



Agenda

Licensing Sub-Committee

Tuesday, 21 November 2023 at 10.00 am
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs Gorton, Murphy and M Cuthbert

Substitute Members

Cllrs

Agenda

Item	Item	Wards(s) Affected	Page No
	Live broadcast 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.	Application to Review a Premises Licence - Licensing Act 2003 - PINK, 111 HIGH ST, BRENTWOOD CM14 4RX	Brentwood d North	5 - 116

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 name.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
13.11.2023

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

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.

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

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

 **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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COMMITTEE TITLE Licensing and Appeals Committee

DATE 21 November 2023

REPORT TITLE:	<i>PINK, 111 HIGH ST, BRENTWOOD CM14 4RX</i> Application to Review a Premises Licence – Licensing Act 2003
REPORT OF:	Paul Adams – Licensing Manager

1. REPORT SUMMARY

1.1 An application has 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 having been under investigation regarding apparent failures in the management of the premises & disorder incidents linked to the premises. These issues have undermined the prevention of crime and disorder objective. During the consultation period, a representation was also received from Brentwood Council's Licensing Officer as a responsible authority in support of the Police.

2. RECOMMENDATIONS

2.1 **The Sub-Committee considers 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:

- **Do nothing with the licence;**
- **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;**
- **The removal of the designated premises supervisor from the licence;**
- **To suspend the licence for a period not exceeding three months;**
- **To revoke the licence**

3. The Application

3.1 On 29 September 2023, an application for a review of the premises licence was received from Mr Simon Barnes, Essex Police Licensing Officer on behalf of the Chief Officer of Police in relation to **Pink, 111 High St, Brentwood CM14 4RX**. The premises licence holder & designated premises supervisor is Conor Latham.

A copy of the existing premises licence together with a set of OS Street Maps and images to better identify the location are attached at **Appendix B**.

- 3.2 Essex Police has concerns relating to issues regarding disorder linked to Pink. On 12 August 2023, 20 August 2023 and 2 September 2023, police were called to deal with alleged incidents of persons fighting in or around the premises and the ineffectual actions of security & failures in management have hindered their ability to conduct a satisfactory investigation. Multiple requests to Mr Latham for information and CCTV records in accordance with conditions attached to his premises licence were either not responded to or were unhelpfully late. It was also later established that, on 20 August, the premises had been operating past its licensable hours. It is the police contention that this culmination of concerns undermines the crime & disorder licensing objective. A copy of the application and supplementary bundle is attached at **Appendix A**.
- 3.3 Essex Police also had concerns regarding the management of the premises prior to these events in respect of a failure to comply with mandatory conditions. All three incidents of reported disorder occurred after midnight and the police are seeking a minimum of the following changes to the premises licence:
- **The deletion of condition 3 of Annex 2 & replacing it with the following:**
“On Friday and Saturdays 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 Supervisor shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on the premises, or accessible from the premises, for a period of 3 months.”
 - **The reduction of hours of all licensable activities for Friday & Saturday from 10:00-00:45 to 10:00-00:00 with an equivalent reduction in opening hours.**
- 3.4 As part of the review application, Essex Police are asking the licensing authority to take significant steps to promote the licensing objectives going forward and to consider the need for what is necessary to promote the objective of crime prevention, the needs of the wider community, and not be limited to guidance and remedial action and to the needs of the licence-holder. This may involve a reduction of hours of all licensable activities or a suspension of the licence.

- 3.5 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.
- 3.6 During the consultation period, one additional representation was received from Mr Dave Leonard, Licensing Officer, on behalf of the Licensing Authority as a Responsible Authority. A copy of the officer's representation together with supporting material is attached at **Appendix C**.
- 3.7 No further representations were received from the responsible authorities or Other Persons.

SUPPORTING INFORMATION

4.0 REASONS FOR RECOMMENDATIONS

- 4.1 These are options available to the Sub-Committee under the Licensing Act 2003
- 4.2 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.
- 4.3 In determining this application for a review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 4.4 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure.

Representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

- 4.5 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.
- 4.6 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

5.0 BACKGROUND INFORMATION

- 5.1 Applications for reviews of premises licences can be brought by responsible authorities or any other persons under section 51 Licensing Act 2003 one or more of the four licensing objectives.

- 5.2 The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.3 Any decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.
- 5.4 Each application must be considered on its own merits and in accordance with the Licensing Authority's statement of licensing policy.
- 5.5 Conditions attached to licences must be tailored to the individual type, location and characteristics of the premises concerned and be appropriate for the promotion of the licensing objectives in an individual case.

6.0 ENGAGEMENT/CONSULTATION

- 6.1 application has been consulted on in accordance with the requirements of the Licensing Act 2003 and any responses have been included in this report.
- 6.2 Officers from the Licensing Authority have made checks on the display of the public notices and are satisfied that these requirements have been met.

7.0 Statement of Licensing Policy

- 7.1 There are no specific sections that are directly relevant.

8.0 Relevant Sections of the Secretary of State's Guidance

- 8.1 Section 11 relates to Reviews.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are no direct financial implications arising from this report.

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

10 LEGAL IMPLICATIONS

- 10.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to

promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.

10.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.

10.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

10.4 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Brentwood Borough Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

**Name & Title: Claire Mayhew, Joint Acting Director –
People & Governance & Monitoring Officer**
Tel & Email 01277 312500 / claire.mayhew@brentwood.gov.uk

11.0 EQUALITY IMPLICATIONS

11.1 The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime & Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance & the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

**Name & Title: Kim Anderson, Corporate Manager –
Communities, Leisure and Health**
Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

**REPORT AUTHOR: Name: Paul Adams
Title: Licensing Manager
Phone: 01277 312500
Email: paul.adams@brentwood.gov.uk**

APPENDICES

- Appendix A - Essex Police application for review & supplementary bundle
 - Appendix B - Copy of premises licence, OS Street Plans & Images
 - Appendix C - Representation from the Responsible Authorities
- Mr Dave Leonard – Brentwood Council Licensing Officer

LIST OF **APPENDICES**

A. Essex Police - Application for Review & Supplementary Bundle

Mr Simon Barnes – Essex Police Licensing Officer

B. Copy of Premises Licence, OS Street Plans & Images

C. Representation for Responsible Authorities

Mr Dave Leonard – Brentwood Borough Council Licensing Officer

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PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

APPENDIX A

Application to Review the Premises Licence

Received 29 September 2023

*Mr Simon Barnes, Essex Police Licensing Officer
on behalf of the Chief Officer of Police*

plus

Supplementary Bundle

Received 27 October 2023

Dave Leonard

From: Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk>
Sent: 29 September 2023 11:49
To: Licensing
Subject: Review - Pink
Attachments: Standard Review - Pink.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning,

Please see attached a review application for Pink on Brentwood High Street.

A copy of this application shall be emailed to Mr Latham and a copy served physically to the premises.

Kind Regards



Simon Barnes (82011)
Licensing Officer – Brentwood & Thurrock
☎ 101 (Ext: 42082011)
☎ 07773 935612
✉ licensing.epping.and.brentwood@essex.police.uk
✉ licensing.thurrock@essex.police.uk

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Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood CM15 8AY

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Simon Barnes on behalf of the Chief Office of Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Pink
111 High Street

Post town Brentwood

Post code (if known) CM14 4RX

Name of premises licence holder or club holding club premises certificate (if known)

Mr Conor Latham

Number of premises licence or club premises certificate (if known)

PRM_0599

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Chief Officer of Police for the county of Essex and the non-metropolitan districts of Southend-on-Sea and Thurrock.

c/o Braintree Police Station

Licensing Team (Alcohol)

Blyths Meadow, Braintree, CM7 3DJ

Telephone number (if any) **01245 452035**

E-mail address (optional) **licensing.applications@essex.police.uk**

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The premises has been under investigation by Essex Police regarding apparent failures in management of the premises and disorder/incidents linked to the premises.

Essex Police has made multiple requests for information and CCTV records of the premises under the licence which have not been received and recent communications have received late replies with explanations why they have lost the footage.

It has also been shown in the investigation that the premises has operated outside of its licensable hours.

All taken together, these issues undermine the prevention of crime and disorder objective.

Please provide as much information as possible to support the application (please read guidance note 2)

Essex Police received a report of a fight outside the premises in the early hours of 12th August 2023. On police attendance security have advised that the persons fighting were asked to leave on allegations of the supply of drugs and have become aggressive regarding their ejection. Checks of Brentwood Council's CCTV gave little information to confirm if a fight occurred outside the premises or inside, as such Essex Police Licensing Officer Mr Simon Barnes put a request to the PLH and DPS on the 17th August requesting copies of the internal and external CCTV for the periods around the time of the call to police.

Police received a report of a fight outside of the premises in the early hours of the 20th August where the initial call was received regarding a large-scale fight in the high street from the CCTV control room. On police attendance officers were told that all is ok as it was not a major incident and had been resolved. With officers content the area was under control, they have left soon after. It was noted that the timing of the call was significantly after the closing time of the premises and was initially considered to potentially not be linked to the premises until a full investigation was completed showing that the premises was the source of the fight and appeared to still be operating long after its hours were concluded.

An email was sent to the DPS/PLH on the 1st September chasing a response and a copy posted into the premises by hand of Mr Barnes additionally requesting a formal meeting to discuss the incident. The DPS has called later on that day and agreed to contact again next Monday to set a meeting date and time.

In the early hours of the 2nd September Essex Police received a call regarding a fight in progress outside the premises, officers have attended at 00:15 and found no fight, when speaking to a member of the public they have been informed that there was a fight but they have left the area when they heard police sirens in the distance. Content that the area was now secure and no victims had made themselves known officers departed, only to be called back to the premises after further reports of fighting outside the premises. On their return they have located an injured person who has required ambulance assistance and was taken to hospital on their advice due to the injuries sustained.

On the 4th September a full investigation into the events of both the 20th August and 2nd September was undertaken with reviews of BWV of attending officers and the council's CCTV, as highlighted above it was discovered that the 20th August incident was linked to the premises and that the premises can be heard playing recorded music to a loud level over the BWV of the attending officers. Given all available information Mr Barnes has called the DPS to both note the recent incident and to confirm a time for a meeting which was agreed for the next day.

On the 5th September a meeting was held at the premises between Mr Latham, Mr Barnes and Mr Paul Adams, licensing manager for Brentwood Borough Council. All three incidents were put to Mr Latham, the first incident was known to Mr Latham and confirmed that there was an ejection due to allegations of drugs but could not recall a fight in the premises, no record of this in the incident log contrary to what is required. Regarding the second incident, the fights were acknowledged by the DPS and records were kept in the incident log. The third incident was also known to the DPS but had not been recorded into the incident log but instead, an email was sent from the head doorkeeper.

