose of controlling noise from customers and ensuring public safety.**
- 25 The outside terrace area to be covered by CCTV to the satisfaction of Essex Police.**
- 26 The premises is only to serve drinks in polycarbonate, plastic or other safety glass only.**



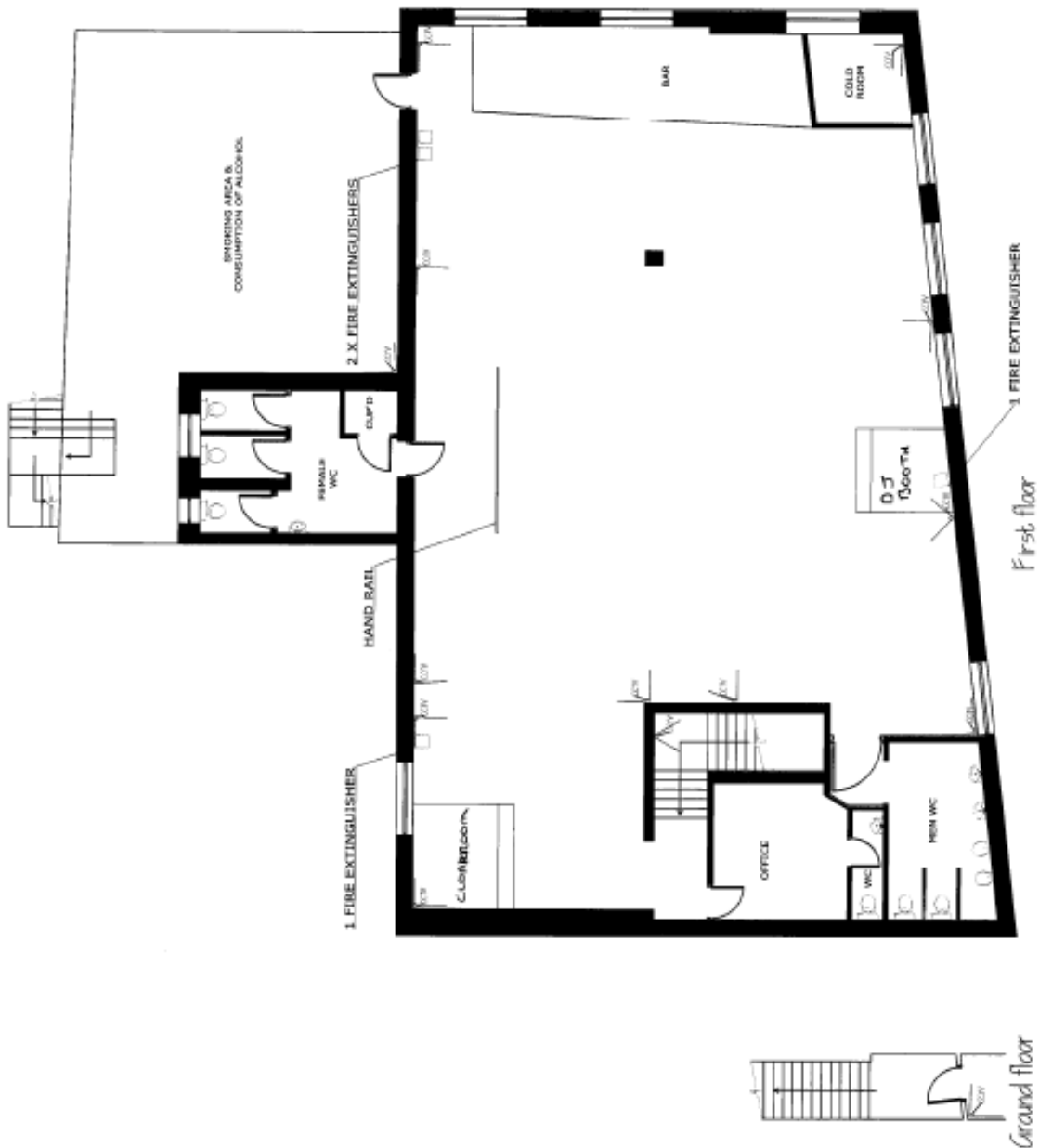
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

