



Agenda

Licensing Sub-Committee

Monday, 16 October 2023 at 10.00 am

Committee Room 1, Town Hall, Ingrave Road, Brentwood, Essex CM15
8AY

Membership (Quorum – 3)

Cllrs Mrs Murphy, M Cuthbert and Bridge

Agenda

| Item | Item | Wards(s) Affected | Page No |
|------|--|----------------------|---------|
| | Contents | | |
| 1. | Appointment of Chair | | |
| 2. | 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. | | |
| 3. | 35 High Street, Brentwood CM14 4RG, Application for a New Premises Licence | | 5 - 68 |

A handwritten signature in black ink, reading "Jonathan Stephenson", is centered at the top of the page. The signature is written in a cursive style with a horizontal line crossing through the middle of the letters.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
06.10.2023

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

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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**

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 **Evacuation Procedures**

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COMMITTEE TITLE: Licensing Sub-Committee

DATE 16 October 2023

| | |
|---------------|--|
| REPORT TITLE: | Application for a Premises Licence – Licensing Act 2003 35 High Street, Brentwood CM14 4RG |
| REPORT OF: | Dave Leonard – Licensing Officer |

1. REPORT SUMMARY

This report is to determine an application received from Mr Adriano Dulgher for a new premises licence at **35 High Street, Brentwood CM14 4RG**. A representation that has been provisionally resolved has been received against the application from the Essex Police Licensing Officer, Mr Simon Barnes, as a consulting responsible authority and one further representation in opposition has been received from a local resident.

2. RECOMMENDATIONS

That the Sub Committee:

Considers this report and appendices together with any oral submissions at the hearing and determines the application in line with the options open to the sub-committee under the Licensing Act 2003: The options available are:

- i) To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
- ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
- iii) To refuse the application in whole or in part

3.0 REASONS FOR RECOMMENDATIONS

3.1 These are the options available to the Sub-Committee under the Licensing Act 2003.

4.0 OTHER OPTIONS CONSIDERED

4.1 In line with the Licensing Act 2003 there are no other options to be considered.

5.0 BACKGROUND INFORMATION

5.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late-Night Refreshment

5.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

5.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued.

5.4 The four licensing objectives are;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

5.5 Any representation must be able to demonstrate that on the balance of probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

The Application

5.6 An application from Mr Adriano Dulgher was received on 9 August 2023 for a new premises licence at **35 High Street, Brentwood CM14 4RG**. A copy of Mr Dulgher's application, together with a layout plan and clarifying correspondence, has been attached at **Appendix 1**.

5.7 Mr Dulgher states that he has over fifteen years' experience owning and running restaurants and has indicated that two parties - either a sushi restaurant or a pizzeria - have been shortlisted to operate at this new unit. The applicant will also be letting new residential apartments above the premises. A set of OS Street Maps and images to better identify the location are attached at **Appendix 2**.

5.8 The application is seeking the following licensable activity;

Recorded Music: Sunday-Thursday 1000hrs-0000hrs and Friday & Saturday 1000hrs-0100hrs

Anything of a Similar Description to that Falling Within Live Music, Recorded Music or Performance of Dance: Sunday-Thursday 1000hrs-0000hrs and Friday & Saturday 1000hrs-0100hrs

Late Night Refreshment: Sunday-Thursday 2300hrs-0000hrs and Friday & Saturday 2300hrs-0100hrs

Supply of Alcohol (On premises): Sunday-Thursday 1000hrs-0000hrs and Friday & Saturday 1000hrs-0100hrs

5.9 In addressing the promotion of the four licensing objectives, the applicant has made undertakings within the operating schedule of the application that will be to be attached as the following conditions on any subsequently issued premises licence. Where an undertaking has by agreement been replaced by a condition agreed with a Responsible Authority the originally proposed operating schedule condition has not been included. In this instance, Mr Dulgher has agreed with Essex Police Licensing Officer, Mr Simon Barnes, to attaching the following recommendations to be attached as conditions to any new licence should it be granted:

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

a. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

b. CCTV cameras shall cover all public areas including all entrances and exits and all areas where the sale of alcohol takes place.

c. 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.

d. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request.

- e. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
 - f. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.
- 2 Signs must be displayed at all entrances advising customers that CCTV is operating at the premises & shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities
- 3 An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
- a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

- 4 Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut after 21:00 hours.
- 5 A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:
- a. How patrons leaving the premises shall be directed away from the premises;
 - b. How patrons will be informed of the services of taxi and private hire operators;
 - c. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
 - d. Any 'wind' down periods;
 - e. Methods to prevent re-entry to the premises;
 - f. How bottles and glasses will be prevented from being removed from the premises at closing time.

- 6 A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a
 - I. Proof of age card bearing the PASS Hologram;
 - II. Photocard driving licence;
 - III. Passport or
 - IV. Ministry of Defence Identity Card.
- 7 The premises shall clearly display signs at each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
- 8 A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible & in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document & retained for at least 12 months from the date of the last entry.
- 9 All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
- 5.10 There has been one representation received from a Responsible Authority. Mr Simon Barnes has submitted a representation on behalf of Essex Police (Licensing) on the grounds that granting the application in its original form would result in the undermining of the crime and disorder licensing objective. Although Mr Barnes' recommendations have been agreed with the applicant through consultation, he reserves his right to clarify his position and provide further information to the Sub-Committee should it be required. Mr Barnes' representation, together with correspondence detailing recommendations to be attached as conditions agreed with the Police, is attached at **Appendix 3**.
- 5.11 There has been one representation against the application received from Mr Sam Coe, a local resident. Mr Coe refers to the number of fights and unpleasant scenes already experienced in the High Street bars and the addition of a further licensed premises is likely to cause further anti-social behaviour and public nuisance and have an impact on the children of the families living in nearby

Culyers Yard. Mr Coe's representation, together with correspondence clarifying the terms of the application, is attached at **Appendix 4**.