A request for the CCTV for all three events was made in person, Mr Latham has explained that the system has been locked out, possibly by multiple incorrect passwords, and that he has requested to regain access to the system but the security firm has, so far, not been forthcoming.

Several other conditions were found to be in breach by the premises and the DPS was warned regarding this and, after some discussion, Mr Latham also admitted that they have been trading beyond their hours on 20th August and potentially for 15 minutes for regulated entertainment due to a misunderstanding of the licence. Checks with Police and Council records show a number of

TENs have been applied for by the premises too late and been rejected but no TEN was requested for the 20th August.

Mr Latham was at this time warned regarding potential offences under the licensing Act and an interim warning was issued by Essex Police requesting sight of the CCTV recordings. These were not supplied and a follow up message was sent on 19th September with a deadline of 12noon on the 25th September. No reply was received by this deadline but an email was received at 16:25 explaining that all CCTV records have been erased trying to regain access to the system.

Mr Latham has previous experience of managing a licensed premises prior to taking over this premises and is aware of the expectations on a licence holder and DPS. In addition prior to the current investigation, this premises was also warned before regarding its compliance with conditions.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature SJBarnes
.....

Date 29/09/2023
.....

Capacity **Police Licensing Officer, holding the delegated authority of the Chief Officer of Police to commence proceedings/make representations under the Licensing Act 2003**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Chief Officer of Police for the county of Essex and the non-metropolitan districts of Southend-on-Sea and Thurrock.
c/o Braintree Police Station
Licensing Team (Alcohol)
Blyths Meadow,

Post town

Braintree

Post Code

CM7 3DJ

Telephone number (if any) 01245 452035

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensing.applications@essex.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Dave Leonard

From: Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk>
Sent: 27 October 2023 17:28
To: Licensing
Subject: Pink
Attachments: Pink - Police Supplemental Bundle (Police & Councillors Version).pdf; Pink - Police Supplemental Bundle (Public Version).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon,

Please find attached our bundle. There are very few redactions mainly removal of personal email address and the like from the appendixes.

Kind Regards



Simon Barnes (82011)

Licensing Officer – Brentwood & Thurrock

📠 101 (Ext: 42082011)

☎ 07773 935612

✉ licensing.epping.and.brentwood@essex.police.uk

✉ licensing.thurrock@essex.police.uk

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Premises Licence Review

Pink
111 High Street, Brentwood

Police bundle in support of review.

PUBLIC VERSION

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1.0 Background Details

- 1.1 Pink is a licensed premises situated on Brentwood High Street with a post code of CM14 4RX. The Premises Licence Holder (PLH) is Mr Conor LATHAM who is also the Designated Premises Supervisor (DPS).
- 1.2 The premises has been in the control of Mr LATHAM since February 2023.
- 1.3 The premises is a Prosecco bar operating currently on Friday and Saturday nights hosting evening events and occasionally private parties.
- 1.4 The current licence allows for the licensable activities of the Retail Sale of Alcohol, Regulated Entertainment of recorded and live music during the hours of 10:00 until midnight Monday to Thursday, 10:00 until 00:45 Friday and Saturday and 10:00 until 23:00 on Sunday
- 1.5 In addition the premises is allowed the provision of late night refreshments between 23:00 to midnight Monday to Thursday and 23:00 to 00:45 Friday and Saturday only.

2.0 Outline of police interactions with the premises.

- 2.1 The premises has come to Essex Police's attention early into the new ownerships management of the premises, on Monday 5th June 2023 district licensing officer Simon Barnes was made aware by officers from the Brentwood Community Policing Team of a recording purporting to be from the premises where by a member of staff is seen pouring alcohol from a bottle directly into a female's mouth.
- 2.2 As this is a breach of mandatory conditions, this information was passed to the Licensing Authority and a request was made of the licence holder for a meeting to be held. This meeting was held on Friday 9th June between Mr Latham, Mr Dave Leonard (Brentwood Licensing Officer) and Mr Garry Owles (Essex Fire & Rescue Service).
- 2.3 During this meeting confirmation was received that the events in the recording had occurred which would constitute an offence under s131 Licensing Act 2003, it was also noted that the premises layout did not agree with the premises plan on the licence and other concerns were raised by those present regarding premises numbers and lack of toilet facilities causing issues with complaints from neighbouring premises.
- 2.4 A formal written warning was issued by the Licensing Authority on the 14th June in response to this meeting, this being the second warning noted on file against this premises owner. A copy of this warning is attached as appendix A.
- 2.5 Essex Police received a report of a fight outside the premises in the early hours of 12th August 2023. On police attendance security have advised that the persons fighting were asked to leave on allegations of the supply of drugs and have become aggressive regarding their ejection. Checks of Brentwood Council's CCTV gave little information to confirm if a fight occurred outside the premises or inside, as such Essex Police Licensing Officer Mr Simon Barnes put a request to the PLH and DPS on the 17th August requesting copies of the internal and external CCTV for the periods around the time of the call to police.
- 2.6 Police received a report of a fight outside of the premises in the early hours of the 20th August where the initial call was received regarding a large-scale fight in the high street from the CCTV control room. On police attendance officers were told that all is ok as it was not a major incident and had been resolved. With officers content the area was under control, they have left soon after. It was noted that the timing of the call was significantly after the closing time of the premises and was initially considered to potentially not be linked to the premises until a full investigation was completed showing that the premises was the source of the fight and appeared to still be operating long after its hours were concluded.

- 2.7 An email was sent to the DPS/PLH on the 1st September chasing a response and a letter posted into the premises by hand of Mr Barnes additionally requesting a formal meeting to discuss the incident. The DPS has called later that day and agreed to contact again next Monday to set a meeting date and time.
- 2.8 In the early hours of the 2nd September Essex Police received a call regarding a fight in progress outside the premises, officers have attended at 00:15 and found no fight, when speaking to a member of the public they have been informed that there was a fight but they have left the area when they heard police sirens in the distance. Content that the area was now secure and no victims had made themselves known officers departed, only to be called back to the premises after further reports of fighting outside the premises. On their return they have located an injured person who has required ambulance assistance and was taken to hospital on their advice due to the injuries sustained.
- 2.9 On the 4th September a full investigation into the events of both the 20th August and 2nd September was undertaken with reviews of BWV of attending officers and the council's CCTV, as highlighted above it was discovered that the 20th August incident was linked to the premises and that the premises can be heard playing recorded music to a loud level over the BWV of the attending officers. Given all available information Mr Barnes has called the DPS to both note the recent incident and to confirm a time for a meeting which was agreed for the next day.
- 2.10 CCTV held by the council was viewed for all three incidents, whilst some disturbance was seen for the first two incidents there was limited view points and as such these were noted for needing the internal CCTV to confirm what had happened. The final incident was clearly shown to occur outside with a small fight starting just after midnight with officers seen arriving when people have separated, likely due to the sounds of police sirens. After officers leave the fight resumes but on this occasion those involved have started pulling at the security barriers and one individual becomes injured during the scuffle.
- 2.11 On the 5th September a meeting was held at the premises between Mr Latham, Mr Barnes and Mr Paul Adams, licensing manager for Brentwood Borough Council. All three incidents were put to Mr Latham, the first incident was known to Mr Latham and confirmed that there was an ejection due to allegations of drugs but could not recall a fight in the premises, no record of this in the incident log contrary to what is required. Regarding the second incident, the fights were acknowledged by the DPS and records were kept in the incident log. The third incident was also known to the DPS but had not been recorded into the incident log but instead, an email was sent from the head doorkeeper.

- 2.12 A request for the CCTV for all three events was made in person, Mr Latham has explained that the system has been locked out, possibly by multiple incorrect passwords, and that he has requested to regain access to the system but the security firm has, so far, not been forthcoming.
- 2.13 Several other conditions were found to be in breach by the premises and the DPS was warned regarding this and, after some discussion, Mr Latham also admitted that they have been trading beyond their hours on 20th August and potentially for 15 minutes for regulated entertainment due to a misunderstanding of the licence. Checks with Police and Council records show a number of TENs have been applied for by the premises too late and been rejected but no TEN was requested for the 20th August.
- 2.14 Mr Latham was at this time warned regarding potential offences under the licensing Act and an interim warning was issued by Essex Police requesting sight of the CCTV recordings. A copy of this request is attached as appendix B.
- 2.15 On 19th September it was noted that no CCTV or other details requested were supplied, given the lack of response a follow up request with a deadline of 12noon on the 25th September. No reply was received by this deadline but an email was received at 16:25 explaining that all CCTV records have been erased whilst trying to regain access to the system. A copy of this chain is attached at appendix C.
- 2.16 Mr Latham has previously controlled premises and is a personal licence holder and should be very aware of the expectations of a licence holder and given the lack of response and the eventual failure to comply with a lawful request for CCTV to be surrendered to undertake an investigation has left Essex Police in the position of calling for a review of the licence.

3.0 Outcome Sought

3.1 In considering our recommendation to the Sub Committee, Essex Police have drawn on the guidance issued by the Secretary of State under section 182, paragraph 11.19 which outlines the options available to the licensing authority as:

“Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence”*

3.2 Paragraph 11.20 gives advice regarding seeking only to invoke powers necessary to uphold the licencing objectives and linked to the concerns raised as part of this review.

“In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review”

3.3 It is Essex Police's position that its concerns relate to issues regarding disorder linked to the premises, the ineffectual actions of security and the failures in management that have hindered our ability to further investigate the disorder to understand in full what has happened and what areas for improvement.

3.4 Essex Police has also had concerns regarding the management of the premises prior to these events in regards to the failure to comply with the mandatory conditions.

3.5 In considering options it is Essex Police's position that action is needed to promote the licensing objectives and it is our proposal that the following changes should be made:

- The deletion of condition three of annex two and replace with the following:

“On Friday and Saturdays at least three SIA licensed door supervisor 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 Supervisor shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on the premises, or accessible from the premises, for a period of 3 months.”

- 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.

- 3.6 The amendment of licensable activities will reduce the risk of further disorder, the three incidents are all after midnight and the removal of the last 45 minutes of the licence reflects the concerns that we have regarding the premises late night operations.
- 3.7 The change of the SIA door supervisor condition reflects the need for additional security to manage the premises, currently the condition reads for only one being required by the conditions, but as shown in this bundle 3 incidents have occurred with one clearly showing that security was lacking at the premises to manage the numbers being admitted to the premises.
- 3.8 Essex Police have considered other options but have concluded that all other options have either been attempted, or would not be targeted enough at the issues raised and would likely be considered excessive for the issues raised for us to recommend other options available to the subcommittee which is in line with paragraph 11.23 of the guidance:

“Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives ...”

