



# Agenda

## Licensing Sub-Committee

Tuesday, 11 May 2021 at 7.00 pm

Remote Meeting via Teams

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### Membership (Quorum – 3 )

Cllrs Fryd, Mynott and Tanner

### Substitute Members

Cllrs

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### Agenda

Item	Item	Wards(s) Affected	Page No
	<b>Live broadcast</b>		
	<a href="#">Live broadcast to start at 7pm and available for repeat viewing.</a>		
	<b>Contents</b>		
1.	<b>Appointment of Chair</b>		
2.	<b>Administrative Function</b> 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 to Vary a Premises Licence- Brave Nelson, 138 Woodman Road, Brentwood CM14 5AL</b>	Warley	5 - 88

A handwritten signature in black ink, reading "Jonathan Stephenson", is centered at the top of the page. The signature is written in a cursive style with a horizontal line crossing through the middle of the letters.

Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
03.05.2021

## 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

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

#### Personal Explanation


A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

** 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.

<b>Committee(s):</b> Licensing & Appeals Committee	<b>Date:</b> 11 May 2021
<b>Subject:</b> Application to Vary a Premises Licence <i>Brave Nelson, 138 Woodman Road, Brentwood CM14 5AL</i>	<b>Wards Affected:</b> <i>Warley</i>
<b>Report of:</b> Dave Leonard - Licensing Officer	<b>Public</b>
<b>Report Author/s:</b> Name: Dave Leonard Telephone: 01277 312523 E-mail: dave.leonard@brentwood.gov.uk	<b>For Decision</b>

## Summary

An application has been received to vary the premises licence to reflect a new premises plan that includes an outside bar area to supply alcohol in respect of **Brave Nelson, 138 Woodman Road, Warley, Brentwood CM14 5AL**. No representations have been received from the Responsible Authorities. There have been eleven valid representations received from Other Persons of which six are opposed to the application and five are made in support. 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.

## Recommendation(s)

### **Members are asked to:**

Consider 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:

1. To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
2. To grant the application in full, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
3. To reject the application in whole or in part.

## Main Report

### 1. Introduction and Background

1.1 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

1.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

1.3 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.

1.4 The four licensing objectives are;

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

1.5 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.

### 2. Issue, Options and Analysis of Options

2.1 This application was received on 10 March 2021 from Mr Paul Duley in respect of ***Brave Nelson, 138 Woodman Road, Brentwood CM14 5AL***. A copy of the application is attached at ***Appendix A***.

2.2 The premise is a public house situated in the middle of a residential location. In 2013, this public house became the first building in Brentwood to be listed as a Community Asset under the Localism Act 2011. This application does not

seek to vary or contravene the current licence conditions in relation to the use of the outside garden nor does it extend the hours of any licensable activity. The application seeks to vary the premises licence plan to include a newly constructed outside bar and cellar in the outside beer garden where alcohol will be supplied from the following hours:

**1700hrs-2130hrs on Thursday and Friday**

**1200hrs-2130hrs on Saturday and Sunday**

The applicant states that the bar has been constructed in order to better address the restrictions imposed on outdoor drinking by the coronavirus regulations and implies that its use is a seasonal option not for use in winter.

A copy of the existing premises licence together with a set of OS Street Maps and images to better identify the location are attached at **Appendix B**.

2.3 No representations have been received from the Responsible Authorities.

The Planning Department is aware and dealing with matters arising in relation to planning permission at The Brave Nelson but this is not a matter for the Licensing Committee.

2.4 There have been six representations received from local residents who all live in close proximity to the premises and are against this application. The representations are attached at **Appendix C**.

2.5 The concerns raised are predominantly based on noise nuisance complaints relating to the extended use of the beer garden area, the showing of sporting events on a large outdoor screen and the staff's lack of control of its patrons. It is claimed that the beer garden has often been used after its strict 2200hrs closure requirement and that the excessive noise generated from it has a negative effect on the lives of those living locally in a built-up residential area.

2.6 There have been five further representations received from local residents who all live in close proximity to the premises who support the application. The letters of support praise the venue as a well maintained, family friendly community pub. These representations are attached at **Appendix D**.

2.7 Based on the content of the operating schedule, the conditions attached to any licence issued (in addition to the mandatory conditions and those consistent with the operation schedule attached to Annex 2 of the current premises licence) will be:

- Staff will be trained to the highest standard on their roles and responsibilities, and that training records will be retained.

- A comprehensive 24-hour CCTV system is installed with full recording facilities covering all of the car park area, the outside garden including the children's area and the outside bar.
- The outside bar will only serve alcohol from Thursdays to Sundays and will not be open in the winter.

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

- 3.1 The following guidance issued under Section 182 Licensing Act 2003 relates to determining applications in relation to beer gardens and other outdoor spaces and the disclosure of personal details of persons making representations:

#### **Beer gardens or other outdoor spaces**

*8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space & the member of staff then collects the drinks from the licensed premises & returns to deliver them to the customer this would be treated as an off-sale & any conditions that relate to off-sales would apply.*

*8.36 In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).*

*8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.*

#### **Disclosure of personal details of persons making representations**

*9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.*

*9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or*



*violence if their personal details, such as name and address, are divulged to the applicant.*

*9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.*

*9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.*

*9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.*

### **3.2 Statement of Licensing Policy**

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

#### **Prevention of Public Nuisance**

*22.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.*

*22.2 The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area*

*22.5 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 prevent public nuisance, relevant to the individual style and characteristics of their premises and events.*

### **4. Reasons for Recommendation**

4.1 These are the options available to the Committee under the Licensing Act 2003.

## **5. Consultation**

- 5.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003.
- 5.2 Officers from the licensing authority have made checks on the display of notices on two occasions and on both occasions the blue advertising notice was correctly on display on the front of the building. The applicant did delay in placing the public notice in a local paper and as a result the consultation period for the application was extended until 12 April 2021.

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**  
**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**

- 5.3 There are no financial implications for this report.

#### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**  
**Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk**

- 5.4 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.
- 5.5 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.
- 5.6 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

### **Background Papers**

None

## **Appendices to this report**

Appendix A - Application Form

Appendix B - Current Premises Licence, OS Street Maps & Images

Appendix C - Representations from Other Persons opposed to the application.

