

# Minutes

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## Licensing Sub-Committee Monday, 13th December, 2021

### Attendance

Cllr Barber  
Cllr Gelderbloem

Cllr Laplain

### Also Present

Gary Burke - Essex Police Senior Licensing Officer

### Officers Present

Paul Adams - Principal Licensing Officer  
Dave Leonard - Licensing Officer  
Sam Haldane - For and on behalf of the Council Solicitor  
Claire Mayhew - Corporate Manager (Democratic Services) and Deputy Monitoring Officer

### LIVE BROADCAST

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

### 230. Appointment of Chair

Members resolved that Cllr Barber would Chair the meeting.

Cllr Barber amend the order of the agenda to take Item 4 ahead of Item 3 as the report in item 3 for this hearing is exempt to the press and public by virtue of Part 1 of Schedule 12 Local Government Act 1972 because it contains information relating to an individual.

### 231. Administrative Function

Members were 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.

**232. Determination of Objection to Temporary Event Notice, Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ**

The Licensing Office has received an objection from the Essex Police Senior Licensing Officer, Mr Gary Burke, with regards to a Temporary Event Notice (TEN) submitted in relation to in-house events to be held at Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ on Saturday 18 December 2021 & Sunday 19 December 2021. The objection relates to the prevention of crime & disorder licensing objective.

Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

The Committee noted the absence of the Applicant in today's hearing but had site of the letter of representations sent in on their behalf. The Committee agreed to proceed with today's hearing.

The Committee also noted that Essex police were opposed to a voluntary undertaking regarding closure time.

The Applicant has 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 to the premises at 24:00hrs, The applicant has given written assurances that last entry will be a 01:00hrs.

It was noted that checks were undertaken by Essex Police and Licensing Officers at the premises on the 10th December 2021 and it was noted that multiple license conditions were not being complied with. The Committee took this extremely seriously and had real concern about the resulting effect on public safety and crime and disorder.

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.

Having sought legal advice the committee resolved to reject the TEN.

**233. Consideration of the application for the renewal of a Hackney Carriage/Private Hire Driver licence**

Members considers this report with appendices, considered all the information made available to it at the hearing and determines if the licence holder remains a fit and proper person to hold a Hackney Carriage and Private Hire Drivers Licence; and decides whether to either:

- a) Refuse the application; or
- b) Grant the application; or
- c) Any other decision the Sub-Committee deems reasonable.

Based on all the evidence, the Committee resolved to grant the application.

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