- 3.9 Essex Police would draw the sub committee’s attention to case law that we consider will assist the committee in its deliberations. The case of Hope & Glory highlights that when considering any licensed premises and its activities exist in dynamic environment and should not be looked at entirely in isolation and that what action is taken should be both necessary and proportionate to the promotion of the licensing objectives.
- 3.10 In addition, we would draw the committee to the case of Thwaites which emphasises the role of Responsible Authorities have in providing information to the committee to contextualise the issues that they must make a decision over. The case also reminds that decisions do not always need to be based on

'real evidence' but on using local knowledge and the evidence provided to reach a well informed common sense position.

4.0 Case Law

- 4.1 R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312

Lord Justice Toulson said:

"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.

Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact."

- 4.2 R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)

The Honourable Mrs Justice Black said:

"Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police."

Appendix A

From: Dave Leonard <[REDACTED]>
Sent: 14 June 2023 17:47
To: Pink Brentwood; [REDACTED]
Subject: EXTERNAL - PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX - BREACH OF MANDATORY CONDITION - WRITTEN WARNING

Categories: [REDACTED]

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Dear Mr Latham,

This letter is sent in confirmation of our meeting together with the Essex Police Licensing Officer, Mr Simon Barnes, and Mr Garry Owles from the Essex Fire & Rescue Service at **PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX** on Friday, 9th June 2023. The meeting was called because a video that appeared to have been filmed on your premises on Friday 2nd June, an event known as Pink Fridays, and posted on social media, had come to the attention of the police and local authority. We viewed the video posted on Instagram in your presence and you confirmed that these events had indeed taken place on your premises. The video shows some of your patrons being given large sparklers whilst others were having alcohol dispensed directly into their mouths from bottles poured by persons who appeared to be your bar staff.

The dispensing of alcohol directly into the mouth is currently banned in England & Wales under the Licensing Act 2003 and is reflected in the mandatory conditions required to be imposed by all Licensing Authorities by Parliament.

Annex 1 Condition 3e states:

"dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)."

It doesn't not appear in this situation that this activity would fall under the exception of this condition.

This is a criminal offence under s131 Licensing Act 2003

In respect of the sparklers being supplied, I invited the Fire Safety Officer, Mr Garry Owles, along to the meeting to check and advise you on your Fire Safety Policy. It was noted during our conversation that, due to the current premises layout, Mr Owles determined that the maximum capacity for customer safety should not exceed sixty (60) persons. Mr Owles then went on to show you how, with minor adjustments to the bar servery counter and doorway access to the rear exit, you could adapt the venue to accommodate the capacity you are seeking to achieve.

Whilst dealing with safe capacity numbers, I am concerned that you only have two toilets (one toilet plus one toilet for the disabled) available to cater for all your patrons. Mr Barnes informed you that the police have received complaints from several of the other High Street bars claiming that your customers have been attempting to enter their venues merely to use the toilet facilities. My concerns have been heightened by the fact that, as accredited identification does not appear to be enforced at your venue, these patrons are quite rightly being refused entry to the other bars for being unable to present acceptable ID. This leads me to question where these people are then attempting to relieve themselves in a public place. I am copying this warning letter into Brentwood Council's Lead Health & Safety Officer, Mr James Talbot, for his information.

This brings me back to our original meeting and licence inspection on 23rd May 2023, and the subsequent advisory letter that I sent you on 26th May 2023, where it was noted that the premises plan attached at Annex 4 of your premises licence did not match that of the current floor layout. I informed you that the change to the floor plan, however insignificant that you may feel it is, requires an application for a minor variation to the floor plan to be submitted to the Licensing Office for consideration and consultation with the relevant responsible authorities. I also advised you that a failure to do this will result in you breaching conditions of your premises licence and may lead to further enforcement action being taken. I accept that you finally responded to me on 6th June and indicated that you will be submitting your application to vary the premises licence to amend the floor layout plan and change the business name as necessary. You have been aware of this requirement since 23rd May 2023 and this office now needs to be reassured that you are taking the matter seriously. The police have issued you with an official warning regarding your breach of a mandatory condition (Annex 1 condition 3e) and this office has warned you of the premises licence breach in respect of the Annex 4 floor layout plan.

Please submit the application as a matter of priority and by the end of this month. A failure to do so may see this office take further action which may include prosecution and or seeking a review of your licence.

Please acknowledge receipt of this warning letter.

To conduct any licensable activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.

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

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.

Appendix B



Conor Latham
Pink
111 High Street
Brentwood CM14 4RX

5th September 2023

Interim Report – Incidents of 12th/20th August and 2nd September 2023

Dear Conor

I write this letter in regard to a meeting held today between yourself, Mr Paul Adams (Brentwood Licensing Manager) and myself at your premises in regard to the above incidents.

We have discussed the issues that have been raised with either myself or with the council in regards to the premises management of its patrons outside the premises and the three incidents that have occurred. I have requested sight of the CCTV in compliance with Condition 1 of Annex 2 of the licence but due to a technical issue this has not been possible.

On the information available it has been possible to confirm that:

- On 20th August 2023, without the coverage of a temporary event notice, the premises remained trading after its licenced hours by at least 1 hour and 30 minutes.
- On 2nd September 2023, the premises continued to maintain regulated entertainment for a period of 35 minutes after the end time of the licence, but should be noted that 15 minutes of this was whilst managing the incident

These are offences under s136 Licensing Act 2003, this will be matters for consideration by the council regarding potential prosecution which, at this time, the council will consider your future actions in response to this letter and future considerations after the CCTV is surrendered prior to making any decision, considering the public interests.

A number of conditions were found to be not being complied with by the premises including:

1. Annex 2 Condition 1(vi) – Daily log not being maintained
2. Condition 6 – Incident log, whilst being maintained at times, was not always completed nor completed within the 4 hours required
3. Condition 9 – Notices are not in place for customers at the exit requesting customers to respect your neighbours and leave the area quietly
4. Condition 13 – No clear signage regarding a Challenge 25 policy in place

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

Email: licensing.applications@essex.police.uk Tel: 01245 452035

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



In addition to this, whilst discussing the security arrangements for the premises you have indicated that you currently hire your lead door supervisor who then hires on additional persons as needed. This could potentially be an offence under the Security Industries Act and further investigation is needed, potentially including the SIA.

Given the above and the concerns noted by myself regarding the management of the external area when reviewing the incidents, it was agreed that there are significant concerns that the Prevention of Crime and Disorder licensing objective is being undermined.

Action Plan

At the meeting we agreed an interim action plan to be put into place as soon as possible to help reduce the concerns we have and to promote the licensing objectives:

1. DPS to arrange for the upload of the CCTV to Essex Police's DAMS system
2. DPS to review all conditions and ensure full compliance going forward before trading on Friday
3. DPS to email copies of invoices for security to Paul Adams (licensing@brentwood.gov.uk) and to Essex Police (epping.and.brentwood@essex.police.uk)
4. DPS to ensure all licensable activity to end by the authorised times on the licence
5. To reduce the size of the smoking area, limiting numbers in this area to around 10 persons
6. Review the door supervisor risk assessments for the premises considering the advice given
7. Create a written policy for how ejections, smoking area and dispersal will be managed

Once we have received your CCTV we shall review these and the interim action plan and consider if any further actions are needed.

Yours faithfully,

Simon Barnes
Essex Police Licensing Officer
Brentwood & Thurrock

Appendix C

From: Pink Brentwood <enquiries@pinkbrentwood.com>
Sent: 25 September 2023 16:25
To: Licensing Epping and Brentwood
Subject: EXTERNAL - Re: Pink - CCTV and Invoice requests
Attachments: image001.jpg
Categories: Ongoing

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Hi Simon,

Apologies for the delayed response but I had ongoing issues regarding the CCTV.

I have now been able to regain access to the system, however unfortunately in doing so it has reset the system and the storage has been wiped so I do not have access to any recordings at all. I fully understand there will be some action on this especially given the request for footage and our failure to provide the footage as per the licence, but it was physically taken out of my hands in this case.

And with regard to payment of security, I apologise but I made a mistake during our meeting as it is David (my business partner) who deals with the financials and all payments. Security are not paid via an invoice from Laura, this was discussed when we began hiring but was not needed, as they are paid directly as advised was acceptable by the SIA at the time. David rang them to double check at the time and they said it would be fine. I have since called the SIA to confirm this and when I asked them would I need my qualification in order to employ and use SIA registered door supervisors and they confirmed that it was not needed.

I hope you can understand that this is very confusing for us as the SIA are telling us one thing, and you are telling us another. If however it is needed, then we will of course act to comply with this, but given current advice from the SIA we were under the impression that we were following the rules set by the SIA.

Apologies again for the delayed response, but I have been chasing almost everyday for the CCTV issue to be resolved.

Thanks
Conor

On Tue, 19 Sept 2023, 12:45 Licensing Epping and Brentwood, <licensing.epping.and.brentwood@essex.police.uk> wrote:

Good Afternoon Mr Latham,

We have previously spoken regarding the outstanding CCTV and Invoice requests given to you on 5 September, these remain outstanding.

As per Annex 2 Condition 1(iv) "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" a request was made on the 5th September for the surrender of CCTV recordings for three separate incidents that have been linked to your premises, to date this has not been complied with despite being open for licensable activities in the interim.

I must now insist on the surrender of the CCTV requested and additionally CCTV for a period of 0030 to 0200 on 16th September as I have reasonable grounds to believe that the premises may have operated outside of its licence on this occasion and must ask to see this footage to confirm or deny.

Please respond to this email by 1200 Monday 25th September with either a full explanation as to the significant delay in complying, or alternatively passing of the requested CCTV and invoices. Otherwise I will be forced to consider using enforcement action.

If you wish to discuss this further please contact me urgently.