Appendix D- Representation from Other Persons in support of the application

## **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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**Application to Vary a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX A**

**APPLICATION FORM**

**& GARDEN PLANS**

# Application to Vary a Premises Licence under the Licensing Act 2003

Reference: VPrL314750914

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

Before completing this form, please read the guidance notes:

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

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

## Cost of Licence

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

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

Cost of licence: £190.00

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

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## Part 1 - Premises Details

### Premises Address

Flat number (if any)

House number/name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post code CM14 5AL

Daytime contact telephone number

Premises email address (optional):

### Applicant Address

Flat number (if any)

House number/name

Road name

Town

County

Post code

Daytime contact telephone number:

Applicant email address:



## **Part 2 - Variation**

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

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

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

Outside serving area for alcohol (outside Bar) with cellar

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

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## **Part 3 - Operating Schedule**

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

Provision of regulated entertainment for:

Provision of late night refreshment:

Supply of alcohol: 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)**

**Day      Start      Finish**

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

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

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

## **b) Films**

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

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

Day      Start      Finish

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

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

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

## c) Indoor Sporting Events

Standard Days and Timings (please read guidance note 6)

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

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

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

## d) Box or Wrestling

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

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

**Day      Start      Finish**

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

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

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

## e) Live Music

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

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

**Day      Start      Finish**

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

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

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

## f) Recorded Music

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

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

**Day      Start      Finish**

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

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

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

## **g) Performance of Dance**

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

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

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

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

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

**(h) Anything of a similar description to that falling within (e) Live music, (f) Recorded music or (g) Performance of dance**

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

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

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

Day      Start      Finish

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

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

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



## **i) Late Night Refreshment**

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

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

**Day      Start      Finish**

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

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

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

## (j) Supply of Alcohol

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

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

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday		
Tuesday		
Wednesday		
Thursday	17:00	21:30
Friday	17:00	21:30
Saturday	12:00	12:00
Sunday	12:00	12:00

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

this is an outside serving area of alcohol only on Thursdays to Sundays keep in the guild lines of Covid 19 restrictions and to give my costumers a better service.

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

yes this is seasonal so while the sun is out and its warm then we will keep it open therefore not in the winter

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):

no

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

Name: Paul Duley

#### Address

Flat number (if any)

House number/name

Road name

Town

County

Post code

Personal Licence Number (if known): PSL028

Issuing Licence Authority (if known): Brentwood Borough Council

## **(I) Hours premises are open to public**

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

<b><u>Day</u></b>	<b><u>Start</u></b>	<b><u>Finish</u></b>
Monday	12:00	23:00
Tuesday	12:00	23:00
Wednesday	12:00	23:00
Thursday	12:00	23:00
Friday	12:00	23:30
Saturday	12:00	23:30
Sunday	12:00	11:00

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

spring. march - June

summer June - September

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

no

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

none

**Alternatively, this should be sent by post to:**

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

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

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

## **(n) Adult Entertainment and Services**

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

none

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## **(o) Promoting Licensing Objectives**

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

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

As a consequence of the Covid 19 pandemic we have built a outside bar to help my customers have a better experience at the brave nelson. we will have plenty of staff to monitor the garden to keep it clean and tidy and also to monitor the noise levels, which will not be more than usually for the time of year

b) The prevention of crime and disorder:

the pub is a family pub, however alcohol makes some people a little bit loader therefore my staff have been trained to deal with this and to make me aware with what's going on

c) Public safety:

All the staff have been trained with the highest standard to public safety and I pride myself on how least trouble I could count on one hand..

d) The prevention of public nuisance:

with the amount of staffing levels that we have in the garden that is clear to the customers with our new uniforms and 24 cctv cameras that covers all of the car park inside bar outside gardens and kids gardens and if people get to drunk then we do stop serving them and are asked to leave. however as I said before this is a family pub with children playing and having fun the amount of trouble is very very small.

e) The protection of children from harm:

Our children garden is protected by its own entrance via the main garden and can't be accessed via the car park. we do have swings and slides with a bouncy castle and a climbing frame that is monitored by my staff at all times.

## Declaration

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

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

[Public Notice of Application to Vary](#)

I have attached the premises licence or relevant part of it or an explanation: I agree

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

**It is an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application**

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## Part 4 - Signatures (please read guidance note 10)

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

Signature: Paul Duley

Date: 10/03/2021

Capacity:

**Where the premises licence is jointly held, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity**

Signature:

Date: 10/03/2021

Capacity:

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

Correspondence Name: Paul Duley

### Correspondence Address

Flat number (if any)

