

SPORTS LOUNGE, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ

APPENDIX 3

REPRESENTATION

RESPONSIBLE AUTHORITIES

Steve Blake

(Brentwood Borough Council Environmental Health)

26 JULY 2016



**BRENTWOOD
BOROUGH COUNCIL**

Date: 7th June 2018
Our Reference:
License Ref.: 18/00021/LAPRE

Dadds LLP Solicitors
Crescent House
51 High Street
Billericay
Essex
CM12 9AX

Dear Mr Dadds,

Application for a New Premises License plus current Premises License

**Brentwood Snooker Club trading as The Sports Lounge, First Floor, 40 High Street, Brentwood, Essex,
CM14 4AJ**

I refer to the above application received on 14th May 2018 by the Pollution Team of the Council.

The application contains insufficient information to demonstrate that the licensing objectives, namely prevention of public nuisance, will be achieved.

The Sports Lounge is located in the centre of the High Street on the first floor. This is a relatively quiet area of the High Street as most of the licensed premises are located in the west end of the High Street. There are two accesses to the licensed premises, one from the High Street and the other, an emergency access/egress, at the rear of the premises.

Secondly, the acoustic quality between the Licensed premises and the three flats immediately above is very poor. Noise from talking and television within the licensed premises can clearly be heard in these flats and so any form of music being carried out could cause disturbance and or nuisance to any occupants of these said flats.

Additionally, there appears to be some ambiguity as to how the proposed licensable area located on the rear flat roof is going to be used or how the Licensee plans to utilise this area.

Taking the above into account, this authority has concerns regarding the addressing of public nuisance objectives relating to the above.



In particular, this authority requires clarification (relating to potential issues as noise/light/alarms etc) regarding:

- what structural arrangements are going to be made inside and outside the building and where will they be located (i.e. lobbies, double glazing, etc)
- what equipment is going to be installed inside and/or outside the building and where they/it will be located (i.e. Noise limiters, speakers, lighting, Security lights)
- what 'hard'/equipment security provisions are going to be employed inside/outside the building indicating where they will be and how they will operate (i.e. CCTV, Security alarms)
- what management arrangements will be made to control noise issues (i.e. Door staff, management processes/procedures, control of customer numbers etc)

In the spirit of the licensing guidance, I would request that the applicant address this Authorities concerns, particularly the use of the outside rear flat roof area, in writing.

Should you wish to negotiate these matters, or require assistance in drawing up usable License conditions, please contact this Authority.

I look forward to your response concerning this matter.

Yours Sincerely

Mr Steve Blake
EHO
Environmental Health & Licensing
Telephone:
Email: stephen.blake@brentwood.gov.uk

CC

Licensing Authority
Brentwood Borough Council

Mr Steve Blake EHO
Environmental Health & Licensing
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, Essex
CM15 8AY

Our Ref: dd/lb/MEL2-2

Your Ref: 18/00021/LAPRE

11th June 2018

Email: stephen.blake@brentwood.gov.uk

Dear Mr Blake,

**Re: Licensing Act 2003 – Application for a New Premises Licence
First Floor, 40 High Street, Brentwood, Essex CM14 4HA**

Please find enclosed herewith a letter sent to David Leonard. I have enclosed it as a point of reference so as to save duplication.

However, to clarify the particular points raised we will say the following.

1. There is no intention to install a lobby at this time, however in the future should one be required we will consider it.
2. Our client does not intend to propose a noise limiter however our client would not be disagreeable to installation should the need arise.
3. Our client will be installing CCTV and normal alarm systems. Details of which would not normally be enclosed in an application, other than an indication that CCTV would be provide, and the premises is secured by an alarm. Our client's installation of the alarm, locks and CCTV will be in accordance with British Standards and European Standards.
4. In relation to the management arrangements, they will continue in accordance with the current operations of the premises. Door staff will be engaged. Staff will be employed and trained. Our clients will be working with the responsible authorities should any matters arise. As you will be aware, there was a licensing review which was rejected on the grounds that there was no public nuisance. The only complaint that has ever arisen has related to the flats immediately above the licensed premises which are now in and under our client's control. It is only intended to use those flats for those for persons who either work night shift, cannot be disturbed by the premises below, i.e. workers etc, notwithstanding the letting of those dwellings will not be a matter covered by the Licensing Act.