Kind Regards

Simon Barnes (82011)

Licensing Officer – Brentwood & Thurrock



 [Redacted]

 [Redacted]

 [Redacted]

 [Redacted]

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PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

APPENDIX B

Premises Licence

issued 21 July 2023

plus

OS Maps & Images

Premises Licence

Premises Licence Number	PRM_0599
Application Number	23/00111/LAMIN
Date of Issue	21 July 2023

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Pink
111 High Street
Brentwood
Essex
CM14 4RX

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

Performance of Live music
Playing of Recorded music
Provision of Late Night Refreshments
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Live music

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:45
Saturday	10:00 - 00:45
Sunday	10:00 - 23:00

Any Sunday before a Bank Holiday Monday until 00:00

Playing of Recorded music

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:45
Saturday	10:00 - 00:45
Sunday	10:00 - 23:00

Any Sunday before a Bank Holiday Monday until 00:00

Provision of Late Night Refreshments

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:45
Saturday	23:00 - 00:45

Any Sunday before a Bank Holiday Monday from 23:00 until 00:00

Sale by Retail of Alcohol

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:45
Saturday	10:00 - 00:45
Sunday	10:00 - 23:00

Any Sunday before a Bank Holiday Monday until 00:00

The opening hours of the premises

Monday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 00:30
Friday	10:00 - 01:15
Saturday	10:00 - 01:15
Sunday	10:00 - 23:30

Any Sunday before a Bank Holiday Monday until 00:30h the following morning.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premise

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Conor Latham

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Conor Francis Latham

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: LN/000003840
Licensing Authority: Epping Forest District Council

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under this licence**
 - a) At a time when there is no designated supervisor in respect of it or,**
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended**

 - 2 Every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.**

 - 3 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—**
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)**
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.**
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.**
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;**
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**
-
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.**

- 5 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature
- 6 The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and,
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
- 7 (A). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (B).For the purposes of the condition set out in paragraph 1 -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula where-
- $$P = D + (D \times V)$$
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

8 Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:

- a) Unauthorised access or occupation (eg through door supervision), or
- b) Outbreaks of disorder, or
- c) Damage

Annex 2 – Conditions consistent with the Operating Schedule

- 1 The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system that at all times complies with the below requirements;**
 - i. 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**
 - ii. CCTV cameras shall cover (all public areas including) all entrances and exits and all areas where the sale of alcohol takes place**
 - iii. 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**
 - iv. 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**
 - v. 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**
 - vi. 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 & clearly legible at all times when the premises conducts licensable activities.**
- 3 On Friday and Saturdays at least one SIA licensed door supervisor 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 Supervisor shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on the premises, or accessible from the premises, for a period of 3 months.**
- 4 Any SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear a form of high visibility clothing (jackets/vests/armbands).**
- 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 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.
- 7 No noise from deliveries that may take place to residential properties will give rise to public nuisance.**
- 8 The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas (such as terraces and beer gardens) do so in a quiet and orderly fashion.**
- 9 Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. These signs shall be a minimum size of 200mm x 148 mm.**
- 10 Clear notices must be displayed at exits requesting customers respect the needs of local residents and leave the area quietly.**
- 11 Whenever regulated entertainment is taking place at the premises, staff will monitor the external area to ensure noise is not audible at the boundary of the nearest residential property. Whenever regulated entertainment is taking place, a contact number will be readily available at the premises for management to be contacted by any nearby residents.**
- 12 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 & 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**
 - d. Ministry of Defence Identity Card.**
- 13 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.**
- 14 No entertainment taking place at the premises will not in any way harm or offend children.**

- 15 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 underage sales) how to recognise drunkenness & 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.
- 16 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.
- 17 A Clubscan/IDSCAN or similar system shall be operated at the premises. Whilst SIA door supervisors are deployed at the premises as required by this licence, all persons entering the premises must provide verifiable ID and have their details recorded on the system.
- 18 At all times no persons shall be permitted to take bottles, glasses or drinking vessels from the premises, with the exception of plastic and polycarbonate vessels.

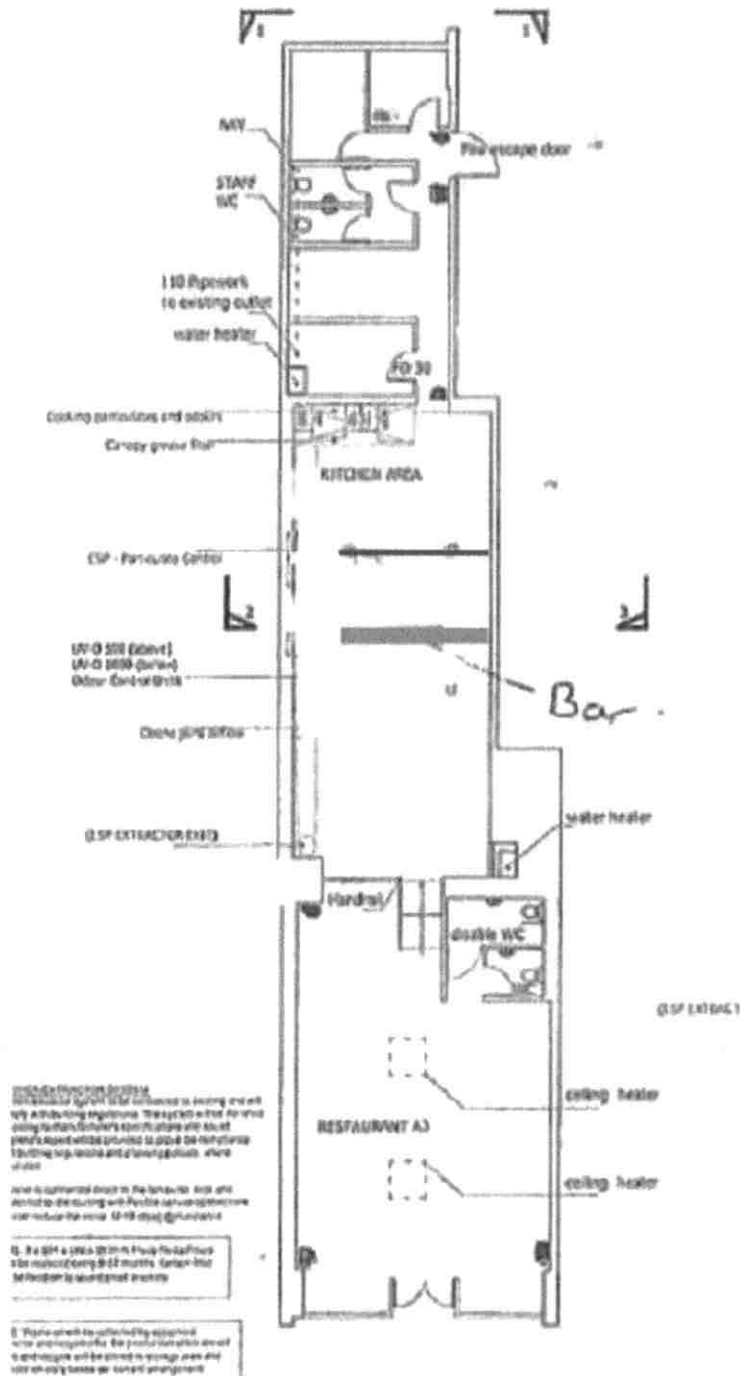
Conspicuous signage (of a minimum size of 200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.

Annex 3 – Conditions attached after a hearing by the licensing authority

- 1 A Noise Management Policy that has been approved by the Environmental Health manager is to be included as part of the operating schedule. This is to be signed by both parties.**

Annex 4 – Plans

This licence is issued subject to the attached plan dwg no.BR.02 revised 30JUN23
PINK, 111 HIGH STREET, BRENTWOOD, ESSEX CM14 4RX





Premises Licence Summary

Premises Licence Number	PRM_0599
Application Number	23/00111/LAMIN
Date of Issue	21 July 2023

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Pink
111 High Street
Brentwood
Essex
CM14 4RX

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

Performance of Live music
Playing of Recorded music
Provision of Late Night Refreshments
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Live music

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:45
Saturday	10:00 - 00:45
Sunday	10:00 - 23:00

Any Sunday before a Bank Holiday Monday until 00:00

Playing of Recorded music

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:45
Saturday	10:00 - 00:45
Sunday	10:00 - 23:00

Any Sunday before a Bank Holiday Monday until 00:00

Provision of Late Night Refreshments

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:45
Saturday	23:00 - 00:45

Any Sunday before a Bank Holiday Monday from 23:00h until 00:00

Sale by Retail of Alcohol

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:45
Saturday	10:00 - 00:45
Sunday	10:00 - 23:00

Any Sunday before a Bank Holiday Monday until 00:00

The opening hours of the premises

Monday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 00:30
Friday	10:00 - 01:15
Saturday	10:00 - 01:15
Sunday	10:00 - 23:30

Any Sunday before a Bank Holiday Monday until 00:30h the following morning.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

Conor Latham

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Conor Francis Latham

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

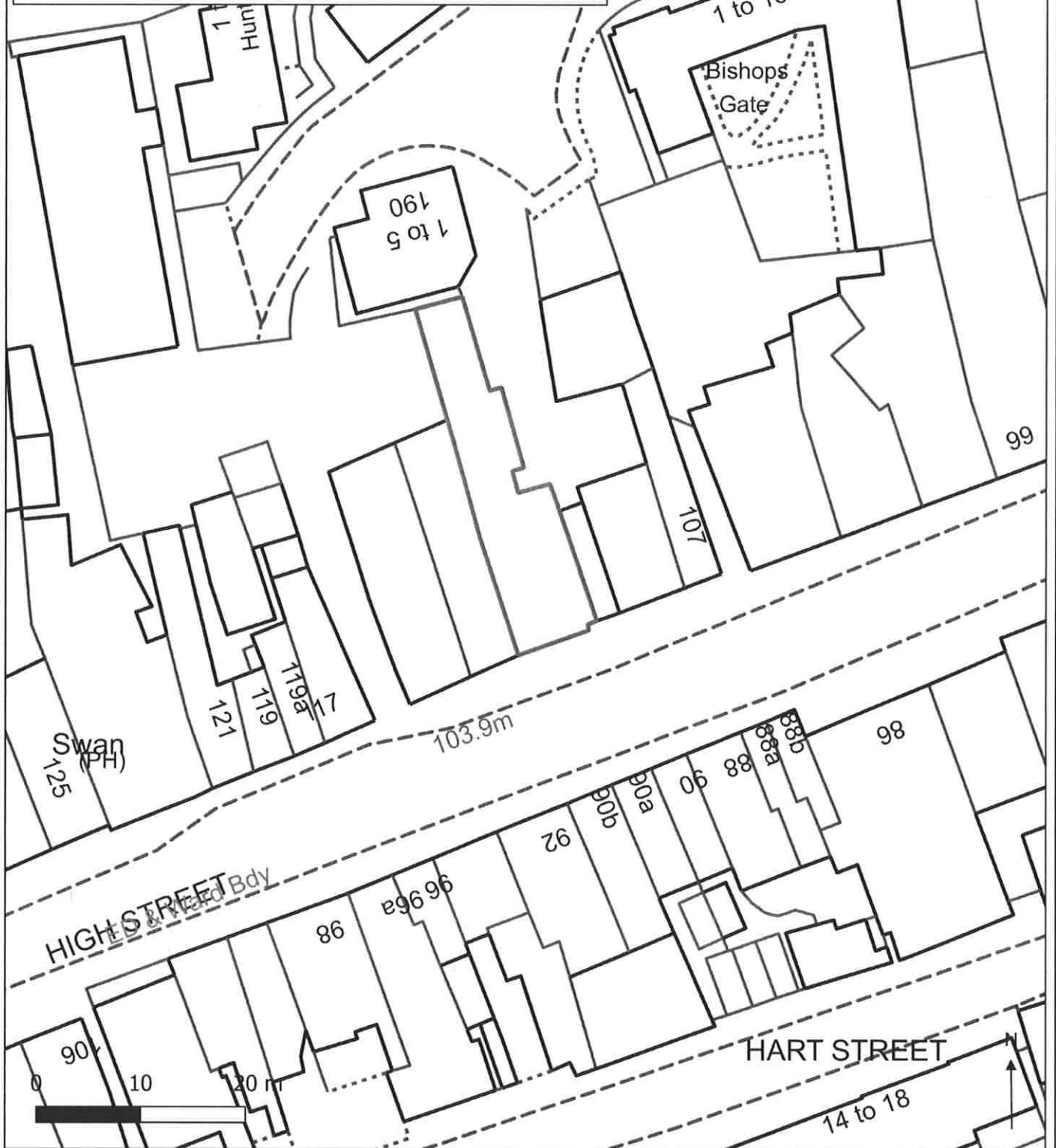
Personal Licence Number: LN/000003840
Licensing Authority: Epping Forest District Council