House number/name

Road name

Town

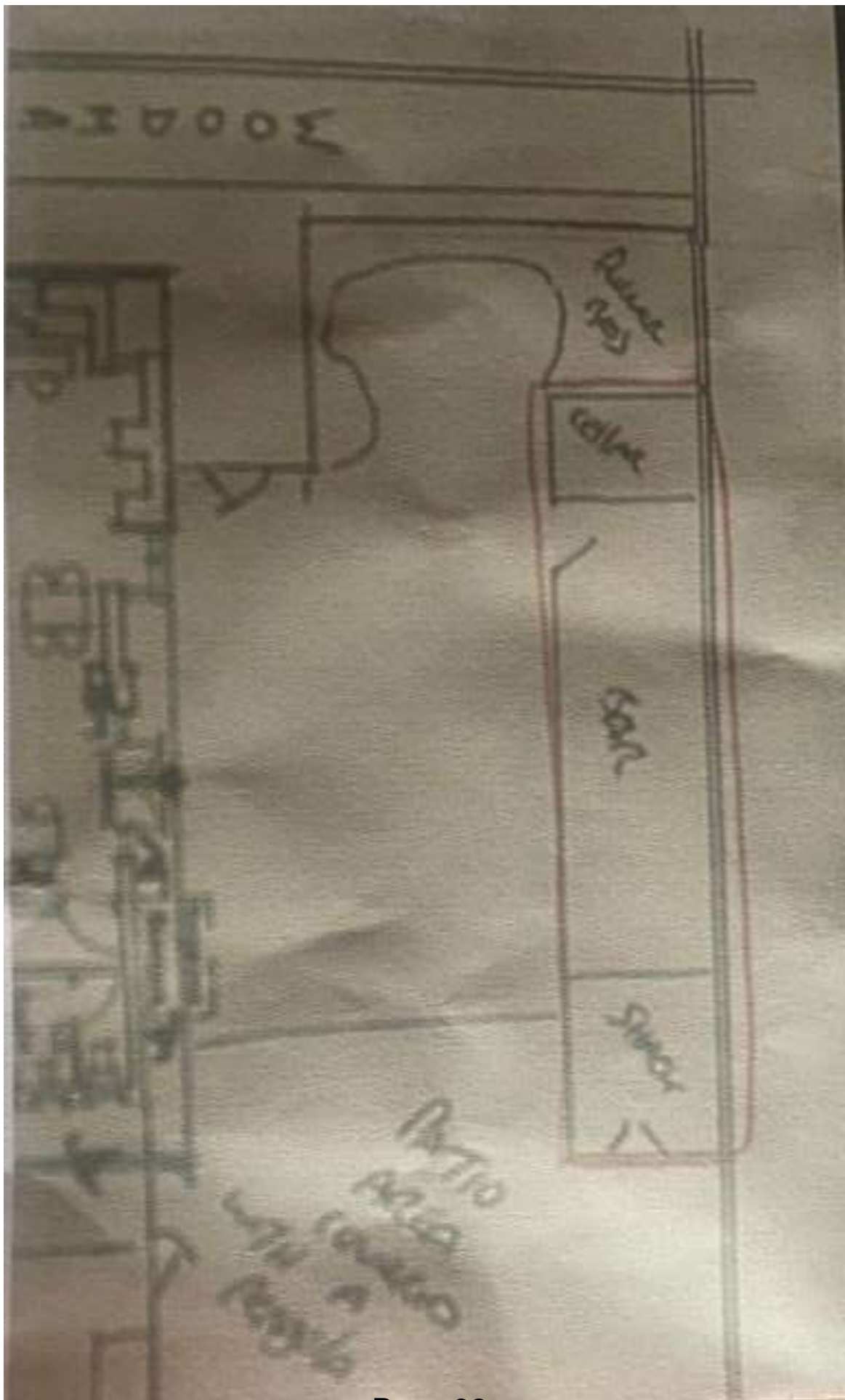
County

Post code

Telephone number:

Mobile telephone number [REDACTED]  
Email address [REDACTED]







**From:** paul duley  
**Sent:** 10 March  
**To:** Dave Leonard  
**Subject:** Re: BRAVE NELSON - APPLICATION TO VARY THE PREMISES LICENCE  
**Attachments:** New Bar Plan for outside in garden.numbers; Garden table plan 2021.numbers

Hi Dave

Here is the plan for outside bar area, I hope this is hope for you.

Also to clarify open times for the New Bar in The Garden to sell alcohol

Thursday 17:00 till 21:30  
Friday 17:00 Till 21:30  
Saturday 12:00 till 21:30  
Sunday 12:00 till 21:30

Opening times for the brave nelson is as per licence..

Thank you

Paul Duley  
The Brave Nelson

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**Application to Vary a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX B**

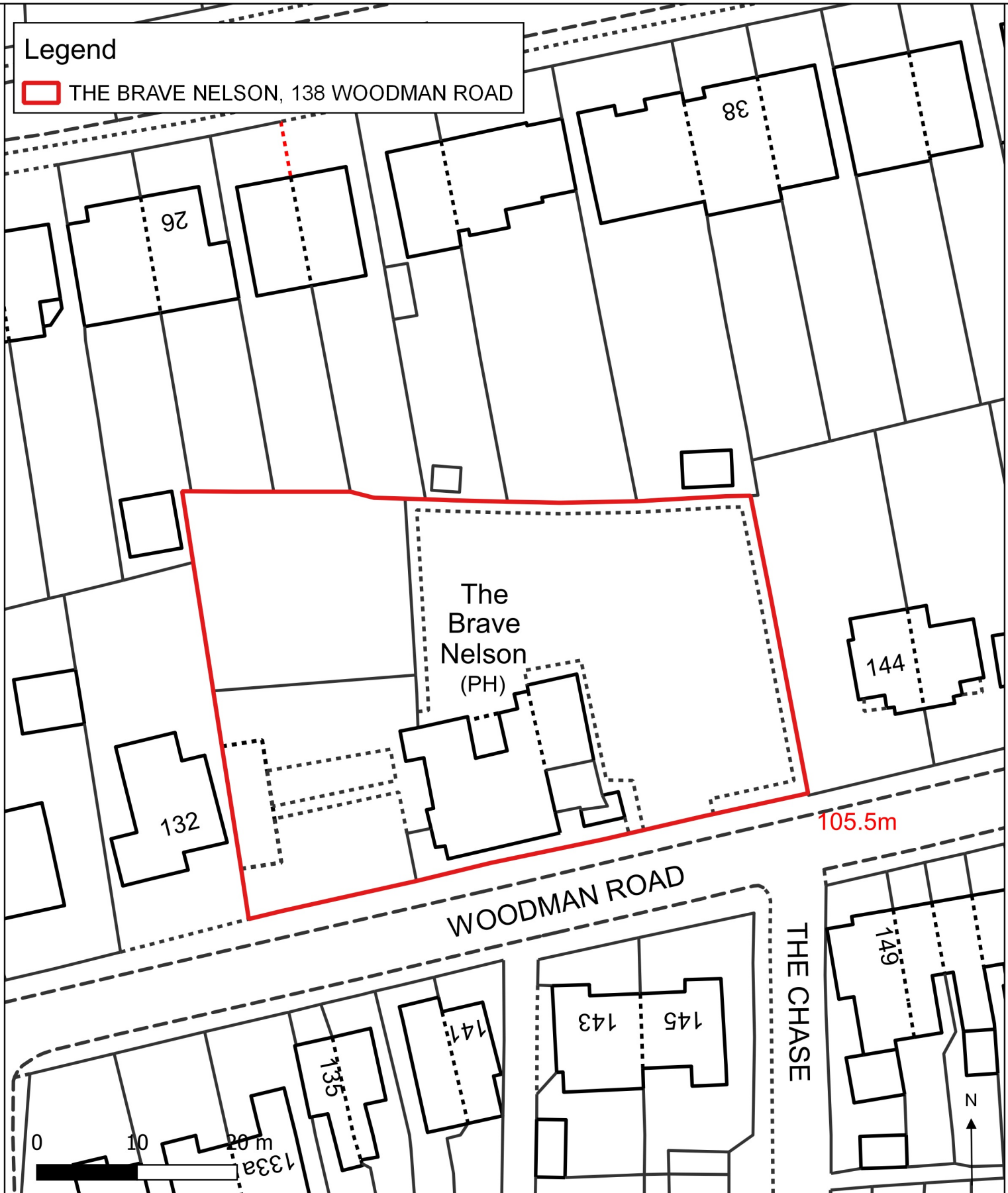
*Current Premises Licence*

*Dated 20 August 2018*

*OS Maps & Images*

Legend

 THE BRAVE NELSON, 138 WOODMAN ROAD



THE BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD  
CM14 5AL

Drawing No. :