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
W: www.dadds.co.uk DX: 32202 BILLERICAY



5. In relation to the outside rear flat roof area, as reiterated before there will be no licensable activities carried on. This area will be used for smoking and the consumption of alcohol. As we have indicated previously, our client would rather have the three flats not occupied so that the external area can be used. It is likely that the flats will be used by workers or persons that work nights, so therefore they are not troubled by external use. Furthermore, there are no neighbouring residents that in our opinion could be troubled by the use and, notwithstanding that, if the outside area was not used then customers would go to the front and use the front high street to smoke. As has been indicated previously by other responsible authorities, they would prefer that our client had their own designated area, i.e. the roof terrace area.

As reiterated to the police service and to yourself previously, our client will work with you to promote the licensing objectives. Are there any conditions which you wish to suggest? Our client will consider them accordingly.

We believe we have addressed all your concerns in the operating schedule as set out in the application. If there is any further information we can assist you with, please do not hesitate to ask.

Yours faithfully



Dadds LLP
Enc



**BRENTWOOD
BOROUGH COUNCIL**

Date: 12th June 2018

Our Reference:

License Ref.: 18/00021/LAPRE

Dadds LLP Solicitors
Crescent House
51 High Street
Billericay
Essex
CM12 9AX

Dear Mr Dadds,

Application for a New Premises License plus current Premises License

**Brentwood Snooker Club trading as The Sports Lounge, First Floor, 40 High Street, Brentwood, Essex,
CM14 4AJ**

I refer to the above application received on 14th May 2018 by the Pollution Team of the Council.

Further to the above application I confirm that Environmental Health authority have several concerns.

I am therefore making a representation as a responsible authority in accordance with the Licensing Act 2003. This representation is under the licensing objective of the Prevention of Public Nuisance and it is Environmental Health's opinion as a Responsible Authority that having regulated entertainment will cause Public Nuisance in the localised area unless precautions are carried out, as indicated below.

I am aware of the Police recommended conditions relating to this Application and confirm that Environmental Health supports the applicant's commitment to not install or use any speakers on the rear terrace area.

The Prevention of Public Nuisance

Details of the following matters are required and have not, as yet, been agreed to:

- In order to restrict and control excessive noise breakout from the rear door when patrons are entering and exiting the premises a two-door lobby will be required. These doors must be fitted with self-closing mechanisms and be soundly constructed. Any windows associated with these doors must be double glazed.



**BRENTWOOD
BOROUGH COUNCIL**

- There are nearby residential flats opposite to the proposed licensed premises. Details are required as to what proposals are being considered to control and reduce potential Public nuisance to these premises.
- All doors and windows of the licensed premises are to be kept closed when regulated entertainment is taking place.
- Noise management policy; this document should include procedures and actions that the Licensee intends to carry out to control noise levels outside the premises from disturbance to nearby noise sensitive residential premises.
- There shall be a 'wind down' period of ½ hour prior to each terminal hour. Details shall be submitted to the Licensing authority as to what this process will involve and the policy is to be agreed with the said authority prior to commencement of licensable activity.
- No drinks are to be consumed on the rear terrace area after 23:00hrs
- No tables and chairs are to be made available on the rear terrace area after 23:00hrs
- The rear Terrace area will be monitored by a responsible member of staff and where excessive noise is produced, appropriate action will be taken.
- Supervisory control is to be arranged for the terrace area to ensure that the earlier controls relating to the terrace area are carried out
- The sound system must be able to independently control the music levels on the dance floor and perimeter areas and will incorporate graphic equalizers to control the frequency content of the music.
- Integral noise limiters will be incorporated into the sound system to control noise levels within the venue and shall be set at a level agreed with the Environmental Health authority.

However, if the licensee can demonstrate noise control measures that would satisfactorily control noise breakout from the premises to the Environmental Health authority, this would be acceptable.



It is this authority's opinion that the licensable premises are not suitable for Regulated entertainment should the above flats be occupied. If occupied, it is this authorities opinion that a Public Nuisance will occur.

To obviate this, the Environmental Health authority will require an undertaking from the owner of the premises to confirm that these flats will not be offered for accommodation.

Yours Sincerely

Mr Steve Blake
EHO
Environmental Health & Licensing
Telephone:
Email: stephen.blake@brentwood.gov.uk

CC

Licensing Authority
Brentwood Borough Council

Supplementary report regarding Representation made by Environmental Health 12:06:18:
Application for a New Premises License plus current Premises License Brentwood Snooker Club
trading as The Sports Lounge, First Floor, 40 High Street, Brentwood, Essex, CM14 4AJ

Further to the representation made to the Licensing Authority on the 12th June 2018 regarding the above Application please find attached images and G.I.S. Site Plan which this authority will refer to in order to support its concerns relating to possible noise disturbance to nearby residential properties.

