

28 July 2019

Licensing Committee

Licensing Sub-Committee Hearing in respect of an Application for a Summary Review of a Premises Licence – Licensing Act 2003

Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ.

Report of: Paul Adams –Licensing Manager

Wards Affected:

This report is: Private

1. Executive Summary

- 1.1 An application has been received for a summary review of the premises licence in respect of **Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ**. This is the full hearing to review the premises licence and decide whether the interim steps in place should be withdrawn or modified.

2. Recommendation(s)

- 2.1 That the Sub Committee:
- a) Considers the application for summary review and any relevant representations and consider what steps are appropriate for the promotion of the licensing objectives, taking into account any change in circumstances since the interim steps were imposed.
 - b) Review the interim steps already taken.

3. Introduction and Background

- 3.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast-track licence review
- 3.2 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the

certificate and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence).

- 3.3 If the licensing authority decides to take steps at the initial interim stage:
 - the decision takes effect immediately, or as soon after it as the licensing authority directs; but
 - the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application.
- 3.4 A hearing has already been held to decide on the interim steps. This hearing is the full review of the premises licence must take place within 28 days from the date of receipt of this application. There can be no adjournment of this hearing or delay in reaching a determination beyond the 28-day period, which for this application will be 1 July 2021.

4. The Application

- 4.1 On the 3 June 2021 at 16:03hrs, an application for a Summary Review was received from Senior Licensing Officer Gary Burke on behalf of the chief of police for Essex, with regards to Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ. A copy of the premises licence for the is attached as **Appendix A**.
- 4.2 The application follows an incident on Saturday 29 May, where a suspect entered the premises and within a short time, was involved in a large disturbance in the smoking area. During this disturbance, the suspect stabbed a male in the upper leg using an unknown weapon he appeared to have concealed in his belt area. The victim required hospital treatment for his injury. Within 10 minutes, the suspect leaves the premises via a stairway in the smoking area and engages in another disturbance at the front of the premises, where he then proceeded to stab a male in the buttocks which required hospital treatment. This victim also had head injuries requiring treatment as a result of either having glass smashed on his head or from being stamped on. CCTV appears to show someone being stamped on while on the floor during this disturbance and the victim states he was hit in the face with a glass bottle when trying to leave the premises. A fully copy of the application including the certificate is attached as **Appendix B**.
- 4.4 At a hearing on the 3 June 2021 the licensing subcommittee agreed as interim steps to suspend the licence, a copy of this decision notice is attached as **Appendix C**.

- 4.5 Representation against these interim steps were received on the 3 June 2021 but were subsequently withdrawn by the licence holder on the 8 of June 2021 before they were considered by the committee on the 9 June 2021.
- 4.6 In addition to the Summary Review application, Essex Police have also submitted an additional bundle as the full police submission which does include CCTV footage which has been supplied to the licence holder in advance of this hearing. a copy of the representation can be found at **Appendix D**.
- 4.6 Following public consultation on the review application the following 6 additional representations were received:
- 1) Elaine Higgins, Principal Environmental Health Officer as the Responsible Authority for Health and Safety, a copy of the representation can be found at **Appendix E**.
 - 2) David Carter, Environmental Health Manager as the Responsible Authority for Environmental Health Noise Team, a copy of the representation can be found at **Appendix F**.
 - 3) David Leonard, Licensing Officer as the Responsible Authority on behalf of the Licensing Authority, a copy of their representation can be found at **Appendix G**. Part of this representation includes CCTV footage which has been supplied to the licence holder in advance of this hearing.
 - 4) Resident Rep 1 – as an Other Person, a copy of their representation can be found at **Appendix H**.
 - 5) Resident Rep 2 – as an Other Person, a copy of their representation can be found at **Appendix H**.
 - 6) Resident Rep 3 – as an Other Person, a copy of their representation can be found at **Appendix H**.

5. Reasons for Recommendation

- 5.1 The following steps that the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;

- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

- 5.2 To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any steps that it has taken that are in place at the time of this hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination of this review has been reached.
- 5.3 The decision of the committee does not take effect for 21 days (unless appealed during that period). Interim steps, modified or not, continue to take effect during this period, unless withdrawn, and in the case of an appeal until that final determination has taken place.

6. Consultation

- 6.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003, and all responses have been included in this report.

7. Statement of Licensing Policy

- 7.1 There are no specific parts of the policy that is relevant to this hearing.

8. Relevant Section of the Secretary of State's Guidance

- 8.1 Section 12 relates specifically to Summary Reviews.

9. Legal Considerations

- 9.1 There is a right of appeal for all parties against the review decision within 21 days.
- 9.2 There is also a right of appeal against the review of the interim steps for both the licence holder and the Police.

10. Appendices to the report:

- Appendix A - Premises Licence,
- Appendix B - Application for Summary Review and supporting material.
- Appendix C – Decision notice for interim steps.

- Appendix D – Essex Police additional bundle.
- Appendix E – Elaine Higgins, Principal Environmental Health Officer Representation.
- Appendix F – David Carter, Environmental Health Manager Representation.
- Appendix G – Dave Leonard, Licensing Officer Representation.
- Appendix H –Resident's 1,2 and 3 Representations.

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