

Minutes

Licensing Sub-Committee Monday, 11th October, 2021

Membership/Attendance

Cllr Barber
Cllr Bridge

Cllr Laplain

Substitute Present

Also Present

Officers Present

Dave Leonard	- Licensing Officer
Paul Adams	- Principal Licensing Officer
David Carter	- Environmental Health Manager
John Fitzsimons	- Legal Representative

LIVE BROADCAST

[Live broadcast to start at 10am and available for repeat viewing.](#)

150. Appointment of Chair

Members **RESOLVED** that Cllr Bridge would Chair the meeting.

151. Administrative Function

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

152. Application for a New Premises Licence, Chick N Shack, 119 High Street, Brentwood, CM14 4RX

An application had been received for a new premises licence to allow for the provision of late-night refreshment at Chick N Shack, 119 High Street, Brentwood CM14 4RX.

Representations had been received from the following three Responsible Authorities - Brentwood Borough Council's Licensing & Environmental Health departments and Essex Police (Licensing). There were no representations received from Other Persons.

Members were requested to determine the application having regard to the operating schedule, the representations received, the Secretary of State's guidance, Brentwood Borough Council's Statement of Licensing Policy and the four Licensing objectives.

In coming to a determination of the application the Sub-Committee must carry out its function in accordance with the Licensing Act 2003 with a view to promoting the licensing objectives:

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm

The sub-committee in making its determination has also had regard to the Authority's own licensing statement and guidance issued by the Secretary of State under section 182 of the same Act.

The Committee considered all the written evidence and the representations made at the hearing. The Committee considered carefully the concerns raised by the Environmental Health Officer, Mr David Carter, but noted that Essex Police and the Licensing Authority were content with the application now that certain conditions had been agreed.

Considering all of the evidence, the Committee resolved to grant the application, subject to conditions contained in the Operating Schedule, any applicable mandatory conditions, and the conditions as agreed between Essex Police, the Licensing Authority and the Applicant as amended by the Committee. These conditions are required to promote the licensing objectives.

The conditions proposed by the Police and agreed by the Applicant have been imposed in full by the Committee. These are:

1. The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system which at all times complies with the below requirements:

- i. CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition;
 - ii. CCTV cameras shall cover all entrances {and exits} and the areas where sales take place;
 - iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of {31} days; Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided
2. Signs must be displayed at all entrances {and exits} advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.
 3. Door supervision by SIA licensed door supervisors must be provided every day. On these days, door supervisors must be on duty from 2300 until at least 30 minutes after the premises has closed.
 4. All SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear a form of high visibility clothing {jackets/vests/ armbands}
 5. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. {These signs shall be a minimum size of 200mm x 148 mm}.

The conditions proposed by the licensing authority, agreed in principle by the Applicant and amended by the Committee are:

1. Signage should be placed at the entrance to the premises to ask customers to park lawfully, abiding by the parking restrictions and safely when collecting takeaways.
2. Any website should provide the same message as above and direct customers to the nearest lawful parking areas.
3. All delivery drivers, both employed direct or acting through a third-party provider must not park, stop or wait along the length of the parking restrictions of the High Street or adjacent roads unless in a designated loading bay. A written policy/procedure must be in place and agreed with the Licensing Authority that covers the daily management of the parking of customers and delivery drivers when collecting takeaway orders.
4. Door supervision staff should actively engage with customers and delivery drivers to encourage adherence with parking restrictions and

to discourage noise, littering and other anti-social behaviour near the vicinity of the premises.

The Decision of the Committee was to grant the application in full on the terms and conditions contained in the Operating Schedule, any applicable mandatory conditions, and the conditions as agreed between Essex Police, the Licensing Authority and the Applicant as amended by the Committee.

153. Determination of Objection to Temporary Event Notices

The Licensing Office had received objections from both consulting responsible authorities - the Essex Police Senior Licensing Officer, Mr Gary Burke, and the Environmental Health Manager, Mr David Carter with regards to three Temporary Event Notices (TENs) submitted in relation to in-house events to be held at Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ on Sunday 17 October 2021, Saturday 23 October 2021 and Sunday 24 October 2021 & Saturday, 25 December 2021. The objections relate to the prevention of crime & disorder and the prevention of public nuisance licensing objectives.

The Committee noted the absence of the Applicant from today's hearing but was satisfied that a notice of hearing had been sent to the Applicant and that the Applicant had been informed by the Council's Licensing Manager on Friday 8 October 2021 that the hearing would be proceeding today. Accordingly, the Committee agreed to proceed with today's hearing in the absence of the Applicant.

The Committee further noted that the Environmental Health objection to each of the TENs has been withdrawn on the basis that the Applicant has agreed to cease the service of alcohol at 2:30am and close the premises at 3:00am on the relevant dates of the TENs. Mr Carter, although present at the meeting, did not give representation.

However, the Committee also noted that the Essex police objection is maintained and that Essex Police's representations are that the existing licensing conditions must be maintained to further the licensing objectives, in particular the objective of prevention of crime and disorder. In respect of those conditions, the Committee noted that it appears the Applicant has not yet complied with Condition 16 to Annex 3 (the written noise management policy) and the Committee looks forward to the Applicant cooperating with the Licensing Authority in complying with that condition as soon as possible.

The Applicant communicated to the licensing authority that it is happy to accept the existing conditions on its premises licence save for the condition requiring last entry/re-entry time to be at midnight. The Applicant seeks a last entry/re-entry time of 1:30am.

The Committee considered carefully the difference in the proposed entry times but ultimately found that the police's representation relating to its concern about the need to prevent crime and disorder merited greater weight in coming to its final decision.

The Committee in making its determination has also had regard to the Authority's own licensing statement and guidance issued by the Secretary of State under section 182 of the same Act.

In respect of imposing conditions on a TEN, the Committee had particular regard to s106A of the Licensing Act 2003 and S7.38-7.39 of the Guidance issued under s182 of the Act. The Committee also noted its duty under section 17 of the Crime & Disorder Act 1998.

The Committee considered all the written evidence and the representations made at the hearing. In light of this evidence and representations, the Committee resolved to impose the full premises licence conditions as listed at Annexes 1-3 of the premises licence on each of the temporary event notice dates, save that the Committee noted that the opening hours of the premises would be extended on the dates of the TENs to 03:00am and the sale by retail of alcohol would be extended to 2:30am.

Decision of the Committee

The Committee will impose conditions on each of the temporary event notices pursuant to s106A of the Licensing Act 2003.

The meeting concluded at 13.10