Note the Site Plan also demonstrates 'line of site' between each property and the Licensed premises. Additionally, the distance in metres for each property to the Brentwood Snooker Club is indicated.



**Photo A: Flats 7 & 13 Hunters Chase, located above
73 High Street, Brentwood**

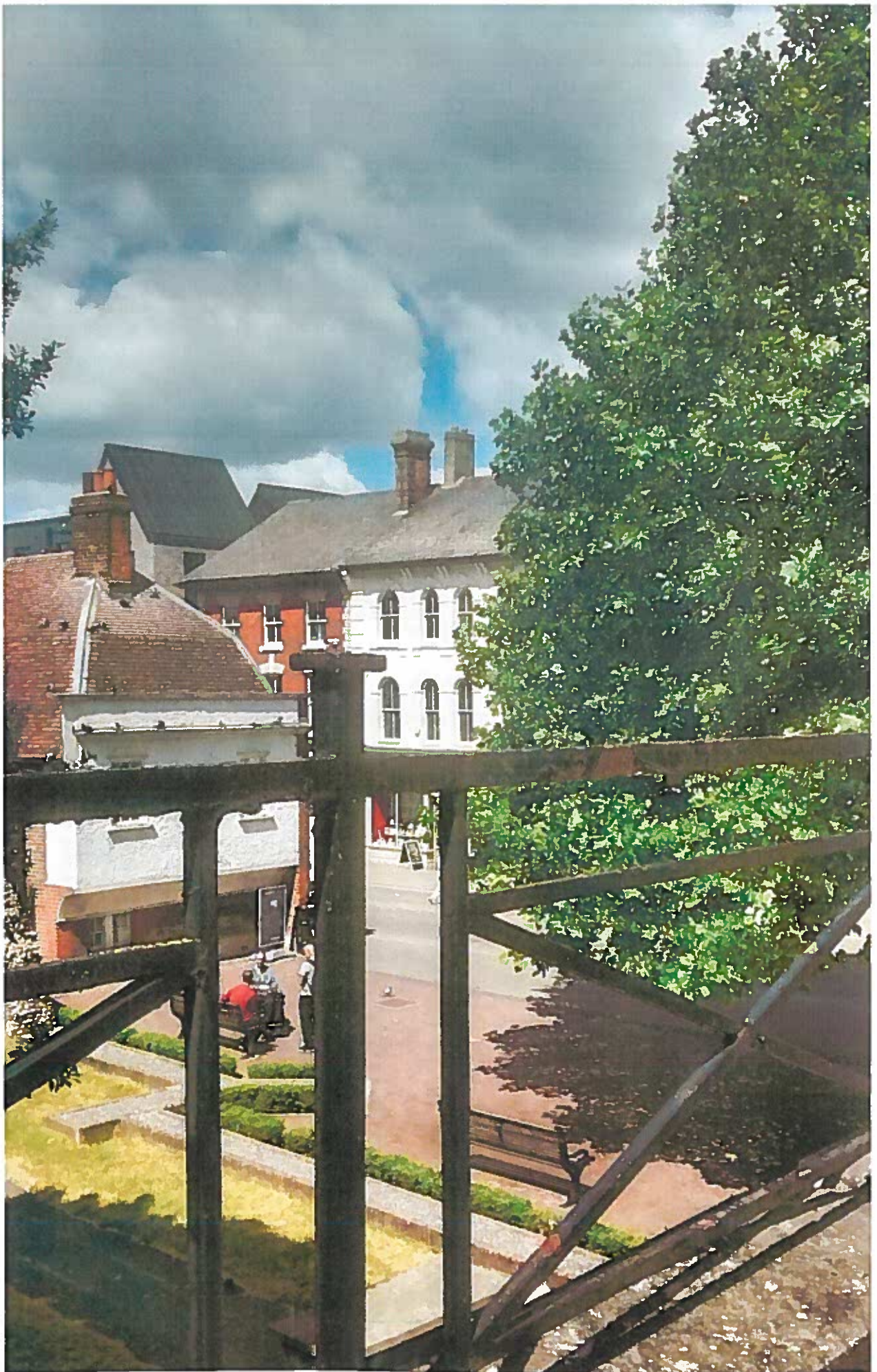


Photo B: Flats above 71 and 69 High Street, Brentwood viewed from 40 High Street rear Terrace