Scale at A4 : 1:500

Drawn by : OSJ

Service : ICT

Date : 19th April 2021



**BRENTWOOD**  
BOROUGH COUNCIL

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

# Legend

 THE BRAVE NELSON, 138 WOODMAN ROAD



## THE BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL

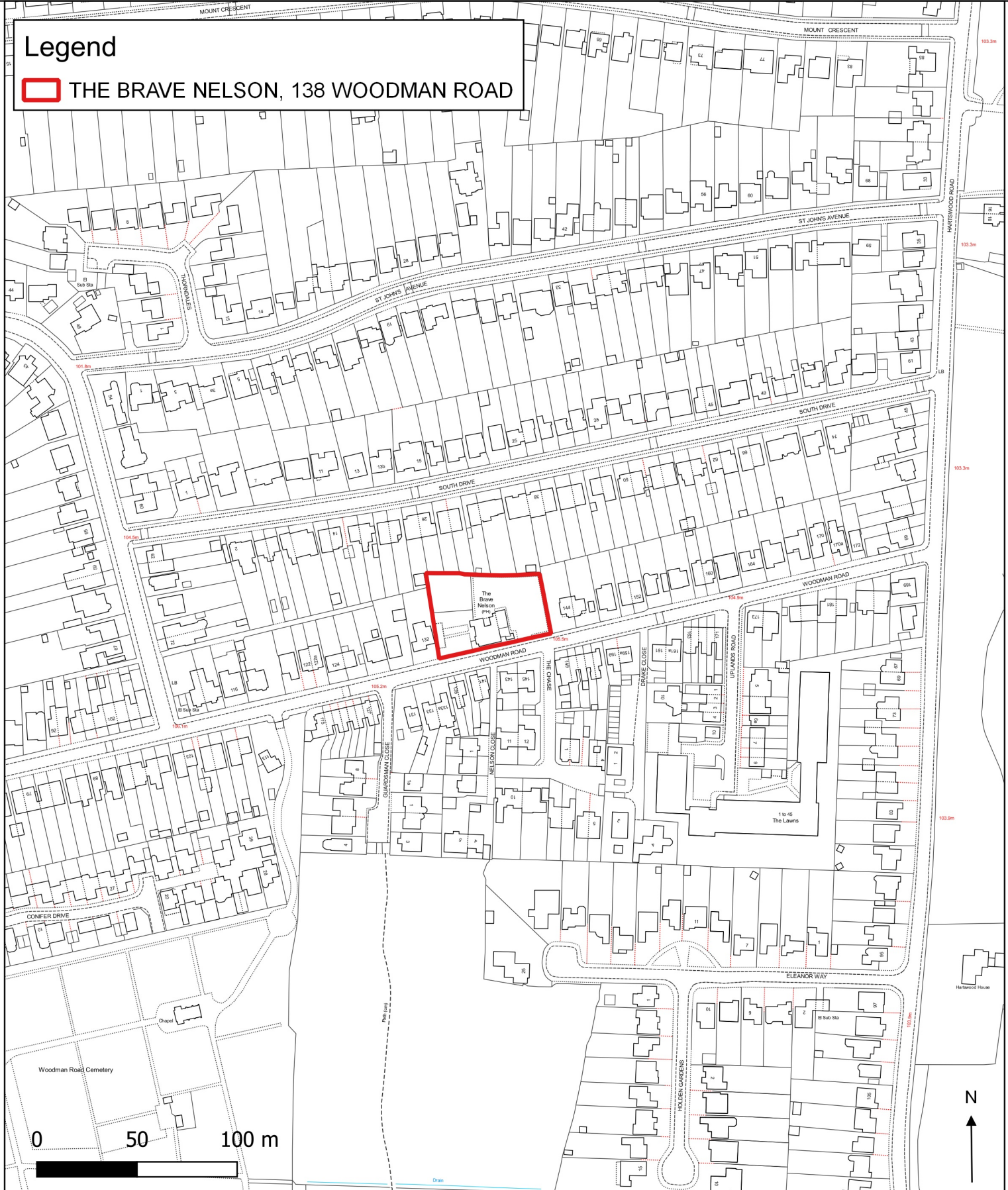
Drawing No. :  
Scale at A4 : 1:1250  
Drawn by : OSJ  
Service : ICT  
Date : 19th April 2021



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

# Legend

 THE BRAVE NELSON, 138 WOODMAN ROAD



## THE BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL

Drawing No. :  
Scale at A4 : 1:2500  
Drawn by : OSJ  
Service : ICT  
Date : 19th April 2021



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

## Premises Licence

<b>Premises Licence Number</b>	<b>PRM_0019</b>
<b>Application Number</b>	<b>17/00022/LAPRE</b>
<b>Date of Issue</b>	<b>20th August 2018</b>

### Part 1 – Premises Details

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

**The Brave Nelson**  
**138 Woodman Road**  
**Warley**  
**Brentwood**  
**Essex**  
**CM14 5AL**

Telephone number  
**01277 211690**

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Performance of Live music**  
**Playing of Recorded music**  
**Provision of Late Night Refreshments**  
**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

#### Performance of Live music

<b>Christmas Eve</b>	<b>23:00 - 00:30</b>
<b>Boxing Day</b>	<b>23:00 - 00:30</b>
<b>New Year's Eve</b>	<b>10:00 - 02:00</b>

#### Playing of Recorded music

<b>Christmas Eve</b>	<b>23:00 - 00:30</b>
<b>Boxing Day</b>	<b>23:00 - 00:30</b>
<b>New Year's Eve</b>	<b>10:00 - 02:00</b>

**Provision of Late Night Refreshments**

<b>Friday</b>	<b>23:00 - 23:30</b>
<b>Saturday</b>	<b>23:00 - 23:30</b>
<b>Christmas Eve</b>	<b>23:00 - 00:30</b>
<b>Boxing Day</b>	<b>23:00 - 00:30</b>
<b>New Year's Eve</b>	<b>10:00 - 02:00</b>

**Sale by Retail of Alcohol**

<b>Monday</b>	<b>10:00 - 23:00</b>
<b>Tuesday</b>	<b>10:00 - 23:00</b>
<b>Wednesday</b>	<b>10:00 - 23:00</b>
<b>Thursday</b>	<b>10:00 - 23:00</b>
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<b>Boxing Day</b>	<b>23:00 - 00:30</b>
<b>New Year's Eve</b>	<b>10:00 - 02:00</b>