Statement of Licensing Policy

5.12 The following Brentwood Borough Council Statement of Licensing Policy control measures relate to the prevention of public nuisance state:

- 22.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.*
- 22.2 The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.*
- 22.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.*
- 22.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include-*
 - (a) The location of premises & proximity to residential and other noise sensitive premises, such as hospitals, hospices & places of worship*
 - (b) The hours of opening, particularly between 23.00 and 07.00.*
 - (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.*
 - (d) The design and layout of premises and in particular the presence of*
 - (e) The occupancy capacity of the premises.*
 - (f) The availability of public transport.*
 - (g) A 'wind down period' between the end of the licensable activities and closure of the premises.*
 - (h) A last admission time.*

Relevant Sections of the Secretary of State's Guidance

5.13 The following sections of the guidance may be relevant to this application:

- 8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. E.g., premises with close proximity to of the licensing objectives, and where there are no known concerns, acknowledge residential premises*

APPENDICES

- Appendix 1 - Application Form
- Appendix 2 - OS Street Plans & Images
- Appendix 3 - Representation from Responsible Authorities
Mr Simon Barnes – Essex Police Licensing Officer
- Appendix 4 - Representation from Other Parties – Mr Sam Coe

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35 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 1

APPLICATION

received 9 August 2023

Application for a Premises Licence to be granted under the Licensing Act 2003

Please note: You must provide online payment for this licence after completing the form. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or debit card.

Before completing this form please read the guidance notes:

[Premises Licence Application Guidance Notes](#)

You should keep a copy of the completed application for your records, this will be attached (PDF format) to your acknowledgement email which you will receive upon completion of this application. By completing this application online, you will automatically be notifying the Respo Authorities.

Cost of Licence

The fee you pay for your licence is based on the rateable value of the premises and if the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises. If you do not know what the rateable value of your premises is, you can find this on the [Valuation Office Agency website](#).

What is the Nondomestic rateable value of the premises?: 0-4300

Cost of licence: £100.00

I/We,

Name of the applicant: [REDACTED]

apply for a premises licence under section 17 of the Licensing Act 2003 for the pre described in Part 1 below (the premises) and I/we are making this application to you as relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Details

Does the premises have a postal address, or would you like to enter ordnance survey references, or a description of its location?: Yes, it has a postal address

Ordnance survey map reference or description:

Premises Address

Flat number (if any)

House number/name 35

Road name High Street

Town Brentwood

County Essex

Post Code CM14 4RG

Daytime contact telephone number (if any): [REDACTED]

Premises email address (optional): [REDACTED]

Please state whether you are applying for a Premises Licence as: (a) an individual or individuals I am: carrying on or proposing to carry on a business which involves the use of premises licensable activities

Individual Applicants

Title: [REDACTED]

First name(s): [REDACTED]

Surname: [REDACTED]

Date of birth: [REDACTED]

I am 18 years old or older: I am 18 years old or older

Nationality: [REDACTED]

Where applicable (if demonstrating a right to work via the Home Office online right to checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information): [REDACTED]

Applicant Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Daytime contact telephone number: [REDACTED]

Application email address (optional): [REDACTED]

Second Individual Applicant (if applicable)

Title:

First name(s):

Surname:

Date of birth:

I am 18 years old or older:

Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information):

Applicant Address

Flat number (if any)

House number/name

Road name

Town

County Essex

Post Code

Daytime contact telephone number:

Application email address (optional):

Other Applicants

Please provide name and registered address of the applicant in full. Where appropriate please give any registered number.

In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Operating Schedule

When do you want the premises licence to start?: 31/08/2023

If you wish the licence to be valid only for a limited period, when do you want it to end?:

General description of the premises (Please read guidance note 1):

Bar & Restaurant

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

What licensable activities do you intend to carry on from the premises? (please see [section 1](#) and [section 14](#) of the Licensing Act 2003 and [Schedule 1](#) and [Schedule 2](#) to the Licensing Act 2003)

Provision of regulated entertainment for:

(f) recorded music, (h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment:

Yes

Supply of alcohol:

Yes

a) Plays

Will the performance of a play take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

Please give further details here (please read guidance note 3):

State any seasonal variations for performing plays (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of plays different times to those listed above, please list (please read guidance note 5):

b) Films

Will the exhibition of films take place indoors or outdoors or both? (please read guidance note 2):
Standard Days and Timings (please read guidance note 6)

Day Start Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for the exhibition of films (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed above, please list (please read guidance note 5):

c) Indoor Sporting Events

Standard Days and Timings (please read guidance note 6)

Day Start Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for indoor sporting events (please read guidance note 4):

Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed above, please list (please read guidance note 5):

d) Boxing or Wrestling

Will the boxing or wrestling entertainment take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

Please give further details here (please read guidance note 3):

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4):

Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed above, please list (please read guidance note 5):

e) Live Music

Will the performance of a live music take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

Please give further details here (please read guidance note 3):

State any seasonal variations for the performance of live music (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed above, please list (please read guidance note 5):

f) Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 2): Indoors

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday | 10:00 | 00:00 |
| Tuesday | 10:00 | 00:00 |
| Wednesday | 10:00 | 00:00 |
| Thursday | 10:00 | 00:00 |
| Friday | 10:00 | 01:00 |
| Saturday | 10:00 | 01:00 |
| Sunday | 10:00 | 23:59 |

Please give further details here (please read guidance note 3):

We will be playing background music

State any seasonal variations for playing recorded music (please read guidance note 4):

n/a

Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed above, please list (please read guidance note 5):

n/a

g) Performances of Dance

Will the performance of dances take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
|------------|--------------|---------------|

Please give further details here (please read guidance note 3):

State any seasonal variations for the performance of dances (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed above, please list (please read guidance note 5):

h) Anything of a Similar Description to that falling within Live Music, (f) Recorded Music or (g) Performance of Dance

