



# Agenda

## Licensing Committee 2023/24

Tuesday, 16 January 2024 at 7.00 pm

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

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### Membership (Quorum – 4 )

Cllrs Mynott (Chair), M Cuthbert (Vice-Chair), Dr Barrett, Bridge, Mrs N Cuthbert, Mrs Francois, Gelderbloem, Gorton, Heard, McCheyne, Munden and Mrs Murphy

### Substitute Members

Cllrs Barber, Barrett, Hirst, Laplain, Marsh and Sankey

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### Agenda

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### Live Broadcast

[Live stream @ 7pm and capable of repeat viewing](#)

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Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
08.01.2024

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### Information for Members

#### Substitutes

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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

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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

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##### 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.

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### Information for Members of the Public

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#### 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](http://www.brentwood.gov.uk).

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#### 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

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these activities, in their opinion, are disrupting proceedings at the meeting.

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 **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

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**Licensing Committee 2022/23  
Tuesday, 14th March, 2023**

### Attendance

Cllr Tanner (Chair)	Cllr Gelderbloem
Cllr Barber (Vice-Chair)	Cllr Laplain
Cllr Dr Barrett	Cllr Mynott
Cllr M Cuthbert	Cllr Parker
Cllr Fry	Cllr Sankey

### Apologies

Cllr Mrs Murphy

### Substitute Present

Cllr Mrs Hones  
Cllr Mrs Pearson

### Also Present

Cllr Jakobsson  
Cllr Heard  
Cllr Keeble  
Cllr Lockhart

### Officers Present

Paul Adams	- Licensing Manager
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Brendan Johnston	- Strategic Development Engineer, Essex Highways
Claire Mayhew	- Corporate Manager (Democratic Services) and Deputy Monitoring Officer
Paulette McAllister	- Programme Lead - Strategic Housing Development Programme
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Zoe Borman	- Governance and Member Support Officer

### 396. Apologies for Absence

Apologies were received from Cllrs Murphy and Jakobsson. Cllrs Pearson and Hones attended as substitutes.

### **397. Minutes of the Previous Meeting**

The Minutes of the last Licensing Committee held on 20<sup>th</sup> December 2022 were agreed as a true record.

### **398. Minutes of Licensing Sub Committee**

The Minutes of the Licensing-Sub Committee held on 14<sup>th</sup> December 2022 were agreed as a true record.

### **399. Minutes of Licensing Sub Committee**

The Minutes of the Licensing Sub Committee held on 1<sup>st</sup> March 2023 were agreed as a true record.

### **400. Licensing Fees**

This report sets out the process and methodology for the setting of Licence Fees associated with licence applications under the remit of the Licensing Committee. It also considers the responses from the public consultation in relation to the proposed fees for the 2023-2024 financial year.

Mr Paul Adams summarised the report.

Following a full discussion a vote was taken by a show of hands and it was **RESOLVED** that Members:

**Consider the consultation responses received and approve the proposed fees and charges as set out in Appendix B for the 2023/24 financial year.**

#### **Reasons for Recommendation**

It is important that all licence fees are subject to regular review to ensure that they remain reasonable and proportionate. Where there is to be a significant change to the licensing fee, sufficient consultation must be undertaken to ensure compliance with legislation and to seek a balanced view of the proposed changes.

### **401. Urgent Business**

There were no items of urgent business.

The meeting concluded at 19:15

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## Minutes

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**Licensing Sub-Committee**  
**Tuesday, 21st March, 2023**

### Attendance

Cllr Gelderbloem  
Cllr Mrs Murphy

Cllr Parker

### Apologies

### Substitute Present

### Also Present

### Officers Present

Zoe Borman	- Governance and Member Support Officer
Paul Adams	- Licensing Manager
Maria Moses	- Licensing Officer

### Live broadcast

#### 363. Appointment of Chair

Members nominated Cllr Parker to Chair the hearing.

#### 364. 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, ie, '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.

