

Minutes

**Licensing Sub-Committee
Tuesday, 11th May, 2021**

Membership/Attendance

Cllr Tanner (Chair)
Cllr Mynott

Cllr Fryd

Officers Present

Paul Adams	-	Principal Licensing Officer
Dave Leonard	-	Licensing Officer
Zoe Borman	-	Governance and Member Support Officer
Christopher Irwin	-	Legal Representative

LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

628. Appointment of Chair

Members **RESOLVED** that Cllr Tanner should Chair the meeting.

629. 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.

630. Application to Vary a Premises Licence- Brave Nelson, 138 Woodman Road, Brentwood CM14 5AL

An application was received to vary the premises licence to reflect a new premises plan to include an outside bar area to supply alcohol in respect of ***Brave Nelson, 138 Woodman Road, Warley, Brentwood CM14 5AL***. No representations had been received from the Responsible Authorities. There have been eleven valid representations received from Other Persons of which

six were opposed to the application and five made in support. 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.

Mr David Leonard, Licensing Officer, introduced the report. Local residents, Mr Stephen Caccavale, Ms Karen Strudwick and Mr Ian Palmer spoke in objection to the application. Mr Robert Grumbt attended the committee in support.

The applicant, Mr Paul Duley, addressed the Sub-committee in support of the application.

Having listened to all the representations, members of the Sub-committee retired to consider their decision.

In coming to a determination of the application the Sub-committee must carry out its functions in accordance with the Licensing Act 2003 with a view to promoting the licensing objectives:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

The Sub-committee in making its determination had also had regard to the Authority's own licensing statement and guidance issued by the Secretary of State under Section 182 of the same Act.

The Committee considered all the written evidence and the representations made at the hearing. The Committee considered carefully the concerns raised by the local residents relating to the potential increase in noise and disturbance to residents living in the vicinity of the premises and had therefore considered if the application to vary the premises licence undermines the following of the licensing objectives:

The prevention of crime and disorder
The prevention of public nuisance

However, the committee had also taken into account the fact that no representations had been made by Essex Police or Environmental Health.

Considering all of the evidence, the majority of the Committee resolved to grant the application, subject to the following additional conditions:

- One member of staff to be present in the garden and carpark until the last customer leaves the premises;
- The outside bar is to be open from the period of March to September each year only.

The Committee feels that these conditions, along with the conditions which will form part of the licence at section 2.7 of the licensing officers report, the mandatory conditions and the conditions of the current licence are necessary to promote all of the licensing objectives.

The Committee reminds the applicant that he must adhere to all of the conditions applied to this premises licence and that if there are any problems in future as a result of the grant of this variation, a review of the licence can be requested.

Members returned to the hearing and their legal advisor Mr Irwin advised all present of their decision which would be confirmed in writing following the meeting.
