

Minutes

Licensing Sub-Committee Thursday, 5th July, 2018

Attendance

Cllr Chilvers
Cllr Haigh

Cllr Russell

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Steve Blake	-	Environmental Health Officer
Zoey Foakes	-	Governance & Member Support Officer
Dave Leonard	-	Licensing Officer

356. Appointment of Chair

The Sub-Committee resolved that Cllr Russell should chair the meeting.

357. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

358. Declarations of Interests

No declarations of interest were made.

359. Licensing Sub-Committee Hearing in respect of an Application for a New Premises Licence - Licensing Act 2003

The report before the Sub-Committee provided information relating to an application for a new premises license in respect of Sports Lounge, First Floor, 40 High Street, Brentwood, Essex CM14 4AJ.

Members were requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of licensing policy and the four Licensing objectives.

Members were reminded that an authorisation was required in respect of any premises where it was intended to conduct one or more of the four licensable activities, these being:

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

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

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

The four licensing objectives were;

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

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

The application was received on 14th May 2018 from AA Trading Ltd in respect of Sports Lounge, First Floor, 40 High Street, Brentwood CM14 4AJ, A copy of the application was appended to the report in the agenda as Appendix 1.

The premises at the time was a first floor snooker/pool hall and sports bar situated above retail shops in Brentwood High Street, and was licensed for the Sale by Retail of Alcohol and indoor Sporting Events. An OS Street Map and frontage images to better identify the location was appended to the report as Appendix 2.

The applicant sought a new premises license to conduct the following licensable activity:

- Supply of Alcohol – 11:00 – 02:00 Monday to Sunday

- Indoor Sporting Events – 11:00 to 02:00 Monday to Sunday
- Recorded Music – 11:00 to 02:00 Monday to Sunday

Three valid representations had been received from two Responsible Authorities and one interested party.

The first representation was from the Environmental Health team, which related to potential public nuisance that was likely to arise with the introduction of recorded music as a licensable activity and opening up an outside area with no acoustic reduction measures being proposed.

The second representation was from the Licensing Authority supporting the public nuisance concerns of the Environmental Health Officer and the increased risk to public safety relating to the use of an outside area and its lack of supervision and other safeguards. A full representation was appended to the report at Appendix 4.

The third representation was from an interested party, Mr Rockall, the proprietor of the Heart of Gold Jewellers hops immediately below the Sports Lounge, and related to increased noise and littering as a public nuisance and had security, crime and disorder, concerns relating to the rear of the premises. A copy of the full representation was appended to the report at Appendix 5.

Members were reminded that any matters recorded in the Operating Schedule (Section O of the application form) would become conditions on the license if the application was granted.

The following conditions were mutually agreed between the Responsible Authorities and the applicant's agent, Mr Dadds to constitute as standard conditions:

1. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.
2. All windows and doors to be kept closed during regulated entertainment, with the exception for access and egress.
3. The External area shall be monitored by a member of staff with the purpose of controlling noise from customers and ensuring public safety.
4. The outside terrace area to be covered by CCTV to the satisfaction of Essex Police.

5. The premises is only to serve drinks in polycarbonate, plastic or other safety glass only.

Following the representations made by the Responsible Authorities, Mr Dadds, the applicants agent addressed the sub-committee in support of the application and in response to the concerns outlined by the Responsible Authorities representatives.

The Sub-Committee considered the written and oral information provided and advised that having listened to the application and having balanced the written and oral objections received against the licencing objectives to GRANT the application subject to the following conditions, being:-

1. The terrace to be monitored by a staff member at intervals of no more than 30 minutes.
2. The maximum capacity for the terrace to be a maximum of 30 people at any given time.
3. No alcohol to be supplied after 11pm.
4. Noise at the premises limited after 11pm to a decibel level to be agreed with Environmental Health Department of the Council. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.
5. Sufficient lighting to be maintained on the terrace during licensable hours and for the lighting to be monitored and agreed with the Environmental Health Department of the Council.

The Committee advised that the full decision notice would be sent to the applicant in 5 working days.