Please give a description of the type of entertainment you will be providing:

background music

Will this entertainment take place indoors or outdoors or both? (please read guidance note 2)

Indoors

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday | 10:00 | 00:00 |
| Tuesday | 10:00 | 00:00 |
| Wednesday | 10:00 | 00:00 |
| Thursday | 10:00 | 00:00 |
| Friday | 10:00 | 01:00 |
| Saturday | 10:00 | 01:00 |
| Sunday | 10:00 | 00:00 |

Please give further details here (please read guidance note 3):

background music

State any seasonal variations for entertainment of similar description to that falling within (e), (f) or (g) (please read guidance note 4):

n/a

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed above, please list (please read guidance note 5):

n/a

i) Late Night Refreshment

Will the provision of late night refreshment be taking place indoors or outdoors or both? (please read guidance note 2): Indoors

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday | 10:00 | 00:00 |
| Tuesday | 10:00 | 00:00 |
| Wednesday | 10:00 | 00:00 |
| Thursday | 10:00 | 00:00 |
| Friday | 10:00 | 01:00 |
| Saturday | 10:00 | 01:00 |
| Sunday | 10:00 | 00:00 |

Please give further details here (please read guidance note 3):

We will serve alcohol

State any seasonal variations for the provision of late night refreshment (please read guidance note 4):

We will serve alcohol

Non standard timings. Where you intend to use the premises for the provision of late refreshment at different times to those listed above, please list (please read guidance note 5):

We will serve alcohol

j) Supply of Alcohol

Will the sale of alcohol be for consumption on the premises, of the premises or both? (please read guidance note 7): On the premises

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday | 10:00 | 00:00 |
| Tuesday | 10:00 | 00:00 |
| Wednesday | 10:00 | 00:00 |
| Thursday | 10:00 | 00:00 |
| Friday | 10:00 | 01:00 |
| Saturday | 10:00 | 01:00 |
| Sunday | 10:00 | 00:00 |

Please give further details here (please read guidance note 3):

we will serve alcohol and food

State any seasonal variations for the supply of alcohol (please read guidance note 4):

we will serve alcohol and food

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list (please read guidance note 5):

we will serve alcohol and food

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name:



Address

Flat number (if any)

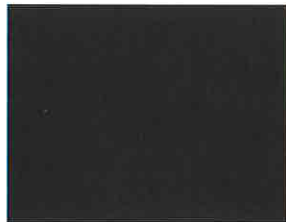
House number/name

Road name

Town

County

Post Code



Personal Licence Number (if known):



Issuing Licensing Authority (if known):



I) Hours Premises are open to the public

Standard Days and Timings (please read guidance note 6)

| <u>Day</u> | <u>Start</u> | <u>Finish</u> |
|------------|--------------|---------------|
| Monday | 10:00 | 00:00 |
| Tuesday | 10:00 | 00:00 |
| Wednesday | 10:00 | 00:00 |
| Thursday | 10:00 | 00:00 |
| Friday | 10:00 | 01:00 |
| Saturday | 10:00 | 01:00 |
| Sunday | 10:00 | 00:00 |

State any seasonal variations (please read guidance note 4):

Till 4 am on new years day

Non standard timings. Where you intend to have the premises to be open to the public at different times to those listed above, please list (please read guidance note 5):

Till 4 am on new years day

n) Adult Entertainment and Services

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8):

Nothing else, alcohol and food establishment

o) Promoting Licensing Objectives

Describe the steps that you intend to take to promote the four licensing objectives:

a) General –all four licensing objectives (b, c, d, e) (please read guidance note 9):

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training

b) The prevention of crime and disorder:

The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

c) Public safety:

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times

d) The prevention of public nuisance:

All customers will be asked to leave quietly.

Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours

e) The protection of children from harm:

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

All staff will be trained for UNDERAGE SALES PREVENTION regularly.

A register of refused sales shall be kept and maintained on the premises.

Declaration

I agree to submit a plan of the premises: I agree

Alternatively these should be sent by post to:

Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM8 8AY

Please include the reference number for this form, which will be produced when you submit it.

I will send copies of this application and the plan to the relevant authorities and others where applicable: I agree

I will submit a consent form completed by the individual I wish to be designated pre supervisor, if applicable (available as a separate online form on our website): I agree

I understand that I must now advertise my application: I agree

A copy of the Prescribed Form of Notice is available here:

[Public Notice of Application](#)

(Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15): I agree

I understand that if I do not comply with the above requirements my application will be rejected: I agree

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF AN UNLIMITED AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Signatures

(please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature (name):



Date: 08/08/2023

Capacity: managing director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

(Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15): I agree

The DPS named in this application form is entitled to work in the UK (and is not subject to any conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15): I agree

Signature (name):

Date: 08/08/2023

Capacity: london

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14):

Correspondence name:

Telephone number:



Mobile telephone number:

Correspondence Address

Flat number (if any)

