

# Minutes

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## Licensing Sub-Committee Monday, 28th June, 2021

### Attendance

Cllr Bridge  
Cllr Fryd

Cllr Laplain

### Apologies

### Substitute Present

### Also Present

### Officers Present

Dave Leonard	- Licensing Officer
David Carter	- Environmental Health Manager
Elaine Higgins	- Principal Environmental Health Officer
Dominika Jaskolska	-
Debra Wright	- Administrator, Licensing
Liz Cox	- Licensing Officer

## 24. Appointment of Chair

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

## 25. 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.

**26. Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ - Review of premises licence**

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 This was the full hearing to review the premises licence and decide whether the interim steps in place should be withdrawn or modified.

Following public consultation on the review application additional representations were received from 3 Responsible Authorities and 3 Other Persons in response to the application. 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 Ben Du Feu, Legal Representative for the Council, addressed the Committee introducing a late witness statement of the applicant, Mr Melin, which had not reached all parties prior to the hearing.

The meeting was adjourned for 15 mins for the statement to be considered. The statements were accepted and Mr David Leonard, Responsible Authority for Licensing, asked for 2 emails to be considered in response. Mr Dadds, legal representative for the applicant, had no objections to the first email, however rejected the second.

Ms Liz Cox, Licensing Officer, introduced the report. Mr Gordon Ashford, Responsible Licensing Officer, Essex Police, addressed the Committee advising he had been working in partnership with the Applicant and had drawn up a list of modified conditions which it is believed directly addressed the failings identified in its assessment of the incident leading to this review.

Statements from other Responsible Authorities, Mr David Leonard, Licensing Officer, Mr Elaine Higgins, Environmental Health Officer and Mr David Carter, Environmental Health Manager, were heard. Local resident, Dr Sasha Valeri Millwood attended the committee and gave representation.

The applicants legal representative, Mr David Dadds, addressed the Sub-committee.

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 sub-committee considered the application under section 53A of the Licensing Act 2003 for the review of the premises licence on the basis that the premises are associated with serious crime and disorder.

The sub-committee considered all the written and oral evidence presented to it.

Pursuant to s.53C of the Licensing Act 2003 the sub-committee carefully considered the steps which it considers appropriate for the promotion of the licensing objectives.

The sub-committee wishes to observe that it considers the representations made by the licensing authority as a responsible authority were reasonable submissions to make. The sub-committee gave very careful consideration to revocation of the licence and all other options available to it.

However, on this occasion, the sub-committee does not consider it appropriate to revoke the licence. Instead, the sub-committee's decision is to suspend the premises licence until 20 August 2021 at 6pm. This is a period which does not exceed 3 months.

The sub-committee's decision is also to modify the conditions of the premises licence as set out in the representation of Essex Police at Appendix A. Which are as follows:

- 1) At all times where, as a condition of the licence, door supervisors are employed at the premises, a Clubscan/IDSCAN or similar system shall be operated at the premises. All persons entering the premises must provide verifiable ID and have their details recorded on the system.
- 2) At all times where, as a condition of the licence, door supervisors are employed at the premises, all customers entering the premises will be subject to a scan with a metal detector wand.
- 3) After midnight, no persons shall be admitted or re-admitted to the premises unless from a designated smoking area. Notices to that effect (of a minimum size of 200mm x 148mm) will be displayed at the premises' exits/entrances.
- 4) At all times where, as a condition of the licence, door supervisors are employed at the premises, at least two door supervisors will wear Body Worn Video Cameras (BWV). Recordings of BWV shall be retained for a minimum of 31 days and be made available to Essex Police or an authorised officer of the licensing authority upon reasonable request.

- a. Any use of force situations.
  - b. When it may be reasonably supposed a use of force situation is imminent.
  - c. When conducting a non-intimate consensual search as a condition of entry.
  - d. When dealing with an individual who is making threats of violence toward any other person; or
  - e. Initial scene capture where a criminal offence appears to have taken place.
- 5) On commencement of initial employment at the venue, each door supervisor shall be briefed by both a head doorman and a management representative which covers use of force, the tone to be set etc. and a record made of who delivered the briefing and to whom. This briefing will be refreshed every six months and similarly recorded.
- 6) When door supervisors are engaged and/or working at the premises, non-intimate searches of patrons or proposed patrons, will take place in areas where searching will be recorded on CCTV

Revision to existing condition 8 – To now read:

All SIA licensed door supervisors engaged at the premises for the purpose of supervising customers must wear high visibility armbands and those deployed outside must also wear high visibility jackets or vests. Door supervisors are prohibited from concealing their heads or faces by the use of balaclavas/hoodies or similar items of clothing.

The revision to existing condition 5 - To now read:

An incident log shall be kept at the premises and made immediately available to police or licensing authority staff upon reasonable request.

The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

The removal of condition 9 – the document referred to no longer exists.

In addition, the sub-committee modifies condition 10 to read:

The outside licensed area shall have a screen installed along the wall to be a minimum height of 2 meters or the height specified by building control, whichever is greater, to prevent objects falling off and/or being thrown.

In addition, the sub-committee intends to impose the following new conditions:

- A. At least one member of SIA licensed door staff to be on the terrace at all times after 11pm on Fridays, Saturdays and public holiday eves until closing if members of the public are present.
  
- B. A written noise management policy which is acceptable to Brentwood Borough Council Environmental Health Team shall be put in place and adhered to. The Policy shall include noise dampening measures such as noise attenuation screens around outside roof terrace to be installed at the premises.

The sub-committee then went on to review the interim steps that have been taken under s.53D. The sub-committee considered the steps which are appropriate for the promotion of the licensing objectives.

The sub-committee modifies the interim steps taken so as to reflect the decision on the review. Therefore, by way of an interim step the licence will be suspended until 20 August 2021, unless there is no appeal of the decision made under section 53C, in which case the interim steps will expire sooner. The conditions of the premises licence are also modified in accordance with Appendix A of Essex Police's representation and the conditions set out above by way of interim step.

The sub-committee wishes to record that the premises licence holder and those responsible for running the premises will need to ensure that they cooperate and work effectively with the licensing authority and all other responsible authorities. The sub-committee did not find the personal allegations against members of the licensing authority to assist them in their decision making.

The sub-committee will expect the licensing authority to continue to exercise its functions with a view to promoting the licensing objectives. The sub-committee is in no doubt that this has been the basis of the conduct on behalf of the licensing authority to date.

**Live broadcast**

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