- 1 The terrace to be monitored by a staff member at intervals of no more than 30 minutes.**
- 2 The maximum capacity for the terrace to be a maximum of 30 people at any given time.**
- 3 No alcohol to be consumed on the terrace after 11pm.**
- 4 Noise at the premises limited after 11pm to a decibel level to be agreed with Environmental Health Department of the Council. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.**
- 5 Sufficient lighting to be maintained on the terrace during licensable hours and for the lighting to be monitored and agreed with the Environmental Health Department of the Council.**



## Annex 4 – Plans

This licence is issued subject to the attached plan dated 17/04/2019 marked  
**40 High Street, Brentwood CM14 4AJ**









## Premises Licence Summary

|                                |                        |
|--------------------------------|------------------------|
| <b>Premises Licence Number</b> | <b>PRM_0545</b>        |
| <b>Application Number</b>      | <b>20/00019/LAVDPS</b> |
| <b>Date of Issue</b>           | <b>24 January 2020</b> |

### Part 1 – Premises Details

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

**Bloc 40**  
**First Floor**  
**40 High Street**  
**Brentwood**  
**Essex**  
**CM14 4AJ**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Indoor Sporting Event**  
**Playing of Recorded music**  
**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

### Indoor Sporting Event

|                  |                      |
|------------------|----------------------|
| <b>Monday</b>    | <b>11:00 - 02:00</b> |
| <b>Tuesday</b>   | <b>11:00 - 02:00</b> |
| <b>Wednesday</b> | <b>11:00 - 02:00</b> |
| <b>Thursday</b>  | <b>11:00 - 02:00</b> |
| <b>Friday</b>    | <b>11:00 - 02:00</b> |
| <b>Saturday</b>  | <b>11:00 - 02:00</b> |
| <b>Sunday</b>    | <b>11:00 - 02:00</b> |



**Playing of Recorded music**

|                  |                      |
|------------------|----------------------|
| <b>Monday</b>    | <b>11:00 - 02:00</b> |
| <b>Tuesday</b>   | <b>11:00 - 02:00</b> |
| <b>Wednesday</b> | <b>11:00 - 02:00</b> |
| <b>Thursday</b>  | <b>11:00 - 02:00</b> |
| <b>Friday</b>    | <b>11:00 - 02:00</b> |
| <b>Saturday</b>  | <b>11:00 - 02:00</b> |
| <b>Sunday</b>    | <b>11:00 - 02:00</b> |

**Sale by Retail of Alcohol**

|                  |                      |
|------------------|----------------------|
| <b>Monday</b>    | <b>11:00 - 02:00</b> |
| <b>Tuesday</b>   | <b>11:00 - 02:00</b> |
| <b>Wednesday</b> | <b>11:00 - 02:00</b> |
| <b>Thursday</b>  | <b>11:00 - 02:00</b> |
| <b>Friday</b>    | <b>11:00 - 02:00</b> |
| <b>Saturday</b>  | <b>11:00 - 02:00</b> |
| <b>Sunday</b>    | <b>11:00 - 02:00</b> |

**The opening hours of the premises**

|                  |                      |
|------------------|----------------------|
| <b>Monday</b>    | <b>11:00 - 02:30</b> |
| <b>Tuesday</b>   | <b>11:00 - 02:30</b> |
| <b>Wednesday</b> | <b>11:00 - 02:30</b> |
| <b>Thursday</b>  | <b>11:00 - 02:30</b> |
| <b>Friday</b>    | <b>11:00 - 02:30</b> |
| <b>Saturday</b>  | <b>11:00 - 02:30</b> |
| <b>Sunday</b>    | <b>11:00 - 02:30</b> |