State whether access to the premises by children is restricted or prohibited



Legend

□ PINK, 111 HIGH STREET, BRENTWOOD, CM14 4RX



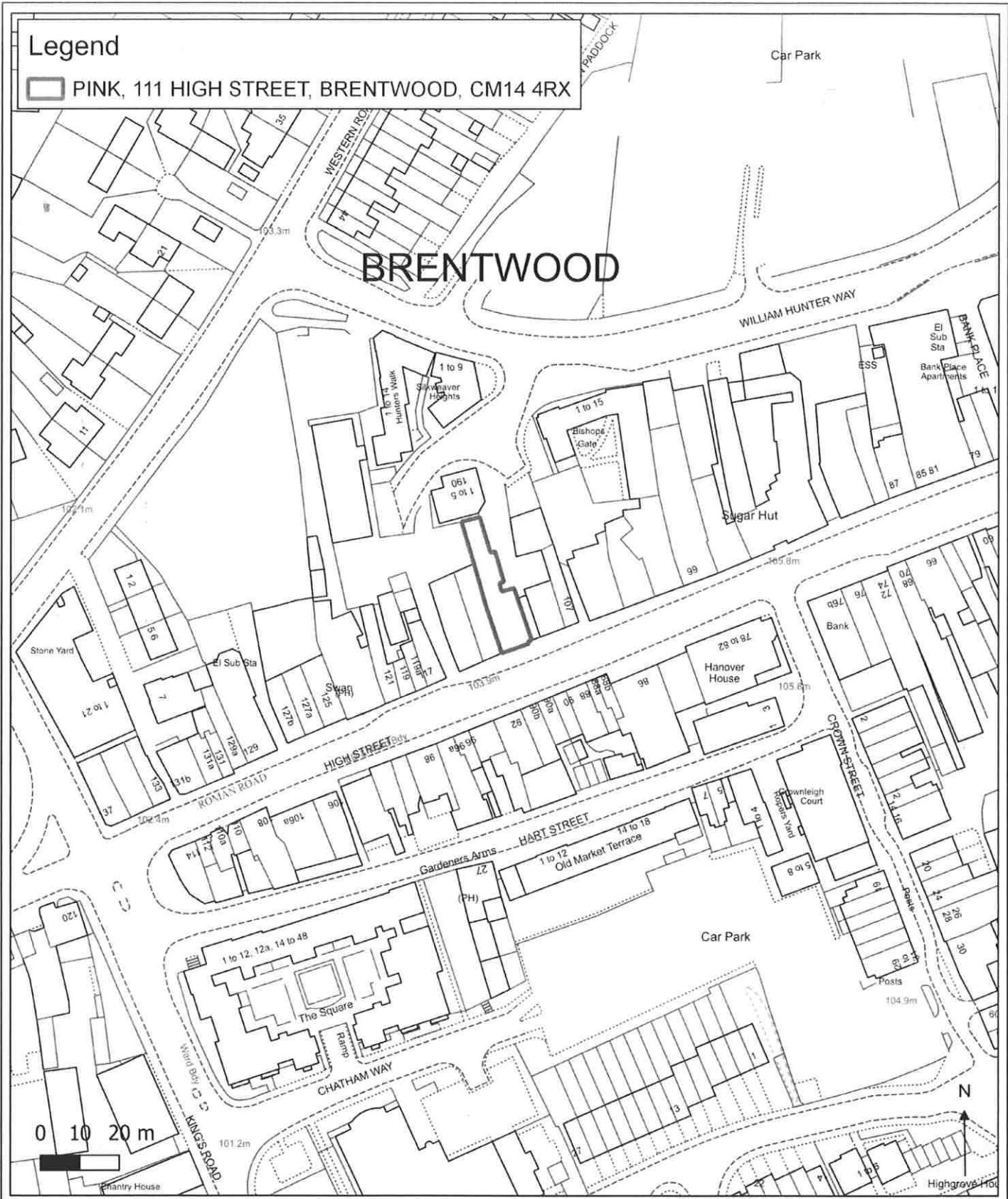
PINK, 111 HIGH STREET, BRENTWOOD, CM14 4RX

Drawing No. :
Scale at A4 : 1:500
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



Legend

 PINK, 111 HIGH STREET, BRENTWOOD, CM14 4RX

PINK, 111 HIGH STREET, BRENTWOOD, CM14 4RX

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

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

APPENDIX C

REPRESENTATION

Responsible Authority

Received 25 October 2023

Mr Dave Leonard

Licensing Officer

Brentwood Borough Council

Plus

Supplementary Documents

Received 1 November 2023

Dave Leonard

From: Dave Leonard
Sent: 25 October 2023 18:02
To: Licensing
Cc: Paul Adams
Subject: PINK - APPLICATION TO REVIEW A PREMISES LICENCE - LICENSING REPRESENTATION (DAVE LEONARD)
Attachments: PINK appln to review PL - LIC REP 25OCT23.docx; PINK - APPENDICES LIST.docx; PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX - SITE VISIT & LICENCE INSPECTION - 23RD MAY 2023 - APPLICATION FOR A VARIATION OF THE PREMISES LICENCE; APPENDIX B - PINK -BREACH OF MANDATORY CONDITION - WRITTEN WARNING 14JUN23.pdf; Pink - MINOR VARIATION - Police response; Re: EXTERNAL - Re: Pink - Minor Variation - Police Enquiry

To The Brentwood Licensing Team

**Licensing Act 2003 – Application to Review a Premises Licence
Pink, 111 High Street, Brentwood CM14 4RX**

Representation by a Responsible Authority (Licensing)

I wish to make a representation in support of the application submitted by the Chief of Essex Police to review the premises licence at **Pink, 111 High Street, Brentwood CM14 4RX**. I make this representation as a Responsible Authority (Licensing) in my capacity as the Brentwood Borough Council Licensing Officer as permitted by virtue of the Licensing Act 2003 (as amended).

It is also my contention that the management at Pink has failed to adequately promote the licensing objectives relating to the prevention of crime and disorder. I am also concerned that the management are not currently operating to a schedule that satisfactorily promotes public safety to a level expected of a late-night vertical drinking establishment in the High Street.

A premises licence was first issued to **111 High Street, Brentwood CM4 4RX** on 12th November 2021 when the venue was primarily operating as a pie and mash shop. In an effort to save a floundering business, the licence holder attempted to evolve the unit into a late-night drinking establishment. However, following two failed attempts by that management, firstly operating as 'A La Mode' and then 'Sauce', an application to take transfer of the premises licence was made by the current licence holder, Mr Conor Latham, on 21st February 2023. A premises licence, with Mr Latham also nominated as the designated premises supervisor, was issued on 24th March 2023.

As a result of concerns being raised about the apparently very young age band of the customer base attending the venue, I took my first opportunity to meet with Mr Latham and his business partner, Mr David Wilcox, in an arranged site visit on 23rd May 2023. I also conducted a full licence inspection and went through the attached conditions with both gentlemen. I noted that the premises was now being promoted as 'Pink' and that the premises plan attached at Annex 4 of the licence did not accurately reflect the current floor layout. As a result, I advised both men that a minor variation to reflect the changes to the premises licence was required and this was followed up with a confirmation email sent to Mr Latham on 26th May 2023. I have attached a copy of this email at **Appendix A**.

Following the viewing of a video recording posted on social media showing the apparent breach of a mandatory licence taking place at an event in Pink on 2nd June 2023, once again by appointment, on 9th June 2023 I attended the premises in company with Police Licensing Officer, Mr Simon Barnes, and Essex Fire & Rescue Service Officer, Mr Garry Owles, and met with Mr Latham. A number of public safety issues in respect of capacities were candidly discussed and it was confirmed that the following mandatory licensing condition had been breached on 2nd June 2023;

Annex 1 Condition 3e states:

“dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).”

This is a criminal offence under s131 Licensing Act 2003.

This matter was dealt with by way of a police warning letter sent by Mr Barnes on 13th June 2023. I also reiterated the offence in a written warning letter to Mr Latham, dated 14th June 2023, that also included our discussions around public safety & convenience and a polite reminder of his requirement to apply for a minor variation to the premises licence in respect of the floor layout plan as pointed out previously in my letter, dated 26th May 2023, and to date still outstanding. I attach a copy of this warning letter, dated 14th June 2023 at **Appendix B**.

Mr Latham finally submitted an application to vary the premises licence to amend the floor layout plan & change the premises name from 'Sauce' to 'Pink' on 30th June 2023. During this consultation process, the Police Licensing Officer, Mr Barnes proposed a number of recommendations to be attached as conditions to the updated licence in order for it to reflect the current operating nature of the venue which had evolved significantly since being a pie and mash shop when the premises licence was originally granted back in 2021. I attach a copy of these proposed recommendations, dated 14th July 2023, at **Appendix C**.

I also attach a copy of the written response from Mr Latham to Mr Barnes, dated 14th July 2023, indicating that he was happy to accept the police recommendations to be attached as conditions to his updated premises licence at **Appendix D**.

The police make reference to three (3) alleged incidents of disorder where fighting has broken out in or around the vicinity of Pink on 12th & 18th August 2023 and again on 2nd September 2023. In each instance, when conducting follow-up enquiries, and despite repeated requests, the cooperation they have received from the management at Pink has been unsatisfactory or non-existent.