House number/name

Road name

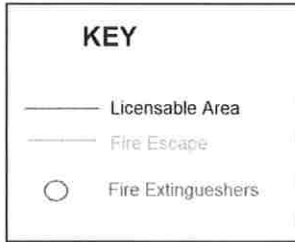
Town

County

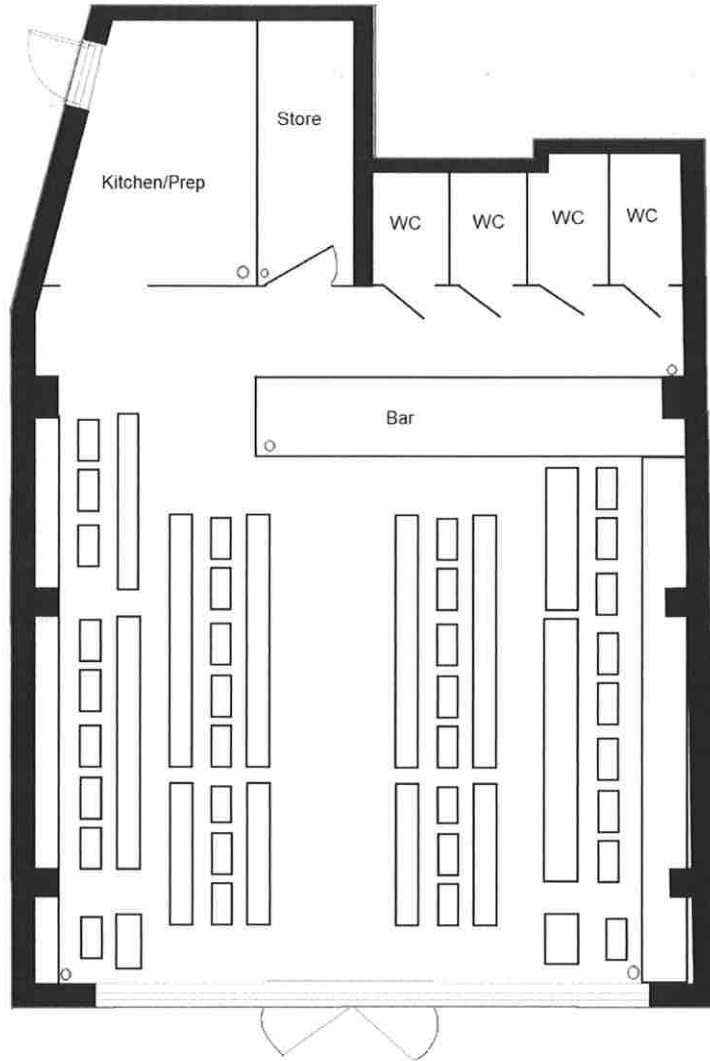
Post Code



To receive email confirmation of your application and payment, please provide a correspondence



**35 High Street, Brentwood,
CM14 4RG**



Dave Leonard

From: Adriano Dulgher [REDACTED]
Sent: 28 September 2023 11:13
To: Dave Leonard
Cc: Licensing
Subject: Re: 35 HIGH STREET, BRENTWOOD CM14 4RG - APPLICATION FOR A NEW PREMISES LICENCE - ADDITIONAL INFORMATION REQUIRED

Dear Dave,

Thank you for reaching out. I would like to confirm that we have shortlisted 2 parties for the unit. We have Osho, which is a new concept mirroring Iyva Asia, which is a sit down sushi restaurant and the second is Franca Manca, which is a pizzeria.

We are reviewing both offers and speaking with both parties.

Please rest assured that this cannot be a nightclub because it will then impact all our apartments upstairs as we have residents and have rented the apartments. Also from experience running and owning restaurants over 15 years, I don't wish to own a club as this is terribly troublesome.

Kind Regards, Adriano

On Fri, 11 Aug 2023 at 19:52, Adriano Dulgher [REDACTED] wrote:
Do you need anything else ?

On Thu, 10 Aug 2023 at 13:24, Adriano Dulgher [REDACTED] wrote:

Section 101 - 101
Section 101 - 101

On Wed, 9 Aug 2023 at 20:28, Adriano Dulgher [REDACTED] wrote:

Dear Dave,

It was a pleasure speaking with you today.
Thank you for your email.

As requested, please find attached.

1. A floor layout plan denoting the licensed area (in red outline) and any fixtures incl. bar kitchen area if available attached
2. Clarification on the New Year's Eve non-standard timing requirement for licensable activities (or, as discussed, removed and to dealt with by TEN) we will apply for tens
3. Confirmation that the terminal hour for recorded music on a Sunday is 0000hrs midnight and not 2359hrs midnight 00:00 is correct

The DPS submission form : Your reference for this form is **DPSC538224659**.

Kind Regards

Adriano Dulgher

On Wed, Aug 9, 2023 at 1:42 PM Dave Leonard <dave.leonard@brentwood.gov.uk> wrote:

Dear Adriano,

In confirmation of our conversation this afternoon, the Licensing Office has received your application for a new premises licence at

35 HIGH STREET, BRENTWOOD CM14 4RG

Before I can validate the application and set a final consultation date I require the following information;

1. A floor layout plan denoting the licensed area (in red outline) and any fixtures incl. bar kitchen area if available
2. Clarification on the New Year's Eve non-standard timing requirement for licensable activities (or, as discussed, removed and to dealt with by TEN)
3. Confirmation that the terminal hour for recorded music on a Sunday is 0000hrs midnight and not 2359hrs

I have also attached the online link to completing the consent form to be the DPS for your convenience

Designated Premises Supervisor (DPS) consent form (No Charge)

Designated Premises Supervisor (DPS) consent form (No Charge)

Once the application is completed and validated I will notify you of the consultation date that you will need to place on your public notice and in the local newspaper.

Thank you.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

Kind regards,



Dave Leonard | Licensing Officer

T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

Find out more about [cost of living support | Brentwood Council](#)

Find out more about [cost of living support | Rochford Council](#)



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We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as other local authorities, strategic partnerships, government bodies and the police. We will do so when it is of benefit to you, is required by law, or to prevent or detect fraud. To find out more, go to www.brentwood.gov.uk/privacy - new.rochford.gov.uk/data-protection.