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

**A A Trading Ltd**  
**389C High Road**  
**London**  
**N22 8JA**

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

**Company Number**                      **09287224**

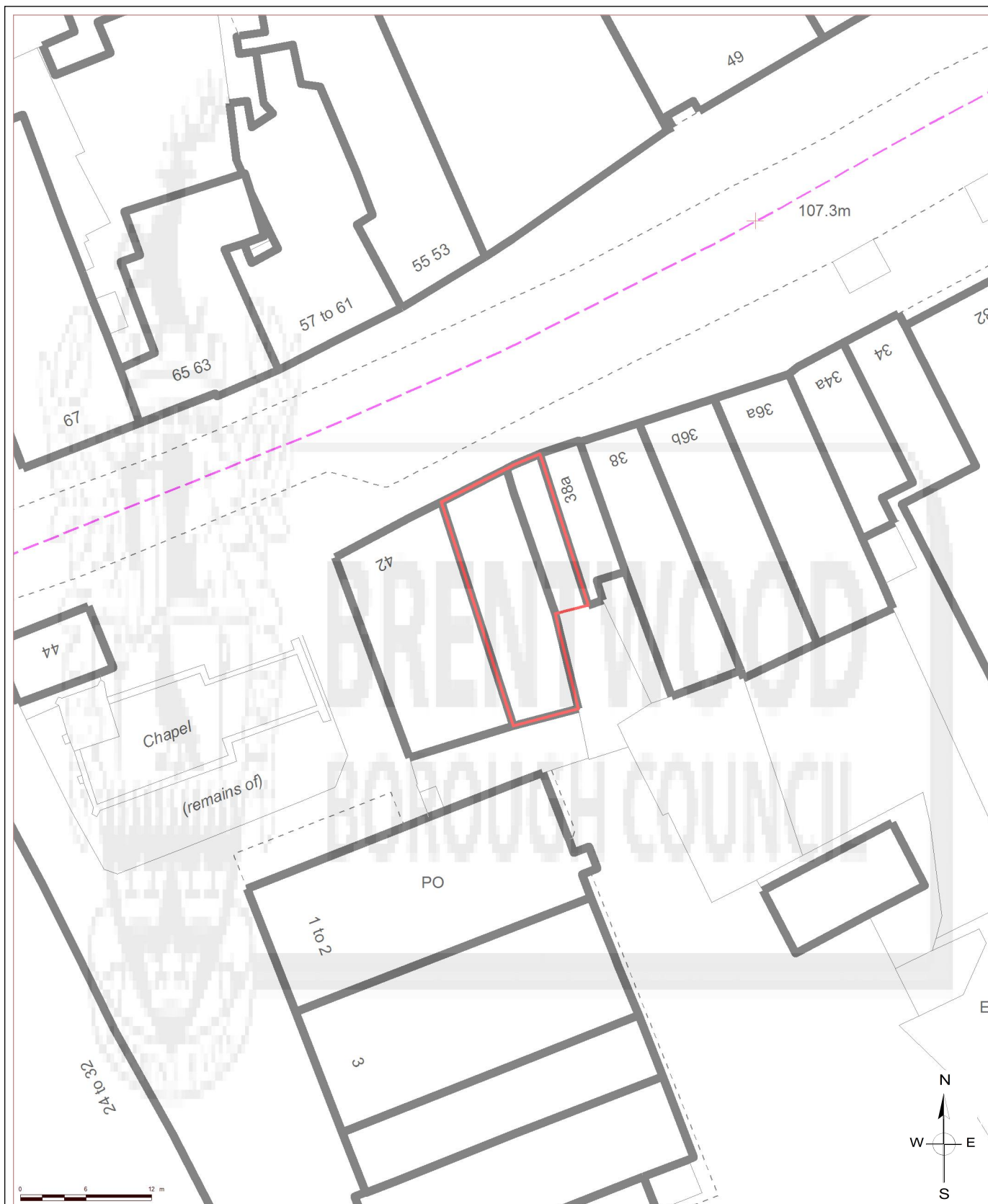
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Daniel Mark Capitanchik**

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:**  
**Licensing Authority: Swindon Borough Council**





# 40 High Street, Brentwood

## Location Map

Drawing No. :

Scale at A4 : 1:500

Drawn by : OSJ

Service : ICT

Date : 8th July 2016

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





# **BLOC 40, FIRST FLOOR, 40 HIGH ST, BRENTWOOD CM14 4AJ**



Drawing No. :

Scale at A4 : 1:1250

Drawn by : OSJ

Service : ICT

Date : 8th September 2020

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





# 40 High Street, Brentwood

## Location Map

Drawing No. :

Scale at A4 : 1:1250

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Service : ICT

Date : 8th July 2016

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



































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**BLOC 40, FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ**

# **APPENDIX 3**

## **REPRESENTATIONS**

### ***Responsible Authorities***

*Brentwood Borough Council*

*Mr. David Carter – Environmental Health Manager*

*Ms. Elaine Higgins – Principal Environmental Health Officer*



Ms Michelle Peach  
Poppelston Allen  
37 Stoney Street  
Nottingham  
NG1 1LS

Date: 07 July 2020  
Our reference: 20/001064/LICON  
Your reference:

Dear Ms Peach

**Application for Premises Licence to be granted under the Licensing Act 2003**  
**First Floor 40 High Street Brentwood Essex CM14 4AJ**

Further to the above application of the 11 June 2020, I confirm that as Environmental Health (Health and Food Safety) I have a number of 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 Public Safety

There is insufficient detail offered in the premises operating schedule under the promotion of the licensing objectives of Public Safety. I require more information in order to be able to satisfy my concerns.

