

Committee: Licensing Sub-Committee	Date: 25 February 2020
Subject: Application to Vary A Premises Licence s.34 Licensing Act 2003	Wards Affected: Shenfield
Report of: Licensing Department	Public
Report Author: Name: Dave Leonard Telephone: 01277 312523 E-mail: dave.leonard@brentwood.gov.uk	For Decision

Summary

An application has been received to vary the premises licence to extend the terminal hour for the provision of Films, Live Music, Recorded Music, Performance of Dance, Supply of Alcohol and Late Night Refreshment on Friday, Saturday & Bank Holiday Sundays to 0145hrs on the following day with the premises being closed to the public by 0215hrs in respect of **The Vault, 91 Hutton Road, Shenfield, CM13 8YX**. One relevant representation has been received. Members are 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.

Recommendation(s)

Members are asked to:

Consider this report and appendices together with any oral submissions at the hearing and determines the application in line with the options open to the sub-committee under the Licensing Act 2003: However, the available options are

R1. To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;

R2. To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives;
or

R3. To refuse the application in whole or in part

Main Report

Introduction and Background

- 1.1 An authorisation is required in respect of any premises where it is 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
- 1.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.
- 1.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued.
- 1.4 The four licensing objectives are;
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm
- 1.5 Any representation must be able to demonstrate that on the balance of probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

2. The Application

- 2.1 This application was received on 31st December 2019 from Mr Graham Hopkins for GT Licensing on behalf of Mr Joe Sullivan and Choice Shenfield Ltd in respect of **The Vault, 91 Hutton Road, Shenfield, CM13 8YX**. A copy of the application is attached at **Appendix A**.
- 2.2 This premise is a bar and restaurant. A set of OS Street Maps and images together with the current Premises Licence issued to the venue to better identify the location are attached at **Appendix B**.

2.3 The application seeks to vary the premises licence to extend the terminal hour for the provision of Films, Live Music, Recorded Music, Performance of Dance, Supply of Alcohol and Late Night Refreshment on Friday, Saturday & Bank Holiday Sundays to 0145hrs on the following day with the premises being closed to the public by 0215hrs.

2.4 The current Premises Licence has twenty-eight conditions consistent with the operating schedule attached at Annex 2. A subsequent meeting with the Brentwood Borough Council Environmental Health Manager, Mr David Carter, did enable both parties to agree on the following proposed recommendations to be incorporated as conditions to be attached to the licence if granted;

A) The terminal hour for all licensable activities on Friday, Saturday & Bank Holiday Sundays will be reduced to 01.45 with close to the public at 02.15.

B) Add the following conditions:

1) All Door Supervisors are to wear body cameras when on duty.

2) A sterile area / room shall be available for use (in the office or kitchen) when the venue is open to the public for use in dealing with sick, vulnerable etc. people. It shall be fitted with an audio equipped CCTV camera.

3) A written dispersal policy shall be prepared & submitted to the Licensing Authority.

NB Within the Dispersal Policy, Door Supervisors and Bar Staff when Door Supervisors are not on duty shall proactively aid in the dispersal from the area of departing customers from the terminal hour and throughout the closing period.

2.5 One valid representation was received from a resident in Burses Way, Hutton. This person has concerns that the extended hours will have an increased impact on public nuisance and public safety in Shenfield and its surrounding residential area. He fears that it may serve as the catalyst for other venue operators to seek parity so turning Shenfield into another Brentwood High Street. This resident's representation, together with all mediation communication, is attached at Appendix C.

3. Reasons for Recommendation

3.1 These are the options available to the Sub-Committee under the Licensing Act 2003.

4. Consultation

- 4.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003.
- 4.2 Officers from the Licensing Authority have made checks on the display of public notices and in a local newspaper and are satisfied that these requirements have been met.

References to Corporate Plan

Brentwood Council has policies on the matters it will consider when judging an applicant or licence holder to be a fit and proper person to hold a Hackney Carriage and Private Hire Drivers Licence, all policies are referred to in this report.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources
Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

There are no direct financial implications for this report.

Legal Implications

Name & Title: Paula Harvey, Corporate Governance Solicitor & Deputy Monitoring Officer
Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk

Brentwood Council as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature. Notice must be given of the Licensing Authority's decision on this matter. The 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.

Economic Implications

Name/Title: Phil Drane, Director of Strategic Planning
Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk

There are no direct economic implications for this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

Background Papers:

None

Appendices to this report

Appendix A: Application Form

Appendix B: Premises Licence, OS Maps & Images

Appendix C: Representation - Other Person Resident from Burses Way, Hutton