--
Kind Regards, Adriano

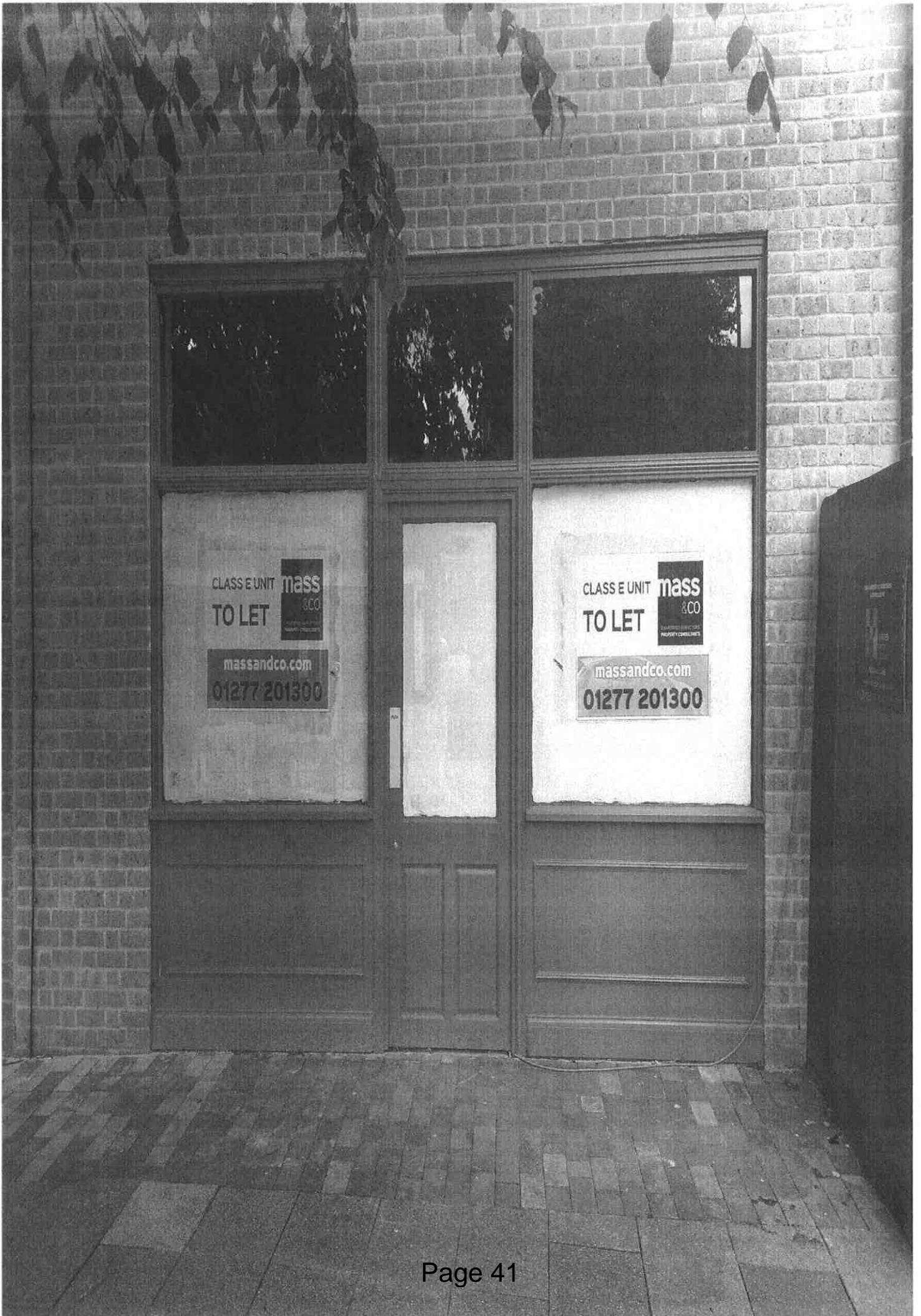
--
Kind Regards, Adriano

Click [here](#) to report this email as spam.

35 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 2

OS Maps & Image



Legend

35 HIGH STREET, BRENTWOOD, CM14 4RG

WILLIAM HUNTER WAY

1 to 13
Culyers Yard

BH

25

Shelters

TCBs

PC

Shelters

HIGH STREET

107.6m

N

0 10 20 m LB
Bs

35 HIGH STREET, BRENTWOOD, CM14 4RG



Jonathan Stephenson
Chief Executive
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
CM15 8AY
Tel.: (01277) 312500

Drawing No. :
Scale at A4 : 1:500
Drawn by : OSJ
Service : ICT
Date : 3rd October 2023

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Legend

 35 HIGH STREET, BRENTWOOD, CM14 4RG



35 HIGH STREET, BRENTWOOD, CM14 4RG



Drawing No. :
Scale at A4 : 1:1250
Drawn by : OSJ
Service : ICT
Date : 3rd October 2023

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Jonathan Stephenson
Chief Executive
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
CM15 8AY
Tel.: (01277) 312500

35 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 3

REPRESENTATION

Responsible Authority

Essex Police (Licensing)

Mr. Simon Barnes – Essex Police Licensing Officer



Licensing Authority
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood CM15 8AY

18th September 2023

Representation to the Grant of a Premises Licence

On behalf of the Chief Officer of Police for the county of Essex and the non-metropolitan districts of Southend-on-Sea and Thurrock, I place this representation in relation to an application for the granting of a new Premises Licence for a premises to be located at 35 on High Street in the town of Brentwood.

Essex Police received an application on 8th August 2023 for the granting of a licence to a new premises, the application sought for a pub and restaurant style operation to operate between 10am and midnight on Sunday to Thursday and 10am to 1am on Friday and Saturdays. The applicant seeks to have authorised the licensable activities of the Supply of Alcohol for sale on the premises alongside the provision of late night refreshment and recorded music for the same hours.

In considering this application I have had sight of the proposed conditions given by the applicant and the reviewed premises plan issued on 10th August, it is Essex Police's position that the granting of this application in its current form would result in the undermining of the crime and disorder licensing objective. The conditions proposed are limited and are not precise enough to enable any enforcement, the premises seeks to join a very busy high street with a number of licensed premises with known issues regarding disorder and there are some expectations on any premises offering alcohol after midnight because of this.