**365. Consideration of the suitability of a Hackney Carriage/Private Hire Driver to continue to hold a licence - Exempt Report**

The Sub-Committee Considered the report with appendices, considered all the information made available to it at the hearing and determined 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: R1. Revoke the licence; or R2. Suspend the licence; or R3. Take no further action; or R4. Any other decision the Sub-Committee deems reasonable, which may include a written warning or to undertake some further training.

After considering all the evidence available at the sub-committee, the committee resolved to implement recommendation C of the report.

**366. Consideration of the suitability of a Hackney Carriage/Private Hire Driver to continue to hold a licence - Exempt Report**

The Sub-Committee Considered the report with appendices, considered all the information made available to it at the hearing and determined 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: R1. Revoke the licence; or R2. Suspend the licence; or R3. Take no further action; or R4. Any other decision the Sub-Committee deems reasonable, which may include a written warning or to undertake some further training.

After considering all the evidence available at the sub-committee, the committee resolved to implement recommendation D of the report.



## Minutes

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### Licensing Sub-Committee Wednesday, 14th June, 2023

#### Attendance

Cllr Mrs Murphy  
Cllr Mynott

Cllr M Cuthbert

#### Apologies

#### Substitute Present

#### Also Present

#### Officers Present

Paul Adams	- Licensing Manager
Zoe Borman	- Governance and Member Support Officer
Caroline Harrison	- Licensing Officer
Sam Haldane	- For and on behalf of the Council Solicitor

#### 17. Appointment of Chair

Members nominated Cllr Mynott to Chair the hearing.

#### 18. Administrative Function

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.

#### 19. Consideration of suitability to grant a Private Hire Drivers Licence

An application had been received for a private hire driver licence. As the applicant falls outside of our policy as being suitable, the application had, therefore, been referred to the Licensing Sub Committee for consideration.

Members are asked to:

Consider this report with appendices, consider all the information made available to it at the hearing and determine if the licence holder is a fit and proper person to be granted a Private Hire Drivers Licence, and decide whether to:

- a) Refuse the grant of the licence
- b) Grant the licence
- c) Grant the licence with further conditions
- d) Any other decision the Sub Committee deems reasonable; or
- e) To take no further action

After considering all the evidence available at the sub-committee, the committee resolved to implement recommendation A of the report and therefore refused the grant of the license.



## Minutes

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### Licensing Sub-Committee Monday, 31st July, 2023

#### Attendance

Cllr Mrs N Cuthbert  
Cllr McCheyne

Cllr Mynott

#### Apologies

#### Substitute Present

#### Also Present

#### Officers Present

Dave Leonard	- Licensing Officer
Paul Adams	- Licensing Manager
Zoe Borman	- Governance and Member Support Officer
David Carter	- Environmental Health Manager
Sam Haldane	- For and on behalf of the Council Solicitor

#### LIVE BROADCAST

[Live stream to start at 7pm and available for repeat viewing.](#)

#### 112. Appointment of Chair

Members **RESOLVED** that Cllr Mynott should Chair the meeting.

#### 113. 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.

**114. Application for a Premises Licence - Licensing Act 2003, Yiamas, Ongar Road, Pilgrims Hatch, CM15 9SS**

An application had been received by NFS Essex Ltd. for a new premises licence at Yiamas, Ongar Road, Pilgrims Hatch, CM15 9SS. The premises, formally known as Dusk, has been closed for over a year and the new proprietors are seeking to re-open the premises as a restaurant and bar and provide live and recorded music, performance of dance and the supply of alcohol on premises.

The premises will be open to the public from 1200hrs-0000hrs on Sunday to Thursday and from 1200hrs-0200hrs on Friday and Saturday. Twenty-four (24) relevant representations from thirteen different households had been received together with two further representations from Brentwood Borough Council's Environmental Health team and Essex Police (Licensing) as consulting responsible authorities.

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

During the course of the hearing the committee heard from the licensing officer, environmental health, the police and number of objections from local residents.

