



Minutes

Licensing Sub-Committee

Tuesday, 1st October, 2019 – adjourned from 27 September 2019

Attendance

Cllr McLaren
Cllr Morrissey

Cllr Mynott

Officers Present

Surinder Atkar - Planning Solicitor
Zoe Borman - Governance and Member Support Officer

220. Appointment of Chair

Members **RESOLVED** that Cllr McLaren should chair the meeting.

221. 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.

222. Licensing Act 2003 - Application for new premises licence - Dusk, Ongar Road, Pilgrims Hatch, Brentwood. CM15 9SS

A Hearing took place on 27th September 2019 to consider the application for a new premises licence for Dusk, Ongar Road, Pilgrims Hatch, Brentwood. CM15 9SS. The Committee had discussed various aspects of the matter but decided to adjourn the hearing to allow time for a site visit of the premises, as clarity was required on the construction and use of the outdoor space.

The Committee visited the site on 1st October 2019 in the presence of officers, the Applicant and 5 objectors. All parties had been invited to attend. The Committee then returned to the Town Hall to consider its decision. The Committee felt that conditions needed to be imposed to meet the requirements of the prevention of public nuisance and the protection of children from harm objectives under the Licensing Act 2003. The Committee decided to **APPROVE** the application subject to conditions noted below and

grant the hours requested as detailed at paragraph 4.3 of the Report. The Committee imposed the conditions requested by the Police as described at pages 61 to 63 of the Report but amended as follows -

1. Condition 1 (ii) as requested but the words "and the areas where alcohol sales take place" to be deleted.
2. Condition 3 (e) the words "or alcohol" to be added;
3. Condition 9 first line the words "at the cash point of sale" be deleted and replace with "at all entry points" and the words "At the point of sale" in the penultimate line to be deleted.
4. Condition 10 to be deleted.
5. Condition 11 first line to be deleted and replace with "All staff shall.."

In reference to the outside area there shall be the following additional conditions-

1. The retractable roof will be completely shut/closed by 2100hrs each day.
2. There shall be no use of outside space Sunday to Thursday after 2230hrs and on Friday and Saturday after 0000hrs except for the purpose of smoking.
3. The area to be staffed when it is being used.
4. There shall be no licensable recorded music after 2230hrs each day.
5. The passageway will be staffed at times of use.
6. There should be a second interior door installed at the front entrance.
7. Noise limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council.
8. Signage to be displayed requesting patrons to use courtesy and respect to neighbours.

The Committee also advised that it would be of benefit to have a barrier at the entrance to the car park and barriers at end of car park to obscure the building from the nearest house.

The Applicant was advised that there was a right of appeal against this decision to the Magistrates' Court within 21 days from notification of this decision.