There have been a number of enquiries with the applicant regarding this application and a set of conditions have been proposed to properly uphold the licensing objectives and ensure that conditions have a clear expectation and way to measure compliance which is not reflected in the application, these conditions are:

1. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:
 - a. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
 - b. CCTV cameras shall cover all public areas including all entrances and exits and all areas where the sale of alcohol takes place;

Essex Police Licensing Unit, Blyths Meadow Braintree, Essex CM7 3DJ

Email: licensing_applications@essex.police.uk Tel: 01245 452035

In an emergency always dial 999. For non emergencies dial 101

www.essex.police.uk



- c. 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;
 - d. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;
 - e. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
 - f. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.
2. Signs must be displayed at all entrances 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. An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

4. Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut after 21:00 hours.
5. A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:
 - a. How patrons leaving the premises shall be directed away from the premises;
 - b. How patrons will be informed of the services of taxi and private hire operators;
 - c. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
 - d. Any 'wind' down periods;
 - e. Methods to prevent re-entry to the premises;
 - f. How bottles and glasses will be prevented from being removed from the premises at closing time.
6. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the

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- mandatory age verification requirement (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:
- a. Proof of age card bearing the PASS Hologram;
 - b. Photocard driving licence;
 - c. Passport; or
 - d. Ministry of Defence Identity Card.
7. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
8. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
9. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

These conditions have been put to the applicant and agreed to be added to the licence, a copy of this acceptance is attached to this representation. Whilst these conditions, if imposed, would satisfy the police into the licensing objectives it remains an issue that the premises plan is not likely to be accurate in regard to the bar which is noted as a rectangle but has been indicated in police enquiries that there is a wall between the bar area and the toilets but this is a matter that can be managed via enforcement under s136 Licensing Act.

Yours faithfully,

Simon Barnes
Essex Police Licensing Officer – Brentwood & Thurrock

Dominika Jaskolska

From: [REDACTED]
Sent: 12 September 2023 18:20
To: Licensing Epping and Brentwood
Subject: Re: EXTERNAL - Re: Police Enquiries - New Grant Application
Attachments: image001.jpg; image001.jpg

Dear [REDACTED]

Thank you for your email. All points are duly noted.

Kind Regards

On Tue, Sep 12, 2023 at 1:34 PM Licensing Epping and Brentwood

[REDACTED] wrote:

Good Afternoon [REDACTED]

Thank you for your reply and sorry for my slow reply.

[REDACTED]

So for the avoidance of any confusion I have proposed some conditions which we discussed at the beginning, [REDACTED] I am seeking your final agreement in writing so that I can complete my submission to the licensing authority:

Prevention of Crime and Disorder

1. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:
 - a. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
 - b. CCTV cameras shall cover all public areas including all entrances and exits and all areas where the sale of alcohol takes place;
 - c. 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;
 - d. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;
 - e. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
 - f. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.
2. Signs must be displayed at all entrances 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. An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

Prevention of Public Nuisance

4. Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut after 21:00 hours.

Public Safety

5. A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:
 - a. How patrons leaving the premises shall be directed away from the premises;
 - b. How patrons will be informed of the services of taxi and private hire operators;
 - c. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
 - d. Any 'wind' down periods;
 - e. Methods to prevent re-entry to the premises;
 - f. How bottles and glasses will be prevented from being removed from the premises at closing time.

Protection of Children from Harm

6. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:
 - a. Proof of age card bearing the PASS Hologram;
 - b. Photocard driving licence;
 - c. Passport; or
 - d. Ministry of Defence Identity Card.
7. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
8. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
9. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

Kind Regards

[Redacted]

Licensing Officer – Brentwood & Thurrock



[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: [Redacted]

Sent: 18 August 2023 11:32

To: Licensing Epping and Brentwood [Redacted]

Subject: Re: EXTERNAL - Re: Police Enquiries - New Grant Application

Dear [Redacted]

The bar is contained within the box, The outline between the toiled and bar will be a wall.

Kind Regards

As such jumping the bar is unnecessary, or are you saying that the box marked bar is the bar area with a wall positioned opposite where the store room and toilets are? Yes

Kind Regards

[Redacted]

Kind Regards

[Redacted]

Licensing Officer – Brentwood & Thurrock



[Redacted]

[Redacted]

[Redacted]

From: [Redacted]

Sent: 17 August 2023 12:37

To: Licensing Epping and Brentwood [Redacted]

Subject: Re: EXTERNAL - Re: Police Enquiries - New Grant Application

Dear [Redacted]

I hope my email finds you well.

On Thu, Aug 17, 2023 at 11:10 AM Licensing Epping and Brentwood

[REDACTED] wrote:

Good Morning,

Thank you for your speedy response.

I will focus for now on the question of the bar area and move to the conditions you are concerned over at a future point of the consultation.

Thank you for your clarification regarding how you envision the seating arrangements, in regard to the bar area I note your response in particular that most drinks will be stored in the bar for, I believe you mean but do correct me if I have misunderstood, a projected 2 days need so that the store room is not accessed on a regular basis. That is correct, I think there was a misstype from my side. Usually we like to avoid going storeroom durring the day and only top up end of night or beging of shift.

What arrangements will be put in place to ensure the security of the drinks in the bar from customers effectively entering the staff area behind the bar to access the toilets which, according to the plan, will be sited behind the bar? (i.e. will the drinks be locked away, will staff be manning the bar constantly, is there to be some form of barrier between the toilets bar etc)There is a bar man always behind the bar and drinks are on the back bar or under teh counter in teh fridges so it hard for somoen to jump over. The clientel that we will have is also of a certain caliber as our cuisine focuses on sushi and european mix. The stock room will be locked by a heavy pad key only available to the manager so that we also keep stock control. There is will a door between the 2.