The Sub-Committee heard from the Applicant and his legal representative who provided a significant amount of detail regarding the business and the manner in which it will be run.

Following paragraph 9.12 of the statutory guidance, licensing authorities must consider all representations from responsible authorities carefully and the Sub-Committee did so.

The Sub-Committee also acknowledges that the applicant has engaged in constructive communications with those who have raised concerns. This indicates that the applicant is likely to act reasonably in dealing with any concerns, however, if there are justified concerns in the future then the licence may be reviewed.

The Sub-Committee **RESOLVED** to grant a premises license with the conditions agreed with Environmental Health and the Police.

The Committee further **RESOLVED** to grant Licensable activities as follows:

Friday and Saturday Licensable Activities to finish at 00:00 and close of premises at 00:30

Sunday to Thursday Licensable Activities to finish at 23:30 and close of premises at 00:00

The Al Fresco area will close at 22:00 seven days a week.

If extension to hours is sought for special occasions such as bank holidays an application for a Temporary Event Notice can be made.

In making its decision the Sub-Committee considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance,

Please note that any licence is always subject to review if circumstances require it.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

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## Minutes

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**Licensing Sub-Committee**  
**Wednesday, 2nd August, 2023**

### Attendance

Cllr Mrs Francois  
Cllr Munden

Cllr M Cuthbert

### Apologies

### Substitute Present

### Also Present

### Officers Present

Dave Leonard	- Licensing Officer
Zoe Borman	- Governance and Member Support Officer
David Carter	- Environmental Health Manager
Allan Wright	- Environmental Health Officer

### LIVE BROADCAST

[Live stream to start at 7pm and available for repeat viewing.](#)

### 115. Appointment of Chair

Members **RESOLVED** that Cllr Cuthbert should Chair the meeting.

### 116. 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.

**117. Application to Vary a Premises Licence - Licensing Act 2003 The Lounge Wine Bar, Clifton House, 40 High Street, Ingatestone CM4 9EE**

An application had been received from Mr Michael Bell, director of The Wine Lounge Ltd., to vary the premises licence at The Lounge Wine Bar, Clifton House, 40 High Street, Ingatestone CM4 9EE. The Licensing Office had received representations against the application from Brentwood Council's Environmental Health Officer and Essex Police's Licensing Officer as consulting responsible authorities. Fifteen Other Persons from ten households, together with a representative from the Ingatestone & Fryerning Parish Council, had also made representations opposing the application whilst a further thirteen valid representations had been received in support of the application.

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

During the course of the hearing the committee heard from the licensing officer, environmental health, the police and a number of objections from local residents and also residents in support of the application.

The Sub-Committee heard from the Applicant and his legal representative who provided a significant amount of detail regarding the business and the manner in which it will be run. They also heard a number of additional proposed conditions by the applicant.

The Sub-Committee made it clear that they considered this application in accordance with the licensing objectives and disregarded information that was not relevant to that.

Following paragraph 9.12 of the statutory guidance, licensing authorities must consider all representations from responsible authorities carefully and the Sub-Committee did so

The Sub-Committee also acknowledges that the applicant has engaged in constructive communications with those who have raised concerns. This indicates that the applicant is likely to act reasonably in dealing with any

concerns, however if there are justified concerns in the future then the licence may be reviewed.

The Sub-Committee resolved to grant a variation to the premises license with the conditions agreed with Environmental Health and the Police.

The Committee further resolved to grant the following conditions:

External Area to the rear to be cleared of Patrons by 2000 Sunday to Thursday

External Area to the rear to be cleared of Patrons by 2100 Friday and Saturday this will include bank holidays.

Late night refreshment is not included in this license.

To increase the sale of alcohol by one hour to 2200hrs Sunday – Wednesday and 2300 Thursday-Saturday.

Windows and doors must be shut after 1800hrs and remain closed.

The committee resolved to grant the amendments regarding further hours as per the initial application.

