

## **Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

# **APPENDIX A**

*Application to Review the Premises Licence 2 August 2021*

*(Dave Leonard – Brentwood Borough Council Licensing Officer)*

### ***Plus Schedule of attached documents***

*Appendix A – Application to vary the Premises Licence 10 March 2021*

*Appendix B – Licensing Sub-Committee hearing 11 May 2021 decision notice*

*Appendix C – Advisory email to Mr Duley dated 10 June 2021 re-Euros 2020*

*Appendix D – Rejected TEN notification 22.06.21 & counter notice*

*Appendix E – TEN 25.06.2021 and written assurances to EHO*

*Appendix F – TEN 01.07.2021 and correspondence*

*Appendix G – Screen shot of Brave Nelson incident log dated 7 July 2021*

*Appendix H – Brave Nelson - Premises Licence issued 19MAY21 OS Maps + images*

*Appendix I – Summary of Complaints received against Brave Nelson*

*Appendix J – Warning letters*

# Application for the Review of a Premises Licence or a Club Premises Certificate

Reference: RP353574932

---

**Before completing this form please read the Review of a Premises Licence or Club Premises Certificate guidance notes.**

1. The ground(s) for review must be based on one or more of the licensing objectives.
  2. Please list any additional information or details, for example dates or problems which are included in the grounds for review, if available.
  3. The application form must be signed.
  4. An applicant agent (for example a solicitor) may sign on their behalf provided that they have actual authority to do so.
  5. This is the address to which we shall use to correspond with you about this application.
- 

I, Dave Leonard on behalf of Brentwood Borough Council (Licensing), apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1

---

## Part 1 - Premises Details

Does the premises have a postal address?: Yes

Ordnance Survey reference or description:

### Premises Address

Flat number (if any)

House number / name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post Code CM14 5AL

Name of premises licence holder (if known): Mr Paul Duley

Number of premises licence (if known): PRM\_0019

## Part 2 - Applicant Details

I am: a responsible authority

### Details of Individual Applicant or Responsible Authority Applicant or Individual Applicant

Title:

First name:

Surname:

Name: Dave Leonard

#### Address

Flat number (if any)	Brentwood Borough Council
House number / name	Town Hall
Road name	Ingrave Road
Town	Brentwood
County	Essex
Post Code	CM15 8AY

Telephone number: 01277 312523

Email address: dave.leonard@brentwood.gov.uk

I am aged 18 years or over:

---

This application to review relates to the following licensing objective(s):  
the prevention of crime and disorder, the prevention of public nuisance

Please state ground(s) for review (please read guidance note 1):

The Licensing Department as a responsible authority are requesting a review of the premises licence of The Brave Nelson, 138 Woodman Road, Warley, Brentwood CM14 5AL under the prevention of crime and disorder and, subsequently, public nuisance licensing objectives.

It is accepted that the hospitality industry has suffered more than most during the exceptional times experienced as a result of the coronavirus pandemic. During the extended lockdown period - and with the government regulations of conducting business in outside locations - Mr Paul Duley, the premises licence holder and designated premises supervisor of The Brave Nelson, set about undertaking a substantial and costly re-development of the pub's beer garden to accommodate the regulations and maximise the customer potential of the outside area. This work included erecting structures that required planning permission and a permanent outside bar servery that required a variation to be made to the premises licence. Mr Duley also fitted two large screen TVs along with a further three standard screens within a seated pergola area with the intention of showing sporting events outside.

As a result, an application to vary the premises licence to include the outside bar servery building

was submitted by Mr Duley on 10 March 2021. Following consultation, no representations were made by the responsible authorities. However, eleven valid representations were received from Other Persons of which six were opposed to the application and five were made in support and a Licensing Sub-Committee hearing was convened on 11 May 2021 to determine the application.

The Brave Nelson is a public house situated in the middle of a totally residential area. In 2013, this public house became the first building in Brentwood to be listed as a Community Asset under the Localism Act 2011. However, the use of the beer garden in the middle of a totally residential area has also historically made the premises the subject of regular public nuisance noise pollution complaints from the closest residents. As a result, the licence has conditions attached to it to address the local concerns including

- Customers will not be permitted use of the garden after 22:00hrs except for the purpose of smoking. The number of smokers permitted to be outside smoking after 22:00hrs will be limited to 15
- No drinks are to be consumed outside after 22:00hrs
- The children's play area will be closed to all patrons after 21:00hrs on any day
- Music amplification is prohibited in the outside areas of the premises without prior permission from the Council's licensing department

The outcome of the Licensing Sub-Committee hearing saw the variation being granted with the outdoor bar being licensed with a terminal hour of 2130hrs from March to September and two additional conditions attached and the Committee reminding Mr Duley 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.