Kind Regards

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: 16 August 2023 17:14

To: Licensing Epping and Brentwood [REDACTED]

Subject: EXTERNAL - Re: Police Enquiries - New Grant Application

CAUTION: This email originated from outside of the organisation. DO NOT CLICK LINKS or OPEN ATTACHMENTS unless you recognise the sender and know the content is safe. It is not unusual to receive an email from someone for the first time but this can be a sign of phishing, so do please be vigilant.

Dear [REDACTED]

Thank you for reaching out. Please see my responses in blue.

I note the updated plan that has been submitted, I do have some concerns regarding the location of the bar and the consideration of the storage of alcohol in relation to the presence of the toilets behind the bar. I note that there is a store room but will any drinks will be stored in the bar area? There will be an array of drinking on the bar display. We do not normally store enough alcohol for the 2 days use so that we only access store room at the end of the day.

Will drinks be supplied at the bar or as a table service? Both, our aim is to have most people seating and consuming food and alcohol. At the bar there will be a few sits but also a small section should people wish self service they can. Our aim is to discourage stand up drinking. Depending on your responses I may consider further conditions beyond those given below.

I am currently considering conditions and feel that the following conditions would assist in reducing the risks towards the licensing objectives being undermined:

Prevention of Crime and Disorder

1. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:
 - a. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
 - b. CCTV cameras shall cover all public areas including all entrances and exits and all areas where the sale of alcohol takes place;
 - c. 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;
 - d. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;
 - e. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
 - f. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.
2. Signs must be displayed at all entrances 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. An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

4. On any occasion where the premises conducts licensable activities past midnight, the premises will risk assess the need for SIA licensed door supervisors taking into account the advice of the police. Where it is risk assessed that SIA licensed door supervisors are needed they shall remain on duty until at least 30

minutes after the premises closes. A record of these risk assessments will be kept on file for a period of 3 months.

Can we remove the SIA condition please as this is a restaurant and bar and we can refuse service to new customers from 12:00. As its going to be a sit down venue its easy to monitor incoming guests as there are asked to wait before being seated. Also we are only extending on friday and saturday till 1 am

- 4.
5. Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:
 - a. The day and date when door supervisors were deployed;
 - b. The name and SIA registration number of each door supervisor on duty at the premises; and
 - c. The start and finish time of each door supervisor's worked duty period.

This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.

6. All SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear high visibility jackets/vests or armbands

Prevention of Public Nuisance

7. Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut after 21:00 hours.

Public Safety

8. A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:
 - a. How patrons leaving the premises shall be directed away from the premises;
 - b. How patrons will be informed of the services of taxi and private hire operators;
 - c. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
 - d. Any 'wind' down periods;
 - e. Methods to prevent re-entry to the premises;
 - f. How bottles and glasses will be prevented from being removed from the premises at closing time.

Protection of Children from Harm

9. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:
 - a. Proof of age card bearing the PASS Hologram;
 - b. Photocard driving licence;
 - c. Passport; or
 - d. Ministry of Defence Identity Card.

10. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.

11. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
12. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

Please can you consider the points above and the questions and seek to reply by no later than 29th August, if you would like to discuss any of the above please do get into contact.

For my records, has a name for the premises been determined, if not this will not impact my assessment and I will maintain your record on our system with a holding name until a premises name is determined at a future date.

If you continue to have concerns regarding any of the above, it is advisable to consider seeking independent legal advice from a licensing practitioner.

Kind Regards

[Redacted signature block containing several lines of blacked-out text and icons for email, phone, and social media]

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35 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 4

REPRESENTATION

REDACTED

Other Person

Mr Sam Coe

Dominika Jaskolska

From: [REDACTED]
Sent: 22 August 2023 12:03
To: Licensing
Subject: Reference: 23/00017/LAPRE

Follow Up Flag: Follow up
Flag Status: Completed

Hi - I am writing on behalf of residents at Culyers Yard to object against the licensing request made for 35 High Street.

- There are a number of bars on the high street already which already causes trouble and disruption to the area. We have seen in the past year numerous fights and some unpleasant scenes on the high street. Brentwood was once a nice place to live and I feel the quality of the area is severely impacted as a result
- The building work has been nothing but disruptive and we can hear new residents talking and doors shutting etc from Culyers Yard so this will only add to the disturbance for us.
- There is already constant mess and glass around the area of the high street. With an alleyway located directly next to our entrance this will only get worse from the bar
- a number of residents at Culyers Yard have small children and babies which again will be disrupted in their lives at times unnecessarily

Please consider the livelihoods of your existing residents as opposed to the pockets of greedy developers who have no interest in our living conditions.

Regards,

[REDACTED]

Dave Leonard

From: Dave Leonard
Sent: 28 September 2023 15:35
To: 'Samuel Coe'
Subject: 35 HIGH STREET, BRENTWOOD CM14 4RG - APPLICATION FOR A NEW PREMISES LICENCE

Hi Sam,

Further to our conversation last evening, as promised, I spoke with the applicant who went to great pains to reaffirm that the premises is going to be a restaurant. He advised me that there is no intention to have a venue that will cause a nuisance or disturbance to the upstairs tenants that he will be renting out to. In confirmation, he has sent me the following email this morning:

"Thank you for reaching out. I would like to confirm that we have shortlisted 2 parties for the unit. We have Osho, which is a new concept mirroring Iyva Asia, which is a sit down sushi restaurant and the second is Franca Manca, which is a pizzeria. We are reviewing both offers and speaking with both parties. Please rest assured that this cannot be a nightclub because it will then impact all our apartments upstairs as we have residents and have rented the apartments. Also from experience running and owning restaurants over 15 years, I don't wish to own a club as this is terribly troublesome."

I hope that this goes some way towards reassuring you of the applicant's intention and may lead you to give consideration into withdrawing your representation.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on **01277 312523**.