**The opening hours of the premises**

<b>Monday</b>	<b>10:00 - 23:30</b>
<b>Tuesday</b>	<b>10:00 - 23:30</b>
<b>Wednesday</b>	<b>10:00 - 23:30</b>
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<b>Friday</b>	<b>10:00 - 00:00</b>
<b>Saturday</b>	<b>10:00 - 00:00</b>
<b>Sunday</b>	<b>10:00 - 23:30</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**





## Annex 1 – Mandatory conditions

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

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

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

**5 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

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

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

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

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

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

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

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

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

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

**7 The responsible person must ensure that—**

**(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—**

**(i) beer or cider: ½ pint;**

**(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and,**

**(ii) still wine in a glass: 125 ml;**

**(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .**

**(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."**

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

- 1 An incident log will be kept in which staff will record any crimes, incidents, refusals and any complaints received.**
- 2 Staff will be trained on their roles and responsibilities, records of training given will be retained and made available to the licensing authority or the Police for inspection upon reasonable request.**
- 3 A comprehensive CCTV system is installed with full recording facilities covering both inside and outside parts of the premises.**
- 4 Any music provided will be closely monitored and controlled by the in house management team so as to minimise noise nuisance to the neighbours.**
- 5 All music will cease at 23:00hrs**
- 6 Smokers will be encouraged to use the garden smoking shelter in a quiet and noise friendly fashion**
- 7 Customers will not be permitted use of the garden after 22:00hrs except for the purpose of smoking. The number of smokers permitted to be outside smoking after 22:00hrs will be limited to 15.**
- 8 No drinks are to be consumed outside after 22:00hrs.**
- 9 Notices will be posted at entrance/exits requesting patrons to respect the neighbours and leave in a quiet & orderly fashion.**
- 10 The premises will adopt a Challenge 25 policy**
- 11 Children will only be admitted while in the company of a supervising adult and will be required to vacate the premises by 22:00hrs daily (except for a pre-booked family party/event**
- 12 The premises shall install and maintain a CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.**
- 13 The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on premises.**
- 14 All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer of a Responsible Authority.**
- 15 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 Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.**

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

- 1 Self-closers shall be fitted on all doors that open to the front of the premises and into the garden and the doors shall not be fixed open whilst music is being played to avoid noise break-out from the premises.**
- 2 The childrens play area will be closed to all patrons after 21:00hrs on any day**
- 3 Ball games are to be banned from the children's play area.**
- 4 Music amplification is prohibited in the outside areas of the premises without prior permission from the Council's licensing department.**
- 5 Any special events planned at the premises shall be notified to the Council's licensing department at least 14 days before the event. The premises management will work with the licensing department so that the impact of such events is minimised.**
- 6 The hours of operation at New Year is limited to 02:00hrs, rather than the 08:00hrs applied for.**









## Premises Licence Summary

<b>Premises Licence Number</b>	<b>PRM_0019</b>
<b>Application Number</b>	<b>17/00022/LAPRE</b>
<b>Date of Issue</b>	<b>20th August 2018</b>

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**The Brave Nelson  
138 Woodman Road  
Warley  
Brentwood  
CM14 5AL**

Telephone number  
**01277 211690**

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Performance of Live music  
Playing of Recorded music  
Provision of Late Night Refreshments  
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

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### Sale by Retail of Alcohol

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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

**Mr Paul Duley**  
**The Brave Nelson**  
**138 Woodman Road**  
**Warley**  
**Brentwood**  
**Essex**  
**CM14 5AL**

**Email Address**

**Paul@thebravenelson.co.uk**

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

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

**Mr Paul Duley**

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: PSL028**  
**Licensing Authority: Brentwood Borough Council**

























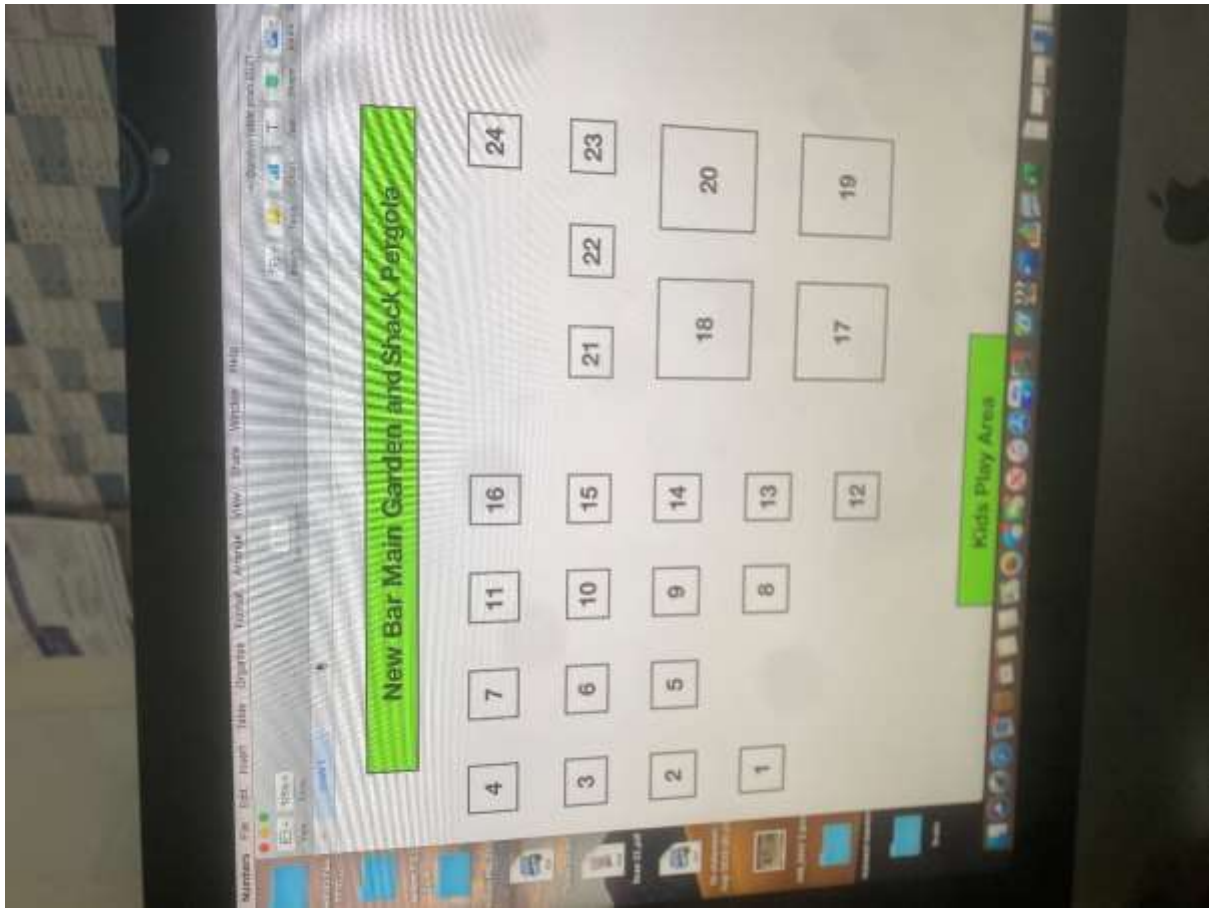












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**Application to Vary a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX C**