The premises licence holder, Mr Latham, has submitted six (6) temporary event notifications (TENs) for extended hours to cover events in August and September 2023 of which four (4) were rejected as invalid because the minimum of five working days' notice required had not been provided. This, together with previously failing to comply with a mandatory licensing condition, shows a disturbing ignorance, or disregard, of the Licensing Act. The admission that the premises was operating outside of its permitted hours in one of the incidents highlighted by the police (20th August) and an unwillingness to comply with attached licence conditions previously agreed with the police is also a cause for great concern. I will be guided by, and hope to support, the police recommendations in what they are hoping to achieve when calling this review.

My concern emanates from how this premises has evolved from a licensed daytime pie and mash shop into a late-night party venue, perhaps without the stringent consultation process that would ordinarily apply to a licence that has evolved so dramatically. That is not necessarily the fault of Mr Latham as he took on the venue when it was known and operating as 'Sauce'. However, he has been fully appraised of all that is expected of him and of his business in my meetings held with him on 23rd May and 9th June 2023 and confirmed in writing in the subsequent letters dated 26th May & 14th June 2023 respectively (see copies attached at **Appendix A** and **Appendix B** respectively).

In my meetings with Mr Latham, he has always come across as an amiable and respectful young man but it does concern me that he does not appear to fully understand the gravity of some of the issues being raised and of the potential impact on public safety if he continues to get it wrong.

An application to review a premises licence is generally applied for when all means of remedial action have failed and there is no other course of action available to take. This premises has not previously been subject of a licence review. Having said that, Mr Latham has only held the current licence for seven months and has already had his fair share on incidents that have required necessary intervention from the police and the Licensing Office. And, unlike another late-night licensed premises recently reviewed, the licensee has at least responded to lawful requests made to him by the police and local authority albeit not within the timescale required.

It appears that the reported incidents of disorder have all occurred around, or after, Pink's terminal hour of operation. This, together with the apparent inability to apply for temporary event extensions

in the correct manner, may convince the Licensing Sub-Committee that a reduction to the terminal hours of trading, thus alleviating any potential conflict between patrons dispersing from other nearby licensed premises, may be a logical compromise to imposing a heavier penalty.

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

Kind regards,

A handwritten signature in black ink, appearing to read 'Dave Leonard', written in a cursive style.

Dave Leonard | Licensing Officer

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



Paul Adams
Licensing Manager,
Brentwood Borough Council Depot
The Drive
Warley CM13 3BH

Date: 25 October 2023

Contact: Dave Leonard
01277 312523

Licensing Act 2003 – Application to Review a Premises Licence
Pink, 111 High Street, Brentwood CM14 4RX

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

Yours sincerely,



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



Dave Leonard
Licensing Officer

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

APPENDICES

Supporting Documentation

- A. *Email Request dated 26 May 2023*
- B. *Licensing Offence Warning Letter dated 14 June 2023*
- C. *Simon Barnes email Police recommended conditions dated 14 July 2023*
- D. *Conor Latham email accepting police recommended conditions 14 July 2023*

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

REPRESENTATION

Responsible Authority

Mr Dave Leonard

Licensing Officer

Brentwood Borough Council

Supporting Documents

Appendix A

Email request dated 26 May 2023

Dave Leonard

From: Dave Leonard
Sent: 26 May 2023 15:23
To: 'enquiries@pinkbrentwood.com'
Subject: PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX - SITE VISIT & LICENCE INSPECTION - 23RD MAY 2023 - APPLICATION FOR A VARIATION OF THE PREMISES LICENCE

Dear Mr Latham & Mr Wilcox,

This letter is sent in confirmation of our meeting at **PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX** on Tuesday, 23rd May 2023. The purpose of the site visit was to allow me to introduce myself to you as your local Licensing Officer, to advise you of recent concerns reported to me suggesting that you may not be applying your Challenge 25 policy effectively and to assist you with a full licence inspection in order to ensure that your operating schedule matches your business objectives and the conditions attached to your current premises licence.

I draw your attention to the current premises licence (attached) issued to you on 24th March 2023 which relates to **SAUCE** and not **PINK**. In normal circumstances, when there is a change of premises name, the matter may be easily dealt with administratively online at a cost of £10.50.

However, as discussed, there is a small area marked 'store' on the premises plan at Annex 4 that shows a stud wall next to the public toilets. I noted that this store is no longer there and the stud wall has been removed. I appreciate that you have stated that you have merely applied a cosmetic makeover since acquiring the premises and that you have carried out no structural changes. Unfortunately, this change to the floor plan, however insignificant that you may feel it is, requires an application for a minor variation to the floor plan to be submitted to the Licensing Office for consideration and consultation with the relevant responsible authorities. A failure to do this will result in you breaching the terms and conditions of your premises licence and may lead to further enforcement action being taken.

As advised, this is a straightforward process which may be applied for online and I see no reason why a minor variation would not be approved. However, you may also wish to use this application as an opportunity to amend your operating schedule and the conditions attached to your premises licence if you are of the opinion that they don't best serve your operational needs. Should you wish to extend your operating hours you will need to submit an application for a full variation to the premises licence.

In respect of the current conditions attached to your premises licence I offer the following recommendations that may assist with protecting your integrity when under scrutiny

Annex 2

CCTV;

Storage: a sterile and accessible area to store, operate and view the monitor would be beneficial. And knowing the right password to gain access to the system is also very important.

Coverage: ensure that any decorative features - including plants - are not obscuring the camera coverage or interfering with the recordings

Fit for Purpose: without the benefit of viewing your playback coverage on the day, I cannot comment on the quality or content of overall coverage but I did note that there is no camera positioned to capture frontal head and shoulders images of all persons entering the premises. The requirement to produce images of an evidential quality covering the entrance is usually a must for late night vertical drinking establishments and I would be very surprised if the police do not recommend/insist that you cover this access/egress point satisfactorily (Condition 1)

Signage:

Your signage was all compliant and we discussed the best positioning for each notice to provide optimum impact (Conditions 2, 10, 11 & 17)

Door Supervision

"On occasions when licensable activity takes place on the premises beyond 10pm on any day, the management will risk assess the requirement for SIA doorstaff to be employed at the premises. Evidence of this risk assessment to be made available for inspection by police or licensing authority on reasonable request." Once again, this recommendation was originally offered by the police when the venue was operating as a hybrid pie and mash shop and not a late night bar. Please ensure that you have a written risk assessment available for inspection should the police or licensing authority wish to see it (Condition 3)

SIA Licensed Door Supervisors

As discussed, the onus is on you, Mr Latham, as the premises licence holder and DPS to ensure that only correctly registered door staff are employed and you will need to show that you have a badge checking and signing in/out policy that fully records this information (Condition 5). I suggested that an A4 sized stitched diary can act as both a door supervisors' register, incident log and a management on duty record would be a good way to protect your operating integrity (Condition 6). You were also reminded of the need to record the full details of all door supervisor's badges and of the need to keep a record of staff training (Conditions 21 & 22). High visibility clothing for doorstaff is a requirement designed to ensure that they are readily identifiable at all times (Condition 4)

Noise Management Policy

"No noise from deliveries that may take place to residential properties will give rise to public nuisance" (Condition 8) and *"Whenever regulated entertainment is taking place at the premises, staff will monitor the external area to ensure noise is not audible at the boundary of the nearest residential property. Whenever regulated entertainment is taking place, a contact number will be readily available at the premises for management to be contacted by any nearby residents"* (Condition 12) are ambiguous but, as we have discussed, you are the only venue of your kind operating without some form of a front lobbied entrance designed to help with noise suppression. As you also have a condition attached at **Annex 3**, which is set by the Licensing Committee, that requires a signed noise management policy, I have referred you to Brentwood Council's Environmental Health Manager, David Carter, in order to address this. **This condition requires strict compliance** and you have assured me that you would be contacting Mr Carter as a matter of priority.

Challenge 25 Policy

I have pointed out to you that my office has received information that some of your customer base appears very young and we discussed that all of the other late-night High Street venues have adopted the use of ID Scan and, where necessary, have adapted their entry area to accommodate the system accordingly. You also acknowledged the benefits that ID Scan does offer to assist with your Challenge 25 policy and the potential deterrent for fake IDs being presented (Condition 16).

Food and Furniture

"The premises will be predominantly laid out to tables and chairs" (Condition 20). I'm not sure that the word 'predominantly' can be used but you will appreciate that this condition was attached to the Pie and Mash conversion to Sauce. Likewise, with *"a food offering will be available at all times the premises is conducting licensable activities"* (Condition 19), as the condition does not refer to 'substantial refreshment' as with the premises' previous restaurant status, you are confident that a working arrangement with the sushi bar next door satisfies this requirement. You may wish to consider removing these requirements if your business module is looking to steer away from food offerings and more towards a vertical drinking establishment in the future.

You now need to apply to vary your premises licence and submit a new plan that accurately reflects the current layout. As discussed, should you also wish to change the conditions attached to your operational schedule and formally advise us of the change of your business name to Pink, you may do so in the form of a minor variation. This also streamlines the process. Should you wish to increase your hours of licensable activity, you will need to submit an application for a full variation. I have attached the online links to assist you with this process for your convenience (below). I have also attached the online link to the application for a pavement licence for you.

[Variation, transfer or make a change to a premises licence | Brentwood Council](#)

<https://www.brentwood.gov.uk/pavement-licence>

I hope that this helps.

Please submit the application as a matter of priority as **To conduct any licensable activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.**

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

Kind regards,

A handwritten signature in black ink, appearing to read 'Dave Leonard', written in a cursive style.

Dave Leonard | Licensing Officer

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

REPRESENTATION

Responsible Authority

Mr Dave Leonard

Licensing Officer

Brentwood Borough Council

Supporting Documents

Appendix B

Licensing Offence Warning Letter dated 14 June 2023



**BRENTWOOD
BOROUGH COUNCIL**

Mr Conor Latham

Date: 14th June 2023

**Contact: Dave Leonard
01277 312523**

Dear Mr Latham,

**Licensing Act 2003 – Premises Licence
Sauce aka Pink, 111 High Street, Brentwood CM14 4RX**

This letter is sent in confirmation of our meeting together with the Essex Police Licensing Officer, Mr Simon Barnes, and Mr Garry Owles from the Essex Fire & Rescue Service at **PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX** on Friday, 9th June 2023. The meeting was called because a video that appeared to have been filmed on your premises on Friday 2nd June, an event known as Pink Fridays, and posted on social media, had come to the attention of the police and local authority. We viewed the video posted on Instagram in your presence and you confirmed that these events had indeed taken place on your premises. The video shows some of your patrons being given large sparklers whilst others were having alcohol dispensed directly into their mouths from bottles poured by persons who appeared to be your bar staff.