In making its decision the Sub-Committee considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance,

Please note that any licence is always subject to review if circumstances require it.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

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## Minutes

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Licensing Sub-Committee  
Tuesday, 8th August, 2023

### Attendance

Cllr Gelderbloem  
Cllr Gorton

Cllr Mynott

### Apologies

### Substitute Present

### Also Present

### Officers Present

Dave Leonard	- Licensing Officer
Zoe Borman	- Governance and Member Support Officer
Sam Haldane	- For and on behalf of the Council Solicitor
Chris Breen	- Environmental Health Technical Officer
David Carter	- Environmental Health Manager

### LIVE BROADCAST

[Live stream to start at 7pm and available for repeat viewing.](#)

### 118. Appointment of Chair

Members **RESOLVED** that Cllr Mynott should Chair the meeting.

### 119. 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.

**120. Application for a Premises Licence Peasants Revolt 137A-139 Kings Road, Brentwood CM14 4DR**

An application had been received from Mr Mason Nathaniel for a new premises licence at Peasants Revolt 137A -139 Kings Road, Brentwood CM14 4DR.

A representation has been received against the application from Brentwood Council. Environmental Health Officer, Mr Chris Breen, as a consulting responsible authority and a three further valid representations in opposition have been 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 and Brentwood Borough Council's Statement of Licensing Policy and the four 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.

During the course of the hearing the committee heard from the licensing officer, Mr David Leonard, environmental health officer, Mr Chris Breen, and took account of the objections by local residents. The Committee noted that the members of the public who had objected did not attend in person.

The Sub-Committee heard from the Applicant, Mr Mason Nathaniel, who provided a significant amount of detail regarding the business and the manner in which it will be run.

The Sub-Committee commend Mr Nathaniel for the proposed conditions he had considered in regard to monitoring and managing noise.

The Sub-Committee considered this application in accordance with the licensing objectives and disregarded information that was not relevant to that.

Following paragraph 9.12 of the statutory guidance, licensing authorities must consider all representations from responsible authorities carefully and the Sub-Committee did so.

The Sub-Committee also acknowledged that the applicant has engaged in constructive communications with those who have raised concerns. This indicates that the applicant is likely to act reasonably in dealing with any

concerns. However, if there are justified concerns in the future then the licence may be reviewed.

The Sub-Committee **RESOLVED** to grant the application in full as per the final application.

Further the Sub-Committee **RESOLVED** to grant the conditions proposed by Environmental Health .

In making its decision the Sub-Committee considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance,

Any licence is always subject to review if circumstances require it.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

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## Minutes

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**Licensing Sub-Committee**  
**Wednesday, 30th August, 2023**

### Attendance

Cllr Mrs N Cuthbert  
Cllr Gorton

Cllr Gelderbloem

### Apologies

### Substitute Present

### Also Present

### Officers Present

Dave Leonard	-	Licensing Officer
Paul Adams	-	Licensing Manager
Zoe Borman	-	Governance and Member Support Officer
David Carter	-	Environmental Health Manager

### LIVE BROADCAST

[Live stream to start at 7pm and available for repeat viewing.](#)

#### 121. Appointment of Chair

Members resolved that Cllr Gelderbloem would Chair the meeting.

#### 122. Administrative Function

Members were respectfully reminded that, in determining the matter 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.

**123. BLOC 40, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ  
Application to Review a Premises Licence - Licensing Act 2003**

Essex Police ("the Police") had submitted an application for a review of the premises licence for Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ ("the Premises"). The premises licence is held by AA Trading Ltd ("the PLH").

The director of the PLH company is Mr Ahmet Melin. The Premises trades as a nightclub and is authorised for licensable activities (sale by retail of alcohol and regulated entertainment) between 11:00-02:00 seven days per week, with a closing time of 02:30. The Sub-Committee was told that the Premises is mostly used for private events.

Relevant representations were received from two responsible authorities: the Environmental Health team and the Licensing Authority. Two other persons – residents on Alfred Road – submitted relevant representations.