**Representations**

**Other Persons**

*Mr Stephen Caccavale*

*Mr Neil Hutchinson*

*Mr Ross Morrell*

*Ms Karen Strudwick & Mr Kevin Ollig*

*Mr Ian Palmer*

From: Ian Palmer [REDACTED]  
Sent: 12 April 2021 12:20  
To: Licensing; Paul Adams; Dave Leonard  
Cc: [REDACTED]  
Subject: Objection to Brave Nelson license variation

The following objection is made with information available to me at the present time. As there has been very limited access to officers, there may be some errors that could perhaps be corrected if time permitted.

This licenced premises is unfortunately situated within a normally quiet residential area. Its evolution from a family public house with a pleasant beer garden appropriate to its surroundings has transitioned to a facility that creates significant noise and disruption to local residents. This noise comes from both the uncontrolled children especially during the daytime followed by the late night revellers that the premises seems to attract. Many complaints have been made to the various Council enforcement groups with little effect. In recent times, pre- COVID, unless the noise is exceptional, it's not even worth residents notifying the system.

This proposed variation to the current license to create a "permanent" bar facility (licensing officers appear to suggest that this facility does not fall under the temporary COVID relaxations that are allowed to re-open up the hospitality industry) will provide the licensee with effectively doubling the size of the bar serving area for the licensed premises for the hours and days applied for. I suggest that this is inappropriate in the middle of a residential area!!

The concerns expressed below regarding the proposed license variation are linked to the following:-

From:-  
Home Office Revised Guidance issued under section 182 of the Licensing Act 2003

The licensing objectives are: •

- 1) The prevention of crime and disorder; •
- 2) Public safety; •
- 3) The prevention of public nuisance; and •
- 4) The protection of children from harm.

The provision of a licensed bar within the beer garden seems to go directly against the first and third licensing objectives. The creation of extensive covered areas and ready direct access to alcohol in the

beer garden is highly likely to produce further incidences where certainly the younger patrons continued to totally ignore the licensed hours with the inevitable highly vocal drunken outbursts witnessed pre-COVID. These vocal outbursts have been the reason behind many of the previous complaints regarding these premises.

The Home Office guidelines referenced above states in para 1.5 that licensing exists to :-

protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises; •

The patrons that frequented these premises certainly demonstrated that they had no interest in the noise nuisance they caused and the parents had no concerns over the anti social behaviour of their children. The proposed direct and easy access to alcohol in the beer garden at the times/days applied for is unlikely to improve their sense of responsibility for themselves or to parents with their children.

providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and • encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

The licensee has repeatedly demonstrated a lack of interest in the local residents but simply regards the premises as a money making tool with no community involvement. The local residents therefore have to rely on the compliance officers to control the behaviour of the licensee. Unfortunately there has been little evidence of any form of practical control with extra bar facilities likely to exacerbate the problem for officers to monitor compliance.

The fourth licensing objective, refers to not only physical harm but also to psychological and moral harm against children. As a local secondary school Governor, I see many children involved in safeguarding issues with a variety of underlying causes.

The Licensing Act 2003 Part 7 Children and Alcohol was developed to safeguard children from the various consequences of alcohol. I find it disappointing that Brentwood Council is even considering providing a licence variation that would create an extended bar in an area set out to allow children to play. There is no security or any limited access to the play area, therefore no control over there being unaccompanied children on site, a matter expressly covered in section 145 of the Act. The Act is also very clear on the consequences of allowing children to consume alcohol. I believe it was that reason why a bar is generally positioned away from easy access by children. It is also the reason why children must not be exposed to the consequences of excess alcohol consumption. The regular vocal demonstrations of intoxicated patrons seen previously will not be helped by an easier convenient access to alcohol. There is no reason for needing an external bar within an area frequented by children that could then potentially expose those children to abuse (in its broadest sense) except for financial greed.

Ian Palmer  
Resident  
South Drive

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From: Karen Strudwick [REDACTED]  
Sent: 05 April 2021 17:56  
To: Licensing  
Subject: Brave Nelson Public House

Follow Up Flag: Follow up  
Flag Status: Completed

We would like to raise objections to the application for the licence to serve alcohol in the garden.

The landlord and his staff have demonstrated an irresponsible attitude to the residence situated in and around this public house.

- Not adhering to terms and conditions of the licence.
- Clients still in the garden drinking after 10pm at night.
- Playing music /showing football on the TV in the garden on occasion when they know that is not allowed.
- Leaving the doors and windows open causing a disturbance.
- No control over the clients leaving after closing time to keep noise to a minimum. Taxis arriving , engines left running, door slamming loud voices.

When the first lockdown was eased no conforming to the government guidelines.

- Very loud voices coming from the garden area none compliance with clients being served seated at a table.
- Clients standing at the bar drinking.
- No control over people coming and going when clients were meant to book a table.

In preparation for the 12th April lifting of restrictions the Brave Nelson has made changes to the garden area.

- Tables and chairs have been crammed into the garden area without sufficient distance between.
- An addition to a covered area at the rear of the garden which only encourage clients to stand drinking and not seated as per government guidelines.
- A TV built into a unit has been placed in the garden.
- And there is a play area in the garden , will this be closed. If not then children/ adults will have a reason not to be seated.

Allowing the licence for the garden until 9.30pm needs to be looked at as it will mean clients will potentially still be in the garden until 10.30/11pm which is totally unacceptable for the residence in and around this public house.

I have been dealing with Dave Leonard and the environmental officer for a number of years with the on going issues at The Brave Nelson and this Landlord and this licence for the garden will cause a huge

disturbance to the already frustrated residence in and around this public house.  
Importantly the none compliance of the government guidelines will cause the infection rate to increase and put the country into another lockdown!

