

# Minutes

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## Licensing Sub-Committee Friday, 25th February, 2022

### Attendance

Cllr Barber  
Cllr J Cloke

Cllr Mynott

### Apologies

### Substitute Present

### Also Present

### Officers Present

Paul Adams	- Principal Licensing Officer
Dave Leonard	- Licensing Officer
Chris Breen	- Environmental Health Technical Officer
Christopher Irwin	- Legal Representative for and on behalf of Brentwood Borough Council
David Carter	- Environmental Health Manager
Zoe Borman	- Governance and Member Support Officer

### LIVE BROADCAST

[Live broadcast to start at 9.30am and available for repeat viewing.](#)

### 302. Appointment of Chair

Members resolved that Cllr Cloke would Chair the meeting.

### 303. 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.

**304. Determination of Objection to Temporary Event Notice - Brave Nelson, 138 Woodman Road, Warley CM14 5AL**

The Licensing Office had received an objection from the Environmental Health Officer, Mr Chris Breen, with regards to a Temporary Event Notice (TEN) submitted in relation to a private hire 40<sup>th</sup> Birthday Party and subsequent outside hospitality to be held at the Brave Nelson, 138 Woodman Road, Warley CM14 5AL on Saturday 25 June 2022. The objection related to the prevention of public nuisance 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 has given careful consideration to the application and all of the written and verbal evidence presented, including the objection notice from Environmental Health Officer, Chris Breen, who had concerns regarding the likelihood of noise impact on residents.

The committee also heard evidence that the applicant was previously required to commission a Noise Management Plan for submission to the Local Authority by the 4<sup>th</sup> January 2022. However, this has not yet been completed. This requirement was an additional condition added to the premises licence by the committee, following a previous hearing.

The committee also heard evidence from the applicant who had been in communication with the Environmental Health team and has informed them that he would be submitting the Noise Management Plan next week. The applicant stated, however, that he would be producing the Noise Management Plan himself without engaging a noise control consultant.

During the hearing, the Licensing Manager, Mr Adams, confirmed that this course of action would not comply with condition 9 of the current premises licence and reiterated that the Noise Management Plan must be completed by a suitably qualified professional, which must be submitted to the Council for prior approval.

The committee was concerned that the TEN, in its current form, would undermine the licensing objective of public nuisance due the probability of noise to local residents and felt that the proposed event would cause an unacceptable impact on the local community, especially without a suitable Noise Management Plan in place.

For these reasons the committee determined that a counter notice should be served in order to promote the licensing objective of prevention of public nuisance.

The committee draws the applicant's attention to condition 9 of the current premises licence in relation to the Noise Management Plan and stipulates that the applicant has such Noise Management Plan conducted by a suitably qualified person and then liaises with the Environmental Health team to agree a date for final submission, before any further TENs are applied for.

**305. Determination of Objection to Temporary Event Notice - Horse & Groom aka Fat Turk, Warley Road, Great Warley CM13 3AE**

The Licensing Office had received an objection from the Environmental Health Officer, Mr Chris Breen, with regards to a Temporary Event Notice (TEN) submitted in relation to three Platinum Jubilee Party events to be held at the Horse & Groom aka Fat Turk, Warley Road, Great Warley CM13 3AE on 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> June 2022. The objection related to the prevention of public nuisance 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 had given careful consideration to the application and all of the written and verbal evidence presented, including the objection notice from Environmental Health.

The committee noted that the applicant attended at the commencement of the hearing but were unable to wait for their item. They were telephoned and allowed time to return, but the notice of hearing did specify that the hearing would proceed in their absence.

The committee had taken into account the representations from the responsible authority who had expressed concerns that there was a lack of detail in the TEN regarding the proposed three-day event. The committee has also heard evidence from the responsible authority who are concerned about the noise from a live band which could cause disturbance to neighbouring properties. The responsible authority also felt that it was unreasonable for the proposed event to last three days and they also highlighted to the committee that there had previously been a number of complaints made to the Council, relating to noise and public nuisance issues at the premises.

The applicant was not in attendance at the hearing and therefore no live evidence was heard from them. However, the applicant's written representations were considered by the committee, with appropriate weight given.

The committee was concerned that the TEN, in its current form, would undermine the licensing objective of public nuisance due to the probability of noise to local residents, and felt that the proposed event would cause an unacceptable impact on the local community. The committee also felt that the suggested 3-day event was excessive and had concerns that this would lead to further complaints from neighbouring properties.

For these reasons the committee determined that a counter notice should be served in order to promote the licensing objective of prevention of public nuisance.

**306. Determination of Objection - to Temporary Event Notices - Rumours, 110-112 Kings Road, Brentwood CM14 4EA**

This application had been withdrawn prior to the hearing.

The meeting concluded at 12:30

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