The Sub-Committee held a hearing on 30 August 2023 to consider the application and representations.

In making its decision, the Sub-Committee has taken into account all of the papers in the reports pack, CCTV footage of incidents on 16 June 2023 and 23 July 2023, and the evidence and submissions made by the parties at the hearing. It has also taken into account the Council's statement of licensing policy, the Home Office's statutory guidance and the sub-committee's local knowledge of the area surrounding the Premises.

The Sub-Committee's decision is to revoke the licence. Its reasons are as follows.

In 2021, there was a serious stabbing incident at the Premises which, following a summary review, resulted in a series of tough conditions being added to the premises licence.

A little over two years later, there was another serious incident of violence at the Premises. The Sub-Committee was shown footage of a mass brawl which broke out during a 14<sup>th</sup> birthday party being hosted at the Premises on 16 June 2023. The Sub-Committee was told by the PLH's legal representative that there was one SIA-registered door supervisor on duty that evening (although this has not been verified by the security log, which the PLH has failed to provide to the Police despite requests) and one parent present in the Premises (who is not visible in the footage shown to the Sub-Committee). The PLH did not challenge the Police's evidence that the PLH's staff had allowed intoxicated children into the venue, many without proper searches, and it is possible that these failings contributed to the violence which later occurred. The PLH's legal representative stated that this was a private event

which was due to finish at 9pm. However, the CCTV footage shows that the event was still well underway after 9pm, when the incident occurred. During the melee, Mr Melin was knocked to the floor and broke his shoulder. It is apparent from the footage that there were insufficient staff present to manage the situation and it is clear that the PLH completely lost control of the incident, with teenage boys jumping over the bar and grabbing spirit bottles (which were on display and unsecured, despite this being an event for children) to use as weapons. The fight then spilled out of the Premises and into the High Street, with no visible attempt by the PLH to restore order or, at least, to safeguard the children not directly involved in the brawl. The Sub-Committee saw at least one boy falling to the ground and being set upon by others and another using a bottle apparently taken from the Premises to batter another child. The Sub-Committee was told that the incident required Police units from other boroughs to break up, which took around 40 minutes, and the intervention of two teachers who were in the high street at the time of the incident taking place. Whether or not any licensable activities were being carried out on this occasion, this was a shocking and horrific incident of violence, which clearly demonstrated serious management failings. It is surprising and fortunate that there appear to have been no serious injuries. This incident seriously undermined the Sub-Committee's confidence in the ability of the PLH to promote the licensing objectives of preventing crime and disorder and protecting children from harm.

Shortly after this incident, the Police requested a meeting with the PLH and access to the Premises' CCTV recordings and security log. However, the PLH did not respond to this request. Almost three weeks later, the PLH's legal representative contacted the Police and agreed to a meeting. Two CCTV recordings were supplied but, even by the date of the hearing, the security log had not been provided. The Sub-Committee noted that Mr Melin may have been recovering from his injury during this period but considered that there was no excuse for the PLH's failure to co-operate promptly with the Police's enquiries. The Sub-Committee also noted that this was not the first time that the PLH had been less than co-operative with the responsible authorities (the Licensing Authority provided evidence of similar requests being ignored or put off during investigations in 2020 and 2021). It appeared to the Sub-Committee that the responsible authorities were having to liaise with the PLH's legal representative rather than the PLH itself, whereas the engagement should be coming directly from the PLH. This was evident from the hearing: Mr Melin did not address the Sub-Committee himself which showed little indication that he had any remorse for what had happened or insight into why things had gone wrong. The PLH is responsible for promoting the licensing objectives and, as its sole director, Mr Melin is personally responsible for the way in which the PLH carries on its business. This obstructive attitude also seriously undermined the Sub-Committee's confidence in the ability of the PLH (and Mr Melin) to promote the licensing objectives when operating the Premises.