Karen Strudwick & Kevin Ollig  
[REDACTED] Woodman Road,  
Warley,  
Brentwood,  
Essex, [REDACTED]

Sent from my iPhone  
[Coronavirus Message - Hands Face Space - Fresh Air.]<<https://www.gov.uk/coronavirus>>

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From: Licensing  
Sent: 12 April 2021 08:55  
To: Debra Wright  
Subject: FW: NOTICE OF APPLICATION TO VARY A PREMISES LICENCE (The Brave Nelson, 138 Woodman Road, Warley, Brentwood, Essex, CM14 5AL)

Follow Up Flag: Follow up  
Flag Status: Completed

Dominika Jaskolska | Admin Assistant, Brentwood Borough Council  
T 01277 312510 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) |  
[REDACTED]

From: Hutchinson, Neil [REDACTED]  
Sent: 09 April 2021 18:32  
To: Licensing <[licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)>  
Cc: Dave Leonard [REDACTED]  
Subject: RE: NOTICE OF APPLICATION TO VARY A PREMISES LICENCE (The Brave Nelson, 138 Woodman Road, Warley, Brentwood, Essex, CM14 5AL)

My address is:  
[REDACTED] Woodman Road  
Warley  
Brentwood

Neil Hutchinson [REDACTED]  
[REDACTED]

From: Licensing <[licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)>  
Sent: 09 April 2021 16:46  
To: Hutchinson, Neil [REDACTED]  
Cc: Dave Leonard [REDACTED]  
Subject: RE: NOTICE OF APPLICATION TO VARY A PREMISES LICENCE (The Brave Nelson, 138 Woodman Road, Warley, Brentwood, Essex, CM14 5AL)

EXTERNAL EMAIL

Dear Mr Hutchinson

Please find attached acknowledgement to your representation to the Brave Nelson premises licence variation application.

Kind regards,

Debra Wright | Licensing Technical Officer | Brentwood Borough Council  
T| F 01277 312500 | www.brentwood.gov.uk | licensing@brentwood.gov.uk

From: Hutchinson, Neil [REDACTED]  
Sent: 01 April 2021 14:11  
To: Licensing <licensing@brentwood.gov.uk>  
Cc: Dave Leonard [REDACTED]  
Subject: NOTICE OF APPLICATION TO VARY A PREMISES LICENCE (The Brave Nelson, 138 Woodman Road, Warley, Brentwood, Essex, CM14 5AL)

To whom it may concern,

This email is with regards to the notice of application to vary the license for The Brave Nelson on Woodman Road.

The outside area of The Brave Nelson has been a problem for the last few years, due to its over development, and poor management. Excessive noise is generated from the outside area, which, as it is outside, carries significantly. The Brave Nelson is in close proximity to residential housing on all four sides, so the excessive noise, negatively affects the lives of residents, making an outside bar unsuitable.

There is no requirement to add an outside bar area to cope with the restrictions for Covid-19. Taking drinks and food orders from the table would suffice. The excessive noise has significant health and social problems, and shouldn't be dismissed as merely an inconvenience.

The Brave Nelson is frequently in breach of their existing licensing agreement now, so an extension to the agreement wouldn't seem to be appropriate.

Regards,

Neil Hutchinson | [REDACTED]

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From: Ross Morrell [REDACTED]  
Sent: 05 April 2021 11:32  
To: Dave Leonard; Paul Adams  
Subject: Fwd: BRAVE NELSON - APPLICATION TO VARY A PREMISES LICENCE  
Attachments: BRAVE NELSON appln to vary PL 10MAR21 redacted.pdf; BRAVE NELSON garden plan 26MAR21.jpg

Dear Mr Leonard and Mr Adams

Having reviewed the full licencing application I can see that Mr Duley has taken some considerable time and expense to address potential concerns.

Please find below by objections for consideration.

\* The prevention of crime and disorder - the application states that there will 'be plenty of staff' to monitor the new bar area to keep it clean and to deal with incidents that may arise. One persons idea of 'plenty of staff' and another persons can differ considerably. As with any business the driving force, is profit. Given this 'plenty of staff' will always be whatever the lowest cost verses service will allow to achieve the maximum profit. This number should be a licencing stipulation. Thus to allow for effective and safe management of this new facility a minimum staffing number should be set by the licencing authority taking into consideration that this is an application to double the size of the bar area.

\* The prevention of public nuisance - this application is a doubling of the bar area and as detailed above there is insufficient detail in what action has been taken to increase staffing levels to accommodate this.

Mr Ross Morrell  
[REDACTED] South Drive  
Brentwood  
[REDACTED]

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**From:** Stephen Caccavale  
**Sent:** 30 Mar 2021 20:08:47 +0100  
**To:** Licensing;Paul Adams  
**Subject:** The Brave Nelson

Dear Sirs

I wish, in the strongest possible terms, to register my objection to the proposed change of license at the Brave Nelson in Woodman Road. This change can only mean more noise and disturbance to the surrounding neighbourhood which was already at unacceptable levels.

The licensee, Mr Duley, has proved time and again, his total disregard for his surroundings, seeking only to improve takings. I refer you back to the meeting held on the premises last summer where proposals were made to reduce the negative impact caused by the premises. Since then, no action in this regard has been taken.

I can see from following the trail of emails sent from [REDACTED] that, as per usual regarding these premises, that no real attempt was made to inform the local residents of these changes.

I assume the hope was that all the changes would go unnoticed and unchallenged. I would therefore implore any licensing committee, sub or otherwise, to visit the site for themselves, and then in all honesty, tell me that it is appropriate for such an 'attraction' to be at this location, enclosed, as it is, on three sides by homes.

Please see the following:

<https://howtorunapub.co.uk/noise-pollution-and-noise-complaints-page-4/>

Extract from the above link:

*You have a responsibility to protect the **public** from **noise** Under environmental legislation, you could be found guilty of causing a "statutory nuisance" if **noise** from your business affects a member of the **public's**: health. enjoyment of their land or property, for example a neighbour of your **pub** in their home or garden.*

---

**BBPA guidance for publicans on effective management of noise from licensed premises to avoid unwanted sound or nuisance noise, which could cause complaints.**



**Businesses have a statutory duty to control excess noise and failure to do so can lead to prosecution.**

---

Environmental Protection Act 1990, [section 79](#)