The reasons for my representation are detailed as:

**Public Safety**

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

1. What will the 2m high barrier be constructed of?

The concerns are that persons should be prevented from falling from the edge in addition to objects such as drinking vessels falling or being thrown from height.

2. What type and layout of external furniture will be in place?

The concerns for public safety is that these could be located adjacent to the edge of the terrace area where persons could stand to fall or for objects to fall or be thrown from height. The locations of furniture will also highlight safe access from the



terrace in an emergency and assist in demonstrating the capacity of persons to be reasonably accommodated in this area.

3. What is the maximum safe working load for the outside area?

Are there any design and structural calculations of a safe load for the terrace area?  
Are there any fragile surfaces, such as skylights which have been covered that could permit a fall from height from the terrace area.

4. What is the anticipated capacity of the roof?

Point 29. of the proposed conditions does not specify a capacity of the terrace area. This should be supplied by the applicant and not be calculated by the responsible authorities, taking into account the structural capacity, the weight of the fixtures and other fittings such the proposed furniture.

Yours sincerely,

Elaine Higgins PGDip, DMS, BSc (Hons), CMIOSH, MCIEH, CEnvH

**Principal Environmental Health Officer**

**Chartered Environmental Health Practitioner**

**Environmental Health**

Telephone: 01277 312667

Email: elaine.higgins@brentwood.gov.uk



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**BLOC 40, FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ**

# **APPENDIX 4**

## **REPRESENTATION**

*Other Person*

*Mrs. Greta Millwood*



# **Representation concerning premises licence application 20/00004/LAPRE**

## **1. Name and address of persons making representation**

- Sasha Valeri Millwood, [REDACTED] Alfred Road
- Greta Millwood, [REDACTED] Alfred Road
- Matt Bell-Watson, [REDACTED] Alfred Road
- Carole Chapman, [REDACTED] Alfred Road
- Lesley Arthur, [REDACTED] Alfred Road
- Hannah Arthur, [REDACTED] Alfred Road
- Amanda Fasham, [REDACTED] Alfred Road
- Ellen Fasham, [REDACTED] Alfred Road

## **2. Name and address of the premises about which a representation is being made**

Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ

## **3. the licensing objective(s) that will not be met if the application is granted**

- the prevention of crime and disorder; and
- the prevention of public nuisance.

## **4. the reason(s) for this view and supporting evidence**

### **a) Bloc 40's history of disorder and public nuisance, and its failure to rectify it over 12 months of active operation**

Since Bloc 40 opened for business on Brentwood High Street in March 2019, it has blighted our neighbourhood with an intolerable and entirely avoidable level of night-time noise from a combination of amplified music, disorderly behaviour of customers (there have been many instances where the screaming and shouting were so severe as to make us wonder whether a crime may be in progress), and the disposal/processing/crushing/collection of glass refuse. During its 12 months of active operation (March 2019 to March 2020, until all nightclubs were required to close due to government 'lockdown' measures in response to COVID-19), Bloc 40 has failed to take adequate action to address the disorder and public nuisance emanating from its premises and customers. Apart from a reduction in glass-related noise at night, there was no appreciable reduction in the public nuisance we suffered over those 12 months. We therefore have no confidence that Bloc 40 would improve its behaviour.