The dispensing of alcohol directly into the mouth is currently banned in England & Wales under the Licensing Act 2003 and is reflected in the mandatory conditions required to be imposed by all Licensing Authorities by Parliament.

Annex 1 Condition 3e states:

“dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).”

It doesn't not appear in this situation that this activity would fall under the exception of this condition.

This is a criminal offence under s131 Licensing Act 2003

In respect of the sparklers being supplied, I invited the Fire Safety Officer, Mr Garry Owles, along to the meeting to check and advise you on your Fire Safety Policy. It was noted during our conversation that, due to the current premises layout, Mr Owles determined that the maximum capacity for customer safety should not exceed sixty (60) persons. Mr Owles then went on to show you how, with minor adjustments to the bar servery counter and doorway access to the rear exit, you could adapt the venue to accommodate the capacity you are seeking to achieve.

Whilst dealing with safe capacity numbers, I am concerned that you only have two toilets (one toilet plus one toilet for the disabled) available to cater for all your patrons. Mr Barnes informed you that the police have received complaints from several of the other High Street bars claiming that your customers have been attempting to enter their venues merely to use the toilet facilities. My concerns have been heightened by the fact that, as accredited identification does not appear to be enforced at your venue, these patrons are quite rightly being refused entry to the other bars for being unable to present acceptable ID. This leads me to question where these people are then attempting to relieve themselves in a public place. I am copying this warning letter into Brentwood Council's Lead Health & Safety Officer, Mr James Talbot, for his information.

This brings me back to our original meeting and licence inspection on 23rd May 2023, and the subsequent advisory letter that I sent you on 26th May 2023, where it was noted that the premises plan attached at Annex 4 of your premises licence did not match that of the current floor layout. I informed you that the change to the floor plan, however insignificant that you may feel it is, requires an application for a minor variation to the floor plan to be submitted to the Licensing Office for consideration and consultation with the relevant responsible authorities. I also advised you that a failure to do this will result in you breaching conditions of your premises licence and may lead to further enforcement action being taken. I accept that you finally responded to me on 6th June and indicated that you will be submitting your application to vary the premises licence to amend the floor layout plan and change the business name as necessary. You have been aware of this requirement since 23rd May 2023 and this office now needs to be reassured that you are taking the matter seriously. The police have issued you with an official warning regarding your breach of a mandatory condition (Annex 1 condition 3e) and this office has warned you of the premises licence breach in respect of the Annex 4 floor layout plan.

Please submit the application as a matter of priority and by the end of this month. A failure to do so may see this office take further action which may include prosecution and or seeking a review of your licence.

Please acknowledge receipt of this warning letter.

To conduct any licensable activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.

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

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

REPRESENTATION

Responsible Authority

Mr Dave Leonard

Licensing Officer

Brentwood Borough Council

Supporting Documents

Appendix C

Simon Barnes' email Police Recommended Conditions

dated 14 July 2023



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

14th July 2023

Police Representation – Pink Minor Variation

I write in relation to an application to make a minor variation for a premises known as Pink located at number 111 of High Street in Brentwood.

This application was triggered by concerns raised by both Essex Police and Brentwood Council's licensing officers regarding the plan of the premises, the business being significantly different to the original business that the licence was granted for and the commissioning of activities prohibited by the mandatory conditions as laid out by Parliament.

Mr Conor LATHAM, the applicant, has requested as part of the variation for the plan to be amended the name of the premises to be renamed to his business and for conditions 7, 19 & 20 to be removed.

On behalf of the Chief Officer of Police for the County of Essex and the non-metropolitan areas of Southend-on-Sea and Thurrock I would like to place this representation in regards to this application.

Essex Police have discussed the conditions on the licence with the applicant, there are a number of conditions applied to support the licensing objectives but are no longer in keeping with a prosecco bar which Pink appears to be, the conditions were worded for a Pie and Mash shop with some changes made when the premises looked to become an event space on occasion. There are also several conditions that were on the original licence which are covered by statute and the licence does not require these and could, in the future, be at odds with any amendment passed by Parliament and as such should be removed at this time to avoid conflict.

As such Essex Police have proposed for the current Annex 2 conditions the following changes:

- Condition 1 to be revised to read:
"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

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



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."

- Condition 2 to have the words "and exits" removed
- Condition 3 to be reworded to:

"On Friday & Saturdays at least one SIA licensed door supervisors shall be on duty at the premises from 21:00 whilst the premises is open and for at least 30 minutes after the premises has closed. At all other times the Designated Premises Supervisor shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on the premises, or accessible from the premises, for a period of 3 months."
- Condition 6 to be reworded to:

"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."
- Condition 11 to be reworded to:

"Clear notices must be displayed at exits requesting customers respect the needs of local residents and leave the area quietly."
- Conditions 13-15 are covered by other legislation and should be deleted from the licence
- Condition 21 to be reworded to:

"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."

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

Page 94
www.essex.police.uk



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.”

- Condition 22 can be deleted as a consequence of the changes to condition 21

In addition Essex Police have requested further conditions are added to further uphold the licensing objectives of prevention of crime and disorder and protection of children from harm:

- 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.
- A Clubscan/IDSCAN or similar system shall be operated at the premises. Whilst SIA door supervisors are deployed at the premises as required by this licence, all persons entering the premises must provide verifiable ID and have their details recorded on the system.
- At all times no persons shall be permitted to take bottles, glasses or drinking vessels from the premises, with the exception of plastic and polycarbonate vessels.
Conspicuous signage (of a minimum size of 200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.

Negotiation with the applicant was completed on 14th July with the applicant accepting all changes outlined above alongside the changes that they have proposed. I attach to this representation the written negotiations and acceptance.

Yours faithfully,

Simon Barnes
Essex Police Licensing Officer
Brentwood & Thurrock

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

REPRESENTATION

Responsible Authority

Mr Dave Leonard

Licensing Officer

Brentwood Borough Council

Supporting Documents

Appendix D

Conor Latham's email accepting Police Recommended Conditions

dated 14 July 2023

Dave Leonard

From: Pink Brentwood <enquiries@pinkbrentwood.com>
Sent: 14 July 2023 13:19
To: Licensing Epping and Brentwood
Subject: Re: EXTERNAL - Re: Pink - Minor Variation - Police Enquiry
Attachments: image001.jpg; image001.jpg

Hi Simon,

Yes perfect, happy to proceed.

Thanks
Conor

On Fri, 14 Jul 2023, 09:16 Licensing Epping and Brentwood, <licensing.epping.and.brentwood@essex.police.uk> wrote:

Good Morning Conor,

Thank you for your reply.

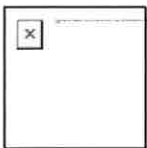
Would the following wording be acceptable:

1. At all times no persons shall be permitted to take bottles, glasses or drinking vessels from the premises, with the exception of plastic and polycarbonate vessels.
Conspicuous signage (of a minimum size of 200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.

Please can you confirm this wording is acceptable by 1400 today.

Kind Regards

Simon Barnes (82011)



Licensing Officer – Brentwood & Thurrock

☎ 101 (Ext: 42082011)

☎ 07773 935612

📍 Brentwood Police Hub, Town Hall, Ingrave Road, Brentwood CM15 8AY

From: Pink Brentwood <enquiries@pinkbrentwood.com>
Sent: 12 July 2023 15:54
To: Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk>
Subject: EXTERNAL - Re: Pink - Minor Variation - Police Enquiry

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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.

Hi Simon,

I am happy to proceed with all the variations you have suggested.

As per our conversation earlier though, I would to add an alteration to the use of drinking vessels outside of the premises, as plastic and polycarbonate cups should be acceptable for use outside.

Other than that I am happy to proceed.

Thanks

Conor

On Thu, Jul 6, 2023, 15:41 Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk> wrote:

Good Afternoon Mr Latham,

I have reviewed your application and considered carefully the new premises use that you have proposed, I also note the recent warning I issued in relation to breaching of the mandatory conditions. As such I would like to do some tidying of your conditions and to add additional conditions to reduce the risks against the licensing objectives.

I will begin with your current conditions.

- I would like to reword condition 1 (CCTV) to read:

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

- i. 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;
- ii. CCTV cameras shall cover {all public areas including} all entrances and exits and all areas where the sale of alcohol takes place;
- iii. 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;
- iv. 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;
- v. 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;
- vi. 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.”

- Condition 2 to have “(and exits)” removed as this is not necessary for your premises
- Condition 3 to be re-worded:

“On Friday & Saturdays at least one SIA licensed door supervisors shall be on duty at the premises from 21:00 whilst the premises is open and for at least 30 minutes after the premises has closed. At all other times the Designated Premises Supervisor shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on the premises, or accessible from the premises, for a period of 3 months.”

- Conditions 4-5 to remain as is.
- Condition 6 to be reworded to:

“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.”
- Condition 7 you have requested be deleted – I am content with this given the business model you have suggested.
- Conditions 8-10 to remain as is (unless suggested by Environmental Health)
- Condition 11 to be reworded to:

“Clear notices must be displayed at exits requesting customers respect the needs of local residents and leave the area quietly.”
- Condition 12 is an environmental health conditions so please speak to them if you wish this one changed.
- Conditions 13-15 should be deleted, these are covered under other legislation and are not appropriate for a premises licence
- Conditions 16-18 can be left alone unless the Essex Council LADO suggests any changes
- Conditions 19-20 have been requested to be deleted – I have suggested a number of other changes to reflect the removal of these conditions and change of business.
- Condition 21 to be reworded to:

“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.”
- Condition 22 can be deleted as a consequence of the change to 21

In addition to the above changes I would like to propose the following additional conditions:

- 1.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.
- 2.A Clubscan/IDSCAN or similar system shall be operated at the premises. Whilst SIA door supervisors are deployed at the premises as required by this licence, all persons entering the premises must provide verifiable ID and have their details recorded on the system.
- 3.At all times no persons shall be permitted to take bottles, glasses or drinking vessels from the premises.

Conspicuous signage (of a minimum size of 200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.

This is a lot of changes and tinkering so please take your time to go through all the suggested changes and then get in touch with me to discuss/negotiate. Please can you come back to me early next week, the sooner the better particularly if we need to negotiate any of the above details as we only have a short amount of time to reach an agreement before the consultation ends.

If you would like to have a meeting on teams or a phone call please do let me know. I have copied the council in for their reference so they are aware of our progress.

