



Minutes

Licensing Sub-Committee Monday, 10th December, 2018

Attendance

Cllr Keeble
Cllr McCheyne

Cllr Mrs Slade

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Steve Blake	-	Environmental Health Officer
David Carter	-	Environmental Health Manager
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer
Maria Williams	-	Licensing Officer

268. Appointment of Chair

Members resolved that Cllr McCheyne should chair the meeting.

269. 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.

270. Declarations of Interest

No declarations of interest were received.

271. Application to Review a Premises Licence - The Skew Bar and Grill, Rayleigh Road, Hutton, Brentwood. CM13 1SG

An application had been received for a review of the premises licence in respect of **The Skew Bar & Grill, Rayleigh Road, Hutton CM13 1SG**. Seven relevant representations had been received during the consultation period.

The review related to two Licensing objectives: Prevention of Crime and Disorder and Prevention of Public Nuisance.

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.

On the 13th September 2018 an application for a Review was received from Martyn White of 576 Rayleigh Road, Brentwood, Essex citing issues relating to noise and anti-social behaviour.

This Premise was currently a Turkish restaurant occupying the ground floor of a substantial building, with a large carpark to one side with residential housing surrounding the building.

Representations had been received from Responsible Authorities - Environmental Health and The Licencing Authority of Brentwood Council.

Environmental Health referred to noise from customers in the carpark and noise from bottle disposal. They also raised concerns of overflowing bins sitting on an unstable surface which caused noise when the bins were moved. They also had concerns from the noise emanating from the kitchen when the kitchen doors were open.

Representations had also been received from residents of Rayleigh Road which consisted mainly of noise disturbance and anti-social behaviour and the increase of entertainment at weekends.

Ms Nixon lived next door to the restaurant on the side of the kitchen, bin area and staff rest area, and advised that she was disturbed by the noise and violent behaviour from the car park and garden mostly late at night and noise from the refuse and glass disposal area as they were so close to her home. She also experienced noise from the kitchen.

Mr Hussey had put a representation in complaining of music noise from the venue and vehicles in the carpark and Mrs Hailes had also submitted a representation regarding noise from the air conditioning unit, music, shouting and the slamming of car doors but both representations were withdrawn before the Sub-Committee meeting.

Ward Councillors Hossack and Ms Sanders had also submitted representations on behalf of residents relating to concerns about the delivery times of lorries, noise from the area where the bins were located along with the noise from where the staff congregated, the cooking fumes and the insufficient parking at the venue, also to the noise from the music and bottle collection and parking. (Members noted that disabled parking did not fall within the licensing objectives.)

Before business commenced the legal representative of the Skew Bar and Grill, Mr Dadds, asked for confirmation that members of the Sub-Committee had not been lobbied by the Ward councillors and this was confirmed by Cllrs Keeble, McCheyne and Mrs Slade.

Ms Moses introduced the report and then the Sub-Committee heard from Martyn White who had applied for the review of the Skew Bar and Grill's licence and he outlined the problems he had experienced relating to noise and anti-social behaviour. Ms Nixon then addressed the Sub-Committee advising of problems she had experienced with noise from the kitchen and the refuse and glass disposal area and violent behaviour in the car park.

Next, Stephen Blake, a Brentwood Borough Council Environmental Health Officer and Dave Leonard, a Brentwood Borough Council Licensing Officer

addressed the Sub-Committee in turn and reported on the outcome of their visits to the Skew following neighbours' complaints.

Mr Blake advised that he had met with Mr Dadds before the Sub-Committee meeting and he had made some recommendations to Mr Dadds which he believed would go some way to alleviate the issues cited by the complainants.

Cllr Hossack, Ward councillor, addressed the Sub-Committee regarding the issues he had highlighted in his representation which was included in an appendix to the report.

Following the oral representations made by Mr White and Ms Nixon and the responsible authority representatives, Mr Dadds addressed the Sub-Committee in response to the statements made. He advised that he would accept the conditions proposed by Mr Blake.

The Sub-Committee retired to consider its' decision and considered carefully all the information that had been presented to them both in the report and verbally at the hearing.

The view taken by members was that the conditions identified by Mr Blake were sufficient to overcome the challenges presented which undermined the two Licensing Objectives the subject of the Review. With a few slight alterations the decision made was to maintain the Premises License as previously granted but with the following additional conditions-

1. Disposal of waste bottles and refuse into external receptacles must not occur between 20.30 and 08.00 hours;
2. The handling of kegs, bottles, cleaning equipment, bottle disposal and similar items shall not take place after 20.30 hours or before 08.00 hours when the noise generated could cause a nuisance particularly outside the building;
3. Arrangements must be in place to ensure that waste collection contractors do not collect refuse between 21.00 and 08.00 hours;
4. An adequate number of suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site;
5. Receptacles of waste shall be emptied regularly and to be maintained in a clean condition and cleaned professionally at least once a week.

6. All external doors and windows to be closed other than for access and egress;
7. The external doors associated with the flank/side kitchen and food preparation rooms shall have suitable door closers such closers to operate without having loud impact noise;
8. The floor of the external refuse collection area and bin storage must be maintained to ensure that the floor is smooth, hard-wearing and free from holed/pitted areas or cracks on a temporary basis within 6 weeks and on a permanent basis within 3 months of this decision;
9. The premises licence holder or a responsible person nominated by them in writing shall receive and respond to complaints throughout the duration of all licensable activities. These complaints must be recorded and must note the steps taken. The records must be made available to the local authority upon request. Such records must be maintained for a minimum of 1 year;
10. The Licensee to present to the Licensing Department of the Council a noise dispersal plan to be reasonably acceptable to the Council within 3 months of this decision;
11. Signs to be erected in the car park to the premises to keep noise down and to refrain from anti-social behaviour;

The conditions were reported orally and all parties were reminded that they had a right to appeal against the decision to the Magistrates Court.

The meeting ended at 21.30 hours.

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