



Agenda

Licensing Committee

Tuesday, 28 June 2022 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY

Membership (Quorum – 4)

Cllrs Bridge (Chair), Barber (Vice-Chair), Dr Barrett, Cuthbert, Fryd, Gelderbloem, Jakobsson, Laplain, Mynott, Parker, Wiles and Tanner

Substitute Members

Cllrs Barrett, Cuthbert, Heard, Mrs Hones, Mrs Pearson and Sankey

Agenda

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Live broadcast

[Licensing Committee - Live broadcast to start at 7pm and available for repeat viewing.](#)

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To follow. | All Wards | |
| 4. | Urgent Business | | |

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

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
20.06.2022

Information for Members

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.

Rights to Attend and Speak

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.

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.

Information for Members of the Public

Access to Information and Meetings

You have the right to 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.

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

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.

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 **Access**

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**

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



Minutes

Licensing Sub-Committee
Friday, 11th March, 2022

Membership/Attendance

Cllr Bridge
Cllr Fryd

Cllr Barber

Substitute Present

Also Present

Officers Present

Paul Adams	- Licensing Manager
Rebecca Page	- Environmental Health Officer
David Carter	- Environmental Health Manager
Christopher Irwin	- Legal Representative for and on behalf of Brentwood Borough Council
Zoe Borman	- Governance and Member Support Officer

LIVE BROADCAST

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

341. Appointment of Chair

Members resolved that Cllr Bridge would Chair the meeting.

342. 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.

343. Determination of Objection to Temporary Event Notice - Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS

The Licensing Office had received an objection from the Environmental Health Officer, Miss Rebecca Page, with regards to a Temporary Event Notice (TEN) submitted in relation to a private hire Birthday Party to be held at Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS on Saturday 19 March 2022 from 9pm until 3am on Sunday 20 March 2022. The objection relates 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.

Mr Paul Adams, Licensing Manager, was present at the meeting and introduced the report.

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 Officer, Rebecca Page, who had concerns regarding the likelihood of noise impact on residents.

The Committee also heard evidence from the Applicant, Mr Nicola, who confirmed that the proposed event would not be taking place in the main Dusk lounge where the previous complaints had related to. Instead, it would be in a separate enclosed hall to the rear of the building, where guests would be restricted.

The Licensing Manager confirmed during the hearing that all of the current conditions on the Premises Licence are being complied with. It was made clear during the hearing that the current TEN application does not allow for the sale of alcohol.

Taking into account all of the evidence, the Committee did not consider that serving a Counter Notice would assist in promoting the licensing objective of the prevention of public nuisance and the licensable activities as stated in the TEN should be allowed to go ahead, and therefore, the application was granted.

However, in order to promote the licensing objectives, all of the conditions on the current Premises Licence was applied to the TEN.



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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.

Planning and Licensing Committee

Planning

- (a) Town and Country Planning Act 1990 and any related legislation including: -
- (i) determination of planning applications;
 - (ii) enforcement of planning control;
 - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
- (i) determination of applications for Listed Buildings and Conservation Area consent;
 - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
- (i) To guide the Council in setting its policy objectives and priorities.
 - (ii) To carry out the duties and powers of the Council under current legislation;
 - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
 - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
 - (v) To consider and approve relevant service plans;
 - (vi) To comply with the standing orders and financial regulations of the Council;
 - (vii) To operate within the budget allocated to the committee by the Council.
 - (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

Licensing

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including
- i. Trading Requirements
 - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
 - iii. Animal Welfare and Security
 - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
 - v. Sex establishments (including Sex Entertainment Venues (SEV))
 - vi. Pavement Permits
 - vii. Charitable Collections
 - viii. Camping, Caravan Sites and Mobile Homes
 - ix. Scrap Metal
 - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.