Photo C: Flats above 56/57 High Street, Brentwood (access To flats at rear). Flats immediately opposite 40 High Street, Brentwood

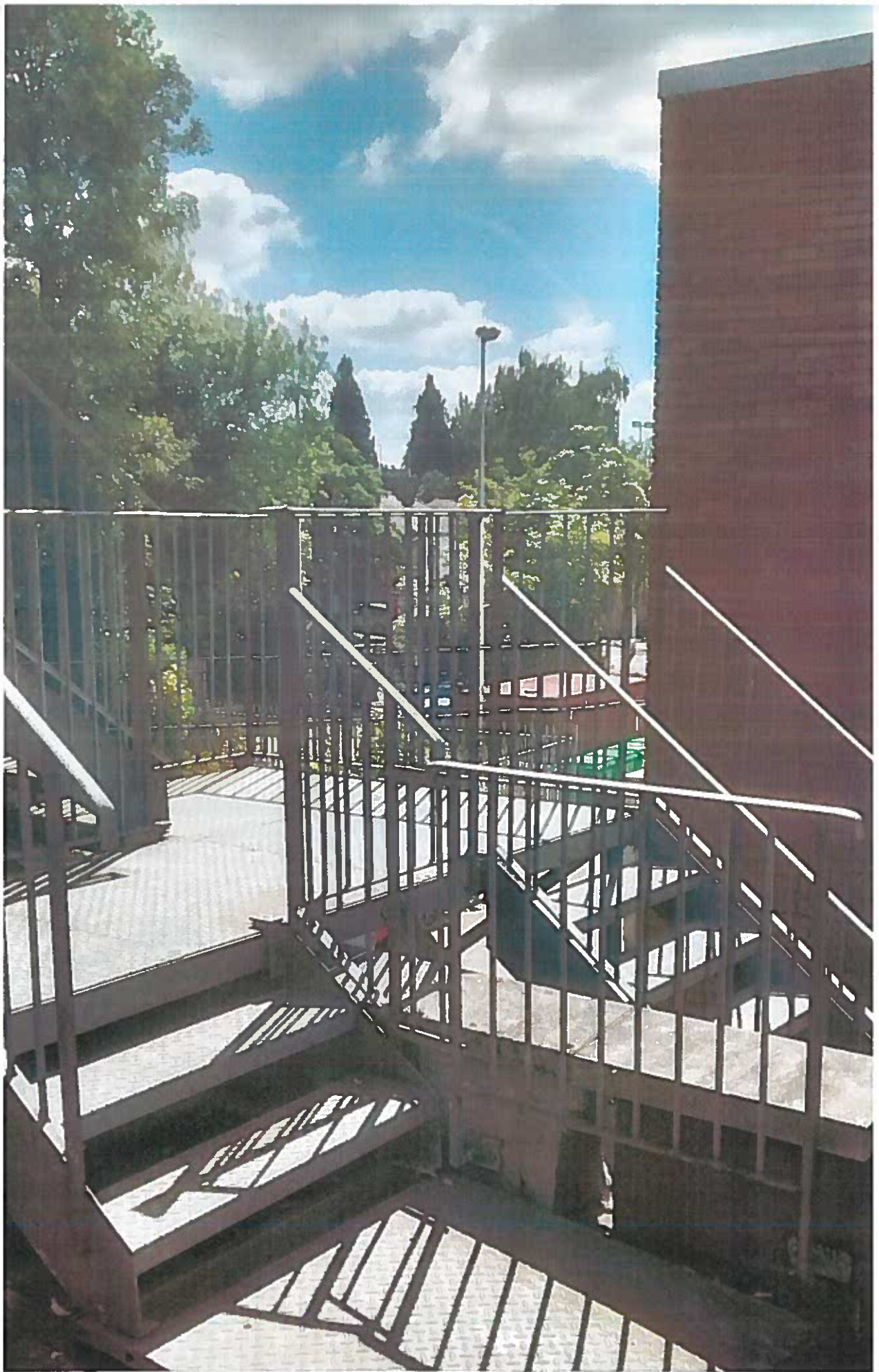


Photo D: 55 Alfred Road, Brentwood (property located between the Poplar trees)