### **b) inadequacy of Brentwood Borough Council's capacity to enforce licensing conditions -- lack of Environmental Health officers on call during**



## **evenings/weekends**

Despite repeated complaints to Brentwood Borough Council and discussion with Environmental Health officers, this blight persisted from March 2019 until all nightclubs were required to close in March 2020 due government 'lockdown' measures in response to COVID-19. Although the Environmental Health officers with whom we have corresponded have been sympathetic to our complaints, they seem to lack the staffing to undertake any effective monitoring or enforcement action. We have, on multiple occasions, telephoned the Council to report public nuisance at the time it was occurring (i.e.: late at night). Even when the telephone was answered, the usual response was that there was nobody available to investigate or take enforcement action at the time. The exception was one occasion when two officers seconded from Thurrock Council responded to our call during the early-May bank-holiday weekend in 2019: they were supportive when we spoke to them, but they had no measuring instruments with them beyond their notepads (they apologised for this, explaining that they had been assigned to assist Brentwood Borough Council on short notice), and so were limited in what evidence they could collect. We feel strongly that the lack of evening and weekend cover in Brentwood Borough Council's Environmental Health department is a serious deficiency that places the licensing objectives in unacceptable jeopardy. It is imperative that this lack of staffing be remedied before any further licence (or renewal thereof) be granted to a nightclub with a history of complaints.

## **c) inadequacy of the proposed conditions**

Whilst many of the proposed conditions (as published at <https://publicaccess.brentwood.gov.uk/online-applications/licencingApplicationDetails.do?activeTab=conditions&keyVal=QBRA52DJ04A00>) are, in principle, welcome, they do not go far enough and do not inspire confidence that the licensing objectives would be met. In particular, the safeguards against disorder and noise are insufficient, as we enumerate below:

- i. there is no reference to the disposal/processing/crushing/collection of glass refuse, a noisy activity that seems to take place after customers have left -- there should be a requirement that such activity not take place at night;
- ii. the "Installation of screen to outside area" makes no reference to minimum standards for sound insulation (even when there is no amplified music whatsoever in the outside area, the noise of customers can carry significantly);
- iii. it is not clear how the provision for "No Speakers in External Areas" will be monitored and enforced, especially if the speakers are brought and operated by customers rather than by the management (battery-operated portable speakers are relatively easy to obtain and can be powerful enough to disrupt neighbours);
- iv. the "Noise Limiter" provision provides for only one monitoring-point (and it is not specified whether that point would be indoors or outdoors, to allow for the fact that residents may want to sleep with windows open in warmer weather), namely "the nearest residential noise sensitive premises", which is insufficient given that noise does not necessarily project in a uniform omnidirectional manner (i.e.: it is possible that "the nearest" may not be "the noisiest") -- there should really be several monitoring-points, each in a different direction;
- v. it is not clear how the "Windows and Doors" provision ("All windows and doors to be kept closed during regulated entertainment, with the exception for access and egress.") will be enforced -- for instance, will all doors be self-closing, and will some sort of alarm sound if a door is left open for too long?
- vi. the provisions for "Display of Notices", whilst useful, do almost nothing to guarantee that



- customers would indeed "leave quietly" or "use the area quietly";
- vii. the "Intervals of Monitoring of the Terrace" are inadequate -- in 30 minutes, a lot of crime, disorder, or public nuisance could easily take place (see also our earlier comment about the anxiety that has been induced by the severe screaming and shouting);
  - viii. we are pleased to see plans for a "Limit of Noise Levels after 11pm", but feel that there should be multiple monitoring-points, not just one (see also §iv above) -- moreover, there is no explanation for how the determination of an acceptable level can be revised if it, subsequent to having been certified initially as "to the satisfaction of Environmental Health Services", proved to be not to the satisfaction of local residents;
  - ix. the provision for "Lighting on the Terrace" does not make any reference to mitigating light pollution (e.g.: by banning strobe lighting on the terrace, and requiring lights to be angled downwards and positioned below the level the 2-metre screen);
  - x. although there are admirably comprehensive provisions in respect of CCTV, no equivalent requirements are imposed for noise monitoring -- why is there no apparent requirement for noise-monitoring data to be retained for "a period of not less than 31 days with correct time and date stamping"?

#### **d) supporting evidence -- noise diaries and an anonymous comment**

- noise diaries (two files, attached) kept by Sasha Valeri Millwood and Greta Millwood, [REDACTED] Alfred Road -- NB: many of the times given in the "time finish" are not actual finish times, but simply the last time recorded before I got to sleep (that is to say, the noise may have continued a lot later)
- The following comment from one of the other signatories (who has asked not to have the comment linked to his/her name): "We have been woken up and kept awake multiple times by extremely loud noise from Bloc 40, especially during the summer months when we usually have windows open at night. Sometimes this has not been possible as the noise has been too loud for us and our child. They are not considerate to local residents."

### **5. daytime telephone number**

please call Greta Millwood on + [REDACTED]



## **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.