The Sub-Committee was also shown footage of a shocking incident of violence which occurred on the High Street in the early hours of 23 July 2023, in which a pedestrian (who appeared to have been a customer of the

Premises) was deliberately run over by a car which mounted the pavement. The Sub-Committee accepted that there was no causative link between anything going on at the Premises (which had hosted another private birthday party) and this incident. The Police detectives investigating this serious criminal offence subsequently requested CCTV footage from the Premises on 2 August 2023 to assist their enquiries. The Sub-Committee was told that this footage had still not been provided, almost one month later. The PLH's legal representative said that he would "resolve" this request after the hearing. Again, this failure to co-operate with a responsible authority undermines confidence in the PLH.

The Council's Environmental Health manager told the Sub-Committee that, in his professional opinion, noise breakout from the rear terrace of the Premises was likely to be causing a noise nuisance. This opinion was supported by Dr Millwood who had made a relevant representation and attended the hearing to describe his experience of living near the Premises. The Environmental Health manager confirmed that, since 2021, he had received complaints from just one household and acknowledged that a public nuisance is one which affects a section of the public. Dr Millwood also acknowledged that problems with noise had significantly reduced in the past two years. Given the small number of complaints received, and the reduction in incidents of noise breakout since 2021, the Sub-Committee could only attach limited weight to the relevant representations concerning public nuisance. However, the Sub-Committee noted that the PLH had agreed with the Environmental Health team that a lobby door would be installed on the rear terrace to limit noise break out but had failed to do so, despite noise complaints continuing to be made.

On a review, the Sub-Committee is not required to decide whether specific licence conditions have been breached (or whether, as the PLH argued, the licence was "engaged" at all during the incidents in question); it must have regard to the relevant representations and decide on steps that are appropriate for the promotion of the licensing objectives. It was clear from both the Police's and the Licensing Authority's evidence that they had found it very difficult to work co-operatively with the PLH and that it was only when forced to – and, even then, only with the intervention of its legal representative – that the PLH would engage with the responsible authorities. The Sub-Committee noted that, at the summary review in 2021, a series of tough conditions were added to the licence and it was difficult to see how these could be meaningfully improved to prevent future problems.

It appeared to the Sub-Committee that the key question was whether it had confidence in the PLH's ability to abide by the existing licence conditions and to promote the licensing objectives. The Sub-Committee's answer to that question, in light of the evidence set out above, was no. Revocation must be a last resort. However, bearing in mind the evidence of management failings – both in the handling of the violent incident on 16 June and in the subsequent lack of openness with the responsible authorities – the Sub-Committee considered that the PLH could no longer be trusted to operate the Premises

consistently with the licensing objectives. Therefore revocation was the only appropriate option.

There is a right of appeal against this decision. Any appeal should be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified of this decision.

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## Minutes

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**Licensing Sub-Committee**  
**Tuesday, 5th September, 2023**

### **Attendance**

Cllr Mynott  
Cllr Gelderbloem

Cllr Mrs Murphy

### **Apologies**

### **Substitute Present**

### **Also Present**

### **Officers Present**

Paul Adams	-	Licensing Manager
Caroline Harrison	-	Licensing Officer
Zoey Foakes	-	Governance & Member Support Officer

### **Live broadcast**

#### **124. Appointment of Chair**

Members resolved that Cllr Mynott would Chair the meeting.

#### **125. 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, ie, '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.

**126. Determination of an application for renewal of a Hackney Carriage and Private Hire Drivers licence - Exempt Report**

This matter was not heard.

**127. Determination of an application for renewal of a Hackney Carriage and Private Hire Drivers licence - Exempt Report**

Members considered the report with appendices, and 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) Revoke the licence; or
- b) Suspend the licence; or
- c) Any other decision the Sub-Committee deems reasonable, which may include passing an approved Taxi Driver Assessment, issuing a written warning; or
- d) To take no further action.