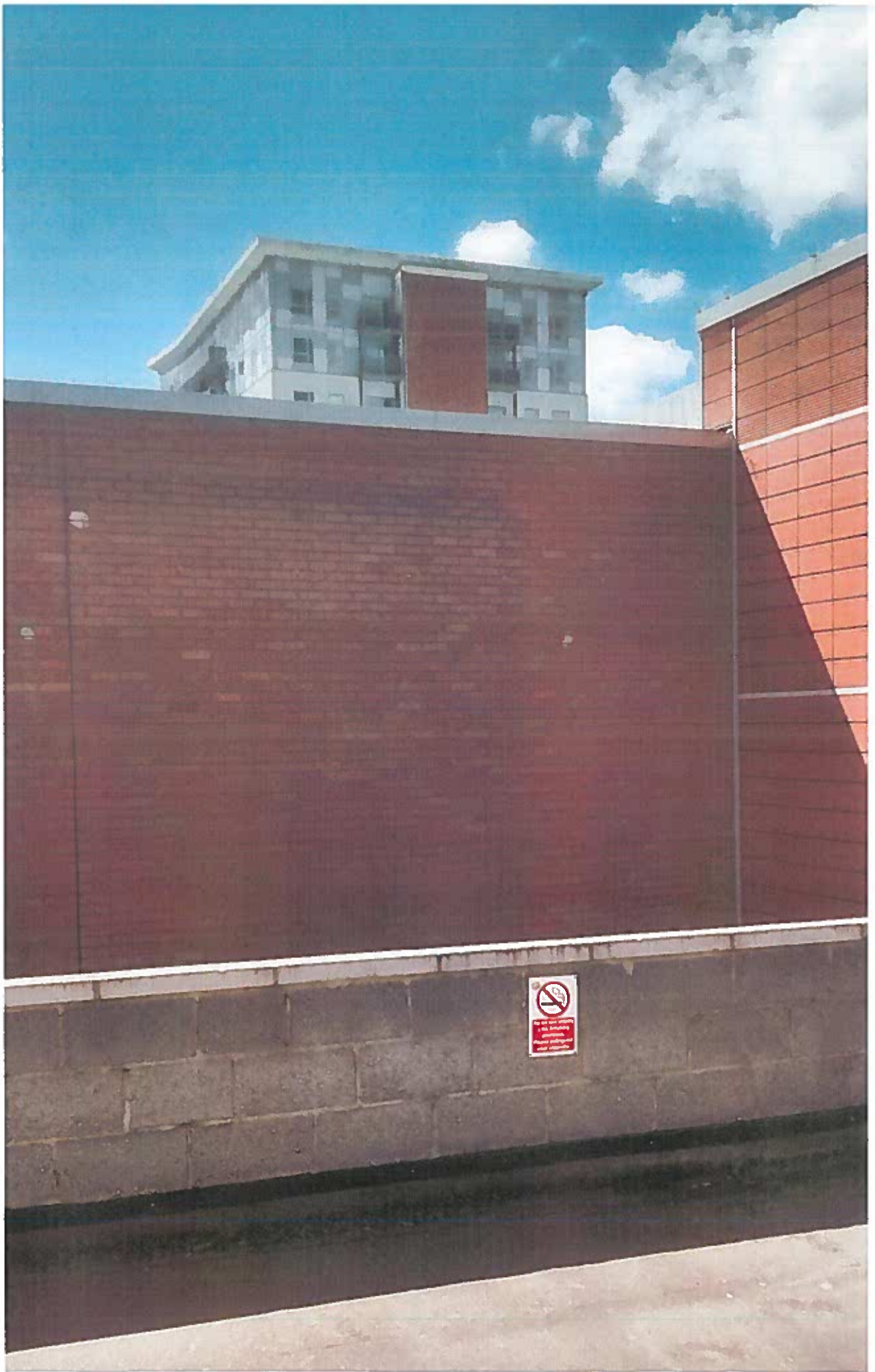


Photo E: Beckett House, Brentwood; 3 uppermost floors facing rear off 40 High Street, Brentwood



Site Plan of 40 High Street, Brentwood and surrounding area



Drawing No. : No.2
 Scale at A4 : 1:1000
 Drawn by : S.P.Blake
 Service : Environmental Health
 Date : 21st June 2018

Philip Ruck
 Chief Executive
 Brentwood Borough Council
 Town Hall, Ingrave Road
 Brentwood, CM15 8AY
 Tel.: (01277) 312500