From the outset, I had strongly advised that he not place TV screens in the garden when he already had viewing facilities for his customers inside the pub. Mr Duley outlined to me his intention to be screening the Euros 2020 football tournament between 11th June and 11th July in the beer garden to his seated paying customers.

I reminded him on several occasions that the conditions of his premises licence - namely, closing the beer garden at 2200hrs-had the potential to impact on his paying customers on the evenings of knockout matches kicking-off at 2000hrs. Mr Duley was advised on more than one occasion, and with significant notice to act, that he would need to submit temporary event notifications (TENs) in order to address and avoid potential breaches of his premises licence from occurring. On 10 June 2021 I sent Mr Duley an e-mail reiterating my concerns and reminding him of the conditions on his premises licence.

On 11 June 2021 at 8.15pm, in company with the Licensing Manager, Mr Paul Adams, I met with Mr Duley and his partner in the beer garden during the screening of the opening Euros football match between Italy v Turkey. The garden was quiet and well managed and nowhere near operating to capacity. We advised Mr Duley that this was unlikely to be the case for the England games. We repeated the TENs process to Mr Duley and urged him to submit his TENs with expedience to ensure he was compliant with the minimum working days' notice criteria. Mr Duley acknowledged this and advised that he would apply straight away.

On 15 June 2021 Mr Duley submitted a TEN for the England v Czech Republic match on 22 June 2021. This was rejected as 5 clear working days' notice had not been provided as had previously

been explained and is required by licensing legislation. In any case, Mr Duley went ahead with screening this match. On this occasion the game did not go into extra time and, as a result, the conditions on the premises licence were not breached.

On 22 June 2021 at 3pm, in company with Environmental Health Manager, Mr David Carter, I once again visited Mr Duley at The Brave Nelson to discuss the latest noise nuisance complaints being received relating to the use of the beer garden. I noticed that there had been two additional marquees erected that, effectively, covered the entire seating area in the beer garden. With the side flaps down, the marquees also severely restricted the CCTV coverage and totally obscured visibility to the outside bar. He explained that the additional marquees had been hired and erected merely as a precaution against inclement weather. Mr Duley was reminded that his TEN for England game that evening had been rejected and, should he operate regardless and subsequently breach the conditions of the premises in defiance of a local authority counter notice, severe ramifications may follow. Mr Duley was also reminded to maintain his incident log. "An incident log will be kept in which staff will record any crimes, incidents, refusals and any complaints received." (Annex 2 condition 1)

On 25 June 2021 Mr Duley submitted a TEN for the England v Ukraine match on 3 July 2021. Following previous noise complaints received, the Environmental Health Manager, Mr David Carter, initially made representation against the notice but was able to reach a compromise with Mr Duley on receipt of written assurances that the outside bar would close as normal at 2130hrs and table service only would be provided at this point. Despite concerns being raised by some local residents, even they were pragmatic enough to accept that England were progressing in an extraordinary tournament and were acceptant of these exceptional circumstances.

On 1 July 2021 Mr Duley submitted an incorrectly completed TEN for two separate matches, the semi-final on 7 July 2021 and the tournament final on 11 July 2021. Once again, the submission had failed to provide 5 clear working days' notice for the semi-final and had to be rejected and a counter notice was issued. Mr Duley did, however, give the same undertakings to Mr Carter and the TEN for the final was acknowledged.

On 5 July 2021 at 3.25pm I had a telephone conversation with Mr Duley and once again warned him of the potential ramifications of operating in breach of his premises licence conditions and in direct disregard for the TEN counter notice being issued for the semi-final event on 7 July 2021. Mr Duley stated that he would be screening the event for his customers and take his chances that the match would not run into extra time. He felt very aggrieved that he could be penalised in the circumstances for such a special one-off event.

On 7 July 2021 Mr Duley did screen the England v Denmark semi-final match in the beer garden and the game did go into extra time. This resulted in a failure to clear the garden of customers by 2200hrs and constituted a breach of the premises licence:  
"Customers will not be permitted use of the garden after 22:00hrs except for the purpose of smoking. The number of smokers permitted to be outside smoking after 22:00hrs will be limited to 15." (Annex 2 condition 7)

This is an offence under S136 (1)(a) Licensing Act 2003, to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation.

The Licensing Office received five complaints in response to this breach and the ensuing noise

nuisance.