Kind regards,



Dave Leonard | Licensing Officer
T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

From: Dave Leonard
Sent: Wednesday, September 27, 2023 6:40 PM
To: 'Samuel Coe' [REDACTED]
Subject: RE: 35 HIGH STREET, BRENTWOOD CM14 4RG - APPLICATION FOR A NEW PREMISES LICENCE -

Dear Sam,

Thank you for your expeditious response and your time again this evening.

As further discussed, throughout consultation process between the police and the applicant, the only recommendation that could not be agreed upon was the employment of SIA registered door supervisors. Whilst you may understand that to be a conflict between the two parties, in fact, it is a clearer indication that the applicant is primarily operating as a restaurant. In those circumstances it would be wholly unreasonable to expect a restaurateur to even consider requiring door supervision in order to cater for patrons who are attending the premises with the intent of consuming a meal. Hopefully, it should be of

some comfort and reassurance to you that the applicant's intended operating schedule is designed for seated diners and is not merely another late night vertical drinking establishment.

In respect of door supervisors policing the alleyway to your premises, unfortunately, that would not be an option even if the premises was to operate as a night club as there are very specific restrictions placed on the deployment of door security and the role they are permitted play.

I will endeavour to obtain a menu and proposed operating theme from the applicant tomorrow and forward the details to you in order to allow you to reconsider your options.

I am now working on a very limited timescale to convene this Licensing Sub-Committee hearing in accordance with local government regulations and which is likely to be set for either the 13th or 16th October unless you are minded to withdraw your representation beforehand. As advised previously, you will be notified of the date and time of the hearing as soon as it has been confirmed.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on **01277 312523**.

Kind regards,



Dave Leonard | Licensing Officer

T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

From: Samuel Coe [REDACTED]

Sent: Tuesday, September 26, 2023 9:01 PM

To: Dave Leonard <dave.leonard@brentwood.gov.uk>

Subject: Re: 35 HIGH STREET, BRENTWOOD CM14 4RG - APPLICATION FOR A NEW PREMISES LICENCE -

Hi Dave,

I'd consider withdrawing my application if the SIA door supervisors were included to support in stopping people heading down the alleyway I mentioned.

I'd be keen to understand the name of the restaurant or one similar as I know a lot of sushi / European restaurants in the west end, some being of little to no concern and some I'm aware of will be very disruptive.

Regards,
Sam

On 26 Sep 2023, at 20:39, Dave Leonard <dave.leonard@brentwood.gov.uk> wrote:

Dear Mr Coe,

Thank you for your time yesterday.

As discussed, please find attached a redacted copy of the application together with the proposed premises floor plan which shows a layout confirming that the venue will primarily operate as a restaurant.

In agreement and with the consent of the Essex Police Licensing Officer, I have also attached a redacted copy of the email communications made between the applicant and the police in order to clarify the proposed operating schedule. As a result, an agreement was reached between both parties to attach a number of conditions to any subsequently issued premises licence in order to satisfy and ensure the promotion of the four licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance, the promotion of public safety and the protection of children from harm.

Now that the applicant has addressed the queries raised by the police (in the form of agreed conditions), you are the only other party making a representation. Please note the assurances made by the applicant to the police and the undertakings given that have led to a compromise being reached. As further discussed, it is your prerogative as a neighbouring resident to present your representation before a Licensing Sub-Committee at the Town Hall to be convened and heard no later than 16th October 2023 (you will be notified of the date and time as soon as it has been confirmed). However, if you feel that the applicant, through consultation with the police, has sufficiently addressed the concerns that you have raised you may wish to withdraw your representation and this will obviate the need for the Sub-Committee hearing. Whatever you elect to do, your representation will remain on file and may be referred to at a later date should the need arise.

I would be very grateful to receive your written response as soon as possible as I will need to continue with the administration in preparation for a hearing should you still wish to proceed with your representation.

Thank you for your consideration.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on **01277 312523**.

Kind regards,

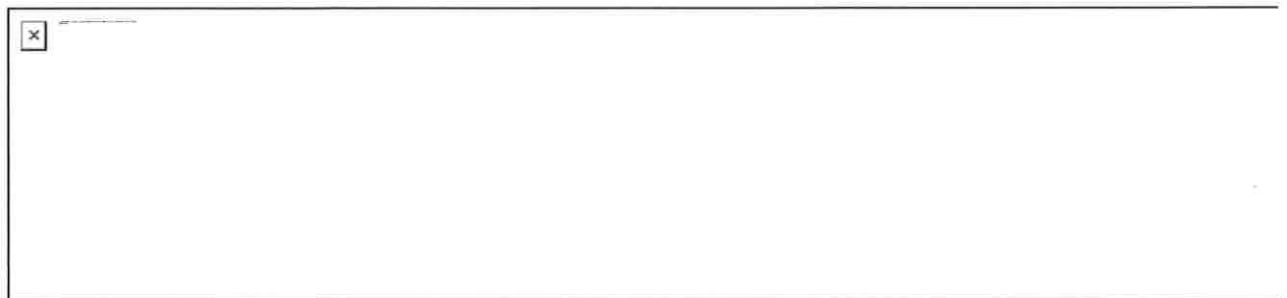
<image001.png>

Dave Leonard | Licensing Officer

T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

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<35 HIGH ST appln for PL (DULGHER) 09AUG23 - REDACT.pdf>

<35 HIGH ST appln for PL (DULGHER) 09AUG23 updated floor plan.pdf>

<35 HIGH ST appln for PL (DULGHER) 09AUG23 - Police consultation+responses (BARNES) 18SEP23 - REDACT.pdf>

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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.

Licensing Sub-Committees

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

Licensing Act 2003 and Gambling Act 2005

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

Scrap Metal Dealing

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

Street Collections and House to House Collections

- (a) Appeals against refusal to grant or renew a license.

Licensing of sex establishments

- (a) Determination of all applications, revocations and appeals.

Street Trading

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

Animal Welfare and Security, except for the following:

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

Mobile Homes

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.