1. the time of the day - **night-time noise that is likely to disturb sleep** is much more likely to be actionable than daytime noise
2. the duration of the noise - unpredictable sporadic noise has a greater capacity to create nuisance (subject of course to other factors listed here)
3. **the frequency of the noise** – tonal content of noise e.g. a whine can significantly increase the capacity of a noise to create a nuisance
4. whereabouts the noise is heard – noise (from a premises) audible in the street but not in a house is very unlikely to be an actionable nuisance (even if the noise is heard within a dwelling, if it only affects a bathroom or kitchen (not otherwise used as a **living room**), then action is unlikely)
5. defendant's motives – even an otherwise innocent act could be an actionable nuisance if it is done with malice although this can be very difficult to determine
6. **the character of the neighbourhood** – where the background noise level is low for example in an entirely residential area, the threshold at which sound can be heard will be lower and noise is more likely to be at an actionable level
7. **continuous or repetitive incidents compared to isolated incidents and the time the nuisance occurs**
8. unusual sensitivity – 'The Eggshell Skull Rule': if a plaintiff is particularly sensitive to a particular type of noise, it is not actionable unless one can show that the **noise would have affected a 'reasonable' person's enjoyment of their property**

I look forward to your prompt reply

Faithfully

Stephen Caccavale

■ South Drive  
Warley  
Brentwood

■

■

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**Application to Vary a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX D**

**Representations**

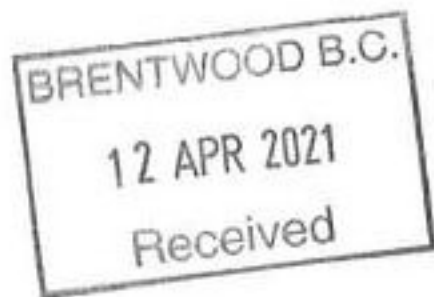
**Other Persons**

*Mrs Verity Billington*

*Mr Nick Cooke*

*Mrs Lisa Lomas*

*Mr Robert Grumbt & Ms Elizabeth Herbert*



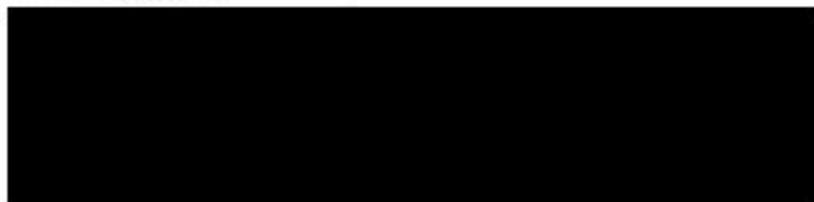
Licensing Department  
Brentwood Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY

7th April 2021

Dear Sir/Madam

My family have been customers of the Brave Nelson and my 3 children have been employees of Paul's at various times over the last 5 years. It is a lovely pub for the community and they always try and employ local people. The garden is kept in immaculate condition by the staff and is a lovely place to spend a few hours with friends and family. They have a great kids area and are very pet friendly so we can take our dog with us. They have spent all of lockdown making the pub better for their customers and we cant wait to use the outside bar in the summer as it may be difficult to go abroad.

Kind Regards

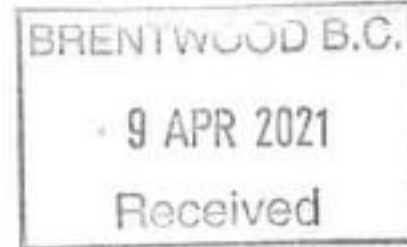


LISA LOMAS  
WOODMAN ROAD



Nick Cooke  
[REDACTED] Woodman Road  
Warley  
Essex  
[REDACTED]

Licensing Department  
Brentwood Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY



8th April 2021

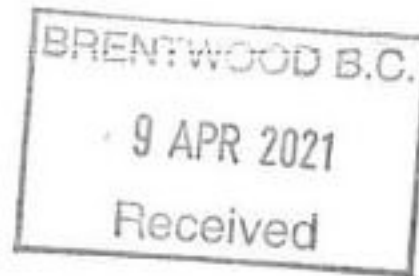
TO WHOM IT MAY CONCERN

I am writing to make it known that myself and my family fully support the Brave Nelson pub. We have been customers of theirs for a number of years and are looking forward to when they re open and launch the new outside bar for the summer. The landlord puts a lot of money back into the business which is obvious to see for customers. It is a very friendly community pub which we feel as locals we are very lucky to have. I wish them all the success for the future.  
Your faithfully

[REDACTED]  
NICK COOKE

[REDACTED]  
**Nelson Close  
Warley  
Brentwood  
Essex**  
[REDACTED]

Licensing Department  
Brentwood Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM15 8AY



6 April 2021

Dear Sir/Madam

**Brave Nelson Pub**

I have lived in Nelson Close, which is opposite the Brave Nelson pub for 14 years, with my wife where we enjoy going to meet with our friends.

The Landlord has done an amazing job in keeping the pub going when many in the area have closed. It is obvious he puts money back into the pub as, in our opinion, it is in very good condition and he has transformed the garden into one of the best in Brentwood.

We have missed the community spirit the pub gives to the area during lockdown and look forward to it opening on 12 April where we will be able to see what Paul, the landlord and Kevin, one of his employees, has worked extremely hard to get the pub ready for opening.

We really feel that the outside bar will be an asset to the pub and the community.

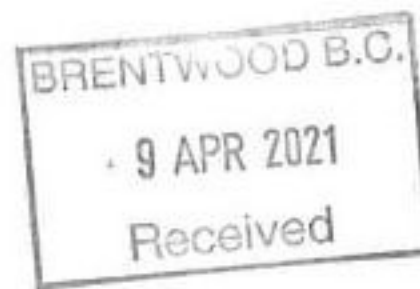
Yours faithfully

[REDACTED]  
**Robert Grumbt and Elizabeth Herbert**

Verity Billington  
[REDACTED] South Drive  
Warley  
Brentwood  
[REDACTED]

5th April 2021

Licensing Department  
Brentwood Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM15 8AY



Dear Sir/Madam

My family and i live in South Drive. Our Garden backs onto The Brave Nelson garden. We are customers of The Brave Nelson and would like to show our support for the pub. It is a lovely family pub where our children can play and we can also take our dog. We have spent many afternoons enjoying the lovely pub garden. Its nice to have a lovely family local on our doorstep. We are looking forward to going back when they re open and looking forward to using the outside bar this summer.

Yours faithfully

VERITY BILLINGTON  
[REDACTED]

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Licensing Sub-Committees**

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

### **Licensing Act 2003 and Gambling Act 2005**

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

### **Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:**

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

### **Scrap Metal Dealing**

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

### **Street Collections and House to House Collections**

- (a) Appeals against refusal to grant or renew a license.

### **Licensing of sex establishments**

- (a) Determination of all applications, revocations and appeals.

### **Street Trading**

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

### **Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis**

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

### **Animal Welfare and Security, except for the following:**

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

### **Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:**

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

### **Mobile Homes**

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.