On 14 July 2021 at 4.45pm I visited the Brave Nelson and met with Mr Duley. I then accompanied him to his first-floor office where I viewed the outside CCTV coverage for the evening of 7 July 2021. The marquees had not been adjusted, vision inside was extremely limited and the bar could not be seen. The recording timed at 2248hrs (and confirmed as showing at real time) showed that there were still a significant number of customers standing and crowded together whilst apparently watching the TVs. Mr Duley informed me that he had 172 customers in attendance on the night. I looked at the incident logbook for 7 July and noted that an entry had been made stating that 'Bar shut at 10pm inside and outside'. It was also noted that there was lots of singing & chanting and people had to be told to calm down, a group of males began arguing at having their drinks taken off them at 10.15pm & at 10.20pm, a fight took place in the car park but the police were not called.

Several neighbours have historically complained about The Brave Nelson in relation to the outside beer garden and the associated noise nuisance matters arising from its use. On 7 July 2021, despite repeated guidance being offered by the Licensing and Environmental Health teams before and during the Euros 2020 competition and, despite being made aware in no uncertain terms of the potential for serious ramifications should he fail to comply with the conditions on his premises licence, Mr Duley elected to operate in direct defiance of a local authority counter notice and so, by keeping the outside bar open after 2130hrs and the garden open after 2200hrs, breached the conditions on the premises licence.

This office accepts that Mr Duley's garden re-design, was probably originally intended to address the coronavirus guidance for outdoor socialising last year. However, Mr Duley has now substantially increased the customer capacity of the premises. The inclusion of several TV screens to show sporting events outside has proven, as predicted, that it will only increase the number of public noise nuisance complaints this authority receives.

Please provide as much information as possible to support the application (please read guidance note 2):

Schedule of attached documents

Appendix A – Application to vary the Premises Licence 10 March 2021

Appendix B – Licensing Sub-Committee hearing 11 May 2021 decision notice

Appendix C – Advisory email to Mr Duley dated 10 June 2021 re-Euros 2020

Appendix D – Rejected TEN notification 22.06.21 & counter notice

Appendix E – TEN 25.06.2021 and written assurances to EHO

Appendix F – TEN 01.07.2021 and correspondence

Appendix G – Screen shot of Brave Nelson incident log dated 7 July 2021

Appendix H – Brave Nelson - Premises Licence issued 19MAY21 OS Maps + images

Appendix I – Summary of Complaints received against Brave Nelson

## Appendix J – Warning letters

Have you made an application for review relating to this premises before?: No  
If yes, please state the date of that application:

If you have made representations before relating to this premises, please state what they were and when you made them:

N/A

---

I understand that copies of this application will be sent by the licensing authority to the responsible authorities and the premises licence holder or club holding the club premises certificate: Yes

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

## **Part 3 - Signatures**

**Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 4). If signing on behalf of the applicant, please state in what capacity.**

Signature: Dave Leonard

Date: 02/08/2021

Capacity: Licensing Officer - Bentwood Borough Council

Is the correspondence name and address associated with this application different than which has already been given? (see guidance note 5): No

**Please note: You must serve a copy of the application on the licence holder on the day that you made the application.**

**The Licensing Authority will also serve a copy of the application to each Responsible Authority.**

**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX A**

*Application to Vary the Premises Licence 10 March 2021*



# Application to Vary a Premises Licence under the Licensing Act 2003

Reference: VPrL314750914

**Please note:** You must provide online payment for this licence after completing the form. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or a debit card.

Before completing this form, please read the guidance notes:

[Application to Vary a Premises Licence Guidance Notes](#)

You should keep a copy of the completed application for your records, this will be attached (PDF format) to your acknowledgement email which you will receive upon completion of this application. By completing this application online, you will automatically be notifying the Responsible Authorities.

## Cost of Licence

The fee you pay for your licence is based on the rateable value of the premises and if the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises. If you do not know what the rateable value of your premises is, you can find this on the [Valuation Office Agency](#) website.

What is the Non-domestic rateable value of the premises?: 4301-33000

Cost of licence: £190.00

I/We, Paul Duley, being the premises licence holder, apply for to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

## Part 1 - Premises Details

### Premises Address

Flat number (if any)

House number/name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post code CM14 5AL

Daytime contact telephone number [REDACTED]

Premises email address (optional): [REDACTED]

### Applicant Address

Flat number (if any)

House number/name [REDACTED]

Road name

Town

County

Post code

Daytime contact telephone number:

Applicant email address:

## **Part 2 - Variation**

Do you want the proposed variation to have effect as soon as possible?: Yes

If not, from what date do you want the variation to take effect?:

**Please describe briefly the nature of the proposed variation (please see guidance note 1):**

Outside serving area for alcohol (outside Bar) with cellar

If the club's proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

## **Part 3 - Operating Schedule**

**Please state those parts of the Operating Schedule which would be subject to change if this application to vary is successful.**