Kind Regards

Simon Barnes (82011)

Licensing Officer – Brentwood & Thurrock

☎ 101 (Ext: 42082011)

☎ 07773 935612

📍 Brentwood Police Hub, Town Hall, Ingrave Road, Brentwood CM15
8AY

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PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

REPRESENTATION

Responsible Authority

Mr Dave Leonard

Licensing Officer

Brentwood Borough Council

Supporting Documents

Supplementary Documents

Appendix E

Licensing Offences Warning Letter

plus email & updated Appendices List

dated 1 November 2023

Dave Leonard

From: Dave Leonard
Sent: 01 November 2023 14:30
To: Licensing
Cc: Paul Adams
Subject: PINK - APPLICATION TO REVIEW A PREMISES LICENCE - LICENSING REPRESENTATION (DAVE LEONARD) - SUPPLEMENTARY DOCUMENTS
Attachments: PINK - breach of conditions - WRITTEN WARNING 01NOV23.msg; PINK - breach of conditions - WRITTEN WARNING 01NOV23.pdf; PINK - APPENDICES LIST.pdf

To The Brentwood Licensing Team

**Licensing Act 2003 – Application to Review a Premises Licence
Pink, 111 High Street, Brentwood CM14 4RX**

Representation by a Responsible Authority (Licensing)

Please find attached the following supplementary documents to further support my representation at the forthcoming Licensing Sub-Committee Review hearing:

- Licensing Offences (27 October 2023) Warning Letter to Premises Licence Holder dated 1 November 2023
- Licensing Offences (27 October 2023) Warning Letter to Premises Licence Holder emailed 1 November 2023
- Updated Appendices List to include Appendix E – Supplementary Documents

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



**BRENTWOOD
BOROUGH COUNCIL**

Mr Conor Latham

Date: 1st November 2023

Contact: Dave Leonard
01277 312523

Dear Mr Latham,

**Licensing Act 2003 – Premises Licence
Pink, 111 High Street, Brentwood CM14 4RX**

This letter is sent in confirmation of my visit together with Brentwood Council's Licensing manager, Mr Paul Adams, and the Essex Police Licensing Officer, Mr Simon Barnes, and meeting with you at **PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX** on Friday, 27th October 2023 at 9.20pm.

Upon approaching your premises it was apparent that the noise level coming from within was clearly audible and could easily be heard from some distance away. It was noted that both the front entrance doors were propped open outward, and this was exacerbating the level of noise breakout from within. It was also noted that an electrical cable connecting the ID Scan machine outside of the building was draped precariously over the tops of the front doors and was preventing them from closing. With the noise emanating from your premises that was witnessed, it would be difficult to see how you are compliant with Annex 2 condition 11 of your premises licence which states;

11. Whenever regulated entertainment is taking place at the premises, staff will monitor the external area to ensure noise is not audible at the boundary of the nearest residential property. Whenever regulated entertainment is taking place, a contact number will be readily available at the premises for management to be contacted by any nearby residents.

In addressing the matter of noise management, I draw your attention to Annex 3 condition 1 (a condition attached after a hearing by the licensing authority) of your premises licence;

1. A Noise Management Policy that has been approved by the Environmental Health manager is to be included as part of the operating schedule. This is to be signed by both parties.

Having since discussed this issue with Environmental Health manager, Mr David Carter, it appears that you do not currently have an agreed Noise Management Policy signed by both parties.

This is a breach of Annex 3 condition 1 of your licence condition.

There was one SIA registered female door supervisor working on the front door and a second SIA registered male member of security working inside the premises. Information provided by the two members of security staff raises concerns that the door supervision had been hired directly by the owners of Pink without that person having the appropriate licence from the SIA.

We were also concerned that only having two members of security working appeared insufficient. Even with the limited numbers in attendance, there didn't appear to be a positive control of patrons entering, exiting and re-entering the premises during the time of our visit. Checks of the ID Scan equipment indicated that 57 persons had been scanned upon entry and yet there were 82 people in the premises implying that 25 persons already in the premises had not been scanned upon entry. Annex 2 condition 17 of your current premises licence states;

17. A Clubscan/IDSCAN or similar system shall be operated at the premises. Whilst SIA door supervisors are deployed at the premises as required by this licence, all persons entering the premises must provide verifiable ID and have their details recorded on the system.

There needs to be some clarity in respect of who is subject of the requirement to be scanned upon entry and a policy for persons who do not e.g those employed or hired by the management and those admitted prior to the deployment of door supervisors.

It was noted that one of your associates connected with the management of the business was making regular trips to an Audi motor vehicle illegally parked nearby in the High Street. Notwithstanding that it is an offence, this is not a good example to lead especially when the threat to public safety caused by illegally parked vehicles in the High Street is a topic frequently raised at the BASLE / Pubwatch meetings.

Your inability to effectively access your CCTV system to the satisfaction of Essex Police is one of the leading factors why they are currently seeking to review your premises licence. This visit also enabled you the opportunity to show both Mr Barnes and the licensing authority that you had resolved the issues previously hindering your ability to comply with Annex 2 condition 1 on your premises licence that states;

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

i. 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

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

iii. 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

- iv. 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*
- v. 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*
- vi. 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.*

Once again, you were unable to enter the correct password information and access the CCTV system to the satisfaction of the police or the licensing authority as required in the condition on your licence.

This is a breach of Annex 3 condition 1 of your licence condition.

As I have indicated in my representation supporting the police review application, in our previous meetings you have always come across as an amiable and respectful young man. However, it concerns me that you do not appear to fully understand and appreciate the gravity of some of the issues being raised and of the potential impact on public safety, and crime and disorder if you continue to get things wrong. With an imminent review hearing currently looming over your business, Friday night's visit has only highlighted my concerns, and amplifies my decision to make a supporting representation.

Please acknowledge receipt of this warning letter.

To conduct any licensable activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.

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

Dave Leonard

From: Dave Leonard
Sent: 01 November 2023 14:14
To: Pink Brentwood; Conor Latham
Subject: PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX - BREACH OF LICENCE CONDITIONS - WRITTEN WARNING
Attachments: PINK - breach of conditions - WRITTEN WARNING 01NOV23.pdf

Dear Mr Latham,

Licensing Act 2003 – Premises Licence Pink, 111 High Street, Brentwood CM14 4RX

This letter is sent in confirmation of my visit together with Brentwood Council's Licensing manager, Mr Paul Adams, and the Essex Police Licensing Officer, Mr Simon Barnes, and meeting with you at **PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX** on Friday, 27th October 2023 at 9.20pm.

Upon approaching your premises it was apparent that the noise level coming from within was clearly audible and could easily be heard from some distance away. It was noted that both the front entrance doors were propped open outward, and this was exacerbating the level of noise breakout from within. It was also noted that an electrical cable connecting the ID Scan machine outside of the building was draped precariously over the tops of the front doors and was preventing them from closing. With the noise emanating from your premises that was witnessed, it would be difficult to see how you are compliant with Annex 2 condition 11 of your premises licence which states;

11. Whenever regulated entertainment is taking place at the premises, staff will monitor the external area to ensure noise is not audible at the boundary of the nearest residential property. Whenever regulated entertainment is taking place, a contact number will be readily available at the premises for management to be contacted by any nearby residents.

In addressing the matter of noise management, I draw your attention to Annex 3 condition 1 (a condition attached after a hearing by the licensing authority) of your premises licence;

1. A Noise Management Policy that has been approved by the Environmental Health manager is to be included as part of the operating schedule. This is to be signed by both parties.

Having since discussed this issue with Environmental Health manager, Mr David Carter, it appears that you do not currently have an agreed Noise Management Policy signed by both parties.

This is a breach of Annex 3 condition 1 of your licence condition.

There was one SIA registered female door supervisor working on the front door and a second SIA registered male member of security working inside the premises. Information provided by the two members of security staff raises concerns that the door supervision had been hired directly by the owners of Pink without that person having the appropriate licence from the SIA.

We were also concerned that only having two members of security working appeared insufficient. Even with the limited numbers in attendance, there didn't appear to be a positive control of patrons entering, exiting and re-entering the premises during the time of our visit. Checks of the ID

Scan equipment indicated that 57 persons had been scanned upon entry and yet there were 82 people in the premises implying that 25 persons already in the premises had not been scanned upon entry. Annex 2 condition 17 of your current premises licence states;

17. A Clubscan/IDSCAN or similar system shall be operated at the premises. Whilst SIA door supervisors are deployed at the premises as required by this licence, all persons entering the premises must provide verifiable ID and have their details recorded on the system.

There needs to be some clarity in respect of who is subject of the requirement to be scanned upon entry and a policy for persons who do not e.g those employed or hired by the management and those admitted prior to the deployment of door supervisors.

It was noted that one of your associates connected with the management of the business was making regular trips to an Audi motor vehicle illegally parked nearby in the High Street. Notwithstanding that it is an offence, this is not a good example to lead especially when the threat to public safety caused by illegally parked vehicles in the High Street is a topic frequently raised at the BASLE / Pubwatch meetings.

Your inability to effectively access your CCTV system to the satisfaction of Essex Police is one of the leading factors why they are currently seeking to review your premises licence. This visit also enabled you the opportunity to show both Mr Barnes and the licensing authority that you had resolved the issues previously hindering your ability to comply with Annex 2 condition 1 on your premises licence that states;

- 1 The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system that at all times complies with the below requirements;**
- i. 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**
 - ii. CCTV cameras shall cover (all public areas including) all entrances and exits and all areas where the sale of alcohol takes place**
 - iii. 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**
 - iv. 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**
 - v. 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**
 - vi. 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.**

Once again, you were unable to enter the correct password information and access the CCTV system to the satisfaction of the police or the licensing authority as required in the condition on your licence.

This is a breach of Annex 3 condition 1 of your licence condition.

As I have indicated in my representation supporting the police review application, in our previous meetings you have always come across as an amiable and respectful young man. However, it concerns me that you do not appear to fully understand and appreciate the gravity of some of the

issues being raised and of the potential impact on public safety, and crime and disorder if you continue to get things wrong. With an imminent review hearing currently looming over your business, Friday night's visit has only highlighted my concerns, and amplifies my decision to make a supporting representation.

Please acknowledge receipt of this warning letter.

To conduct any licensable activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.

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

Kind regards,

A handwritten signature in black ink, appearing to read 'Dave Leonard', written in a cursive style.

Dave Leonard | Licensing Officer

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

APPENDICES

Supporting Documentation

- A. *Email Request dated 26 May 2023*
- B. *Licensing Offence Warning Letter dated 14 June 2023*
- C. *Simon Barnes email Police recommended conditions dated 14 July 2023*
- D. *Conor Latham email accepting police recommended conditions 14 July 2023*

Supplementary Documents

- E. *Licensing Offences Warning Letter & email dated 1 November 2023*

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.