**Based on all the evidence, the Committee resolved recommendation A of the report and refused to grant a licence.**

Section 61(3) of the above Act provides you with the right of appeal to a Magistrate's Court against the Sub Committee's decision

**128. Determination of an application for a Private Hire Driver licence - Exempt Report**

Members considered the report with appendices, and 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) Revoke the licence; or
- b) Suspend the licence; or
- c) Any other decision the Sub-Committee deems reasonable, which may include passing an approved Taxi Driver Assessment, issuing a written warning; or
- d) To take no further action.

**After considering all the evidence available at the sub-committee, the committee resolved to implement recommendation A of the report and therefore refused the grant of the license.**

**129. Consideration of an application for a Private Hire Driver licence and Private Hire Operator licence - Exempt Report**



Members considered the report with appendices, and 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) Revoke the licence; or
- b) Suspend the licence; or
- c) Any other decision the Sub-Committee deems reasonable, which may include passing an approved Taxi Driver Assessment, issuing a written warning; or
- d) To take no further action.

**After considering all the evidence available at the sub-committee, the committee resolved to implement recommendation A of the report and therefore refused the grant of the license.**

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## Minutes

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**Licensing Sub-Committee**  
**Wednesday, 11th October, 2023**

### **Membership/Attendance**

Cllr Gorton  
Cllr Mrs Murphy

Cllr Mynott

### **Substitute Present**

### **Also Present**

### **Officers Present**

Paul Adams	-	Licensing Manager
Dave Leonard	-	Licensing Officer
Zoe Borman	-	Governance and Member Support Officer

### **203. Appointment of Chair**

Members resolved that Cllr Mynott would Chair the meeting.

### **204. Administrative Function**

Members were respectfully reminded that, in determining the matter 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.

### **205. Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, CM15 0NG - Application to Review a Premises Licence**

An application had been received from the Home Office Immigration Enforcement Team for a review of the premises licence in respect **Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, CM15 0NG** following a visit by the East of England Immigration Compliance and Enforcement (ICE) team where individuals who had no legal basis to live or work had been discovered. During the consultation period, representations were also received from Brentwood Council's Environmental Health Department, Essex Police and one Other Person.

The Sub-Committee considered the application for review and any relevant representations and consider what steps are appropriate for the promotion of the licensing objectives in line with the options open to the committee under the Licensing Act 2003.

The following options are available to the Licensing Sub-Committee:

- i. Do nothing with the licence;
- ii. Modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation or removing a licensable activity from the licence;
- iii. The removal of the designated premises supervisor from the licence;
- iv. To suspend the licence;
- v. To revoke the licence.

During the course of the hearing the committee heard from the Licensing Officer, Environmental Health, Police and the Home Office who provided significant detail and background as to their representations.

The Sub-Committee heard from the Applicant and their legal representative, Mr Dadds, who provided a significant amount of detail regarding the business and the manner which it will be run.

A number of additional proposed conditions by the applicant were also heard by the Committee. The committee also heard the circumstances regarding Mr Firat and the earthquake in Turkey. The sub-committee is extremely sympathetic to Mr Firat for what clearly was a distressing time and has an ongoing impact.

The committee noted that the business accepted that they had allowed illegal workers to be on this business and felt that a number of explanations offered regarding this were inconsistent and, when considered, could not be correct.

The Committee considered that the Designated Premises Supervisor is still Mr Firat despite representation being made that an application had been submitted to amend this. The committee found that there was no evidence to suggest this was in fact submitted.

There was also concern as to other breaches that had been brought to the attention of the committee albeit these were minor by comparison.

The Sub-Committee made it clear that they considered section 182 Guidance and considered paragraph 11.27 and 11.28 in detail.

The Sub-Committee **RESOLVED** to **REVOKE** the premises license.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

Sub-committee decision date: 11 October 2023.

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## Minutes

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**Licensing Sub-Committee**  
**Wednesday, 11th October, 2023**

### **Membership/Attendance**

Cllr Gorton  
Cllr Mrs Murphy

Cllr Mynott

### **Substitute Present**

### **Also Present**

### **Officers Present**

Dave Leonard	-	Licensing Officer
Paul Adams	-	Licensing Manager
Maria Moses	-	Licensing Officer

### **206. Appointment of Chair**

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

### **207. 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, ie, '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.

### **208. Determination of a current Hackney Carriage and Private Hire Drivers licence.**

Members considered the report with appendices, and 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) Revoke the licence; or
- b) Suspend the licence; or
- c) Any other decision the Sub-Committee deems reasonable, which may include passing an approved Taxi Driver Assessment, issuing a written warning; or
- d) To take no further action.

**After considering all the evidence available at the sub-committee, the committee resolved to implement recommendation B of the report.**





## Minutes

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**Licensing Sub-Committee**  
**Tuesday, 21st November, 2023**

### Attendance

Cllr Gorton  
Cllr Murphy

Cllr M Cuthbert

### Apologies

### Substitute Present

### Also Present

### Officers Present

Paul Adams	- Licensing Manager
Dave Leonard	- Licensing Officer
Zoe Borman	- Governance and Member Support Officer
Sam Haldane	- For and on behalf of the Council Solicitor

### 235. Appointment of Chair

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

### 236. Administrative Function

Members were respectfully reminded that, in determining the matter 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.

### 237. Application to Review a Premises Licence - Licensing Act 2003 - PINK, 111 HIGH ST, BRENTWOOD CM14 4RX

An application had been received from Mr Simon Barnes, Essex Police Licensing Officer, on behalf of the Chief Officer of Police for a review of the premises licence in respect of **Pink, 111 High Street, Brentwood CM14 4RX**. The premises licence holder and designated premises supervisor is Conor Latham.

The premises have been under investigation regarding apparent failures in the management of the premises and disorder incidents linked to the premises. These issues have undermined the prevention of crime and disorder objective.

During the consultation period, a representation had also been received from Brentwood Council's Licensing Officer, Mr David Leonard, as a responsible authority in support of the Police.

During the course of the hearing the committee heard from the licensing officer and the police in regard to their concerns with the current premises and the proposed conditions that were being put forward to alleviate concerns they had.

The Sub-Committee heard from the respondent, Mr Latham, regarding the business and the manner in which it had been run and the proposals in which the business will be run moving forward including a new designated premises supervisor.

In making its decision, the Sub-Committee has taken into account all of the papers in the reports pack, and the evidence and submissions made by the parties at the hearing. It has also taken into account the Council's statement of licensing policy, the Home Office's statutory guidance and the sub-committee's local knowledge of the area surrounding the Premises.

Following paragraph 9.12 of the statutory guidance, licensing authorities must consider all representations from responsible authorities carefully and the Sub-Committee did so.

The Sub-Committee also acknowledged that the respondent has engaged in constructive communications with those who have raised concerns, albeit that has been somewhat sporadic. This indicates that the respondent is likely to act reasonably in dealing with any concerns. However, if there are justified concerns in the future then the licence may be subject to further review.

The Sub-Committee resolved to modify the premises license with the addition of the conditions agreed with the Licensing Authority and the Police, namely:

1. The Deletion of condition 3 of Annex 2 & replacing it with the following '*On Friday and Saturday at least three SIA licensed door supervisors shall be on duty at the premises from 2100hrs whilst the premises is*

*open and for at least 30 minutes after the premises has closed. At all other times the Designated premises Supervisors shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on he premises or accessible from the premises for a period of 3 months.'*

2. The reduction of hours of all licensable activities for Friday and Saturday from 10:00-00:45 to 10:00-00:00 with an equivalent reduction in opening hours.

The Sub-Committee reminded Mr Latham of his obligations in regard to the CCTV and the importance of having this working and in place as per Annex 2, condition 1.6

In making its decision the Sub-Committee considered the Council's own licensing statement of licensing policy, as well as the Statutory guidance.

Please note that any licence is always subject to review if circumstances require it.

All parties have the right of appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

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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.

## **Terms of Reference 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.

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