Provision of regulated entertainment for:

Provision of late night refreshment:

Supply of alcohol: Yes

## a) Plays

Will the performance of a play take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Please give further details here (please read guidance note 3):

State any seasonal variations for performing plays (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed above, please list (please read guidance note 5):

## b) Films

Will the exhibition of films take place indoors or outdoors or both? (please read guidance note 2):  
**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for the exhibition of films (please read guidance note 4):

Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed above, please list (please read guidance note 5):

## c) Indoor Sporting Events

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Please give further details here (please read guidance note 3):

State any seasonal variations for indoor sporting events (please read guidance note 4):

Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed above, please list (please read guidance note 5):

## d) Box or Wrestling

Will the boxing or wrestling entertainment take place indoors or outdoors or both? (Please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Please give further details here (please read guidance note 3):

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4):

Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed above, please list (please read guidance note 5):

## e) Live Music

Will the performance of live music take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Please give further details here (please read guidance note 3):

State any seasonal variations for the performance of live music (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed above, please list (please read guidance note 5):

## f) Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Please give further details here (please read guidance note 3):

State any seasonal variations for playing recorded music (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed above, please list (please read guidance note 5):

## **g) Performance of Dance**

Will the performance of dance take place indoors or outdoors or both? (Please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Please give further details here (please read guidance note 3):

State any seasonal variations for the performance of dance (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed above, please list (please read guidance note 5):

**(h) Anything of a similar description to that falling within (e)  
Live music, (f) Recorded music or (g) Performance of dance**

Please give a description of the type of entertainment you will be providing):

Will this entertainment take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for entertainment of similar description to that falling within (e), (f) or (g) (please read guidance note 4):

Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed above, please list (please read guidance note 5):

## i) Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Please give further details here (please read guidance note 3):

State any seasonal variations for the provision of late night refreshment (please read guidance note 4):

Non standard timings. Where you intend to use the premises for provision of late night refreshment at different times to those listed above, please list (please read guidance note 5):

## (j) Supply of Alcohol

Will the supply of alcohol be for consumption on the premises or off the premises or both? (please read guidance note 7): On the premises

### Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Monday		
--------	--	--

Tuesday		
---------	--	--

Wednesday		
-----------	--	--

Thursday	17:00	21:30
----------	-------	-------

Friday	17:00	21:30
--------	-------	-------

Saturday	12:00	12:00
----------	-------	-------

Sunday	12:00	12:00
--------	-------	-------

Please give further details here (please read guidance note 3):

this is an outside serving area of alcohol only on Thursdays to Sundays keep in the guild lines of Covid 19 restrictions and to give my costumers a better service.

State any seasonal variations for the supply of alcohol (please read guidance note 4):

yes this is seasonal so while the sun is out and its warm then we will keep it open therefore not in the winter

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list (please read guidance note 5):

no

**State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor**

Name: Paul Duley

**Address**

Flat number (if any)

House number/name

Road name

Town

County



Post code

Personal Licence Number (if known): PSL028

Issuing Licence Authority (if known): Brentwood Borough Council

## **(I) Hours premises are open to public**

**Standard Days and Timings (please read guidance note 6)**

<b><u>Day</u></b>	<b><u>Start</u></b>	<b><u>Finish</u></b>
Monday	12:00	23:00
Tuesday	12:00	23:00
Wednesday	12:00	23:00
Thursday	12:00	23:00
Friday	12:00	23:30
Saturday	12:00	23:30
Sunday	12:00	11:00

State any seasonal variations (please read guidance note 4):

spring, march - June

summer June - September

Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed above, please list (please read guidance note 5):

no

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation that you are seeking:

none

**Alternatively, this should be sent by post to:**

Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY.

**Please include the reference number for this form, which will be produced when you submit it.**

If you are not able to provide the premises licence or relevant part of the premises licence, please state the reason why:

## **(n) Adult Entertainment and Services**

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8):

none

---

## **(o) Promoting Licensing Objectives**

**Describe any additional steps that you intend to take to promote the four licensing objectives as a result of the proposed variation**

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9):

As a consequence of the Covid 19 pandemic we have built a outside bar to help my customers have a better experience at the brave nelson. we will have plenty of staff to monitor the garden to keep it clean and tidy and also to monitor the noise levels, which will not be more than usually for the time of year

b) The prevention of crime and disorder:

the pub is a family pub, however alcohol makes some people a little bit loader therefore my staff have been trained to deal with this and to make me aware with what's going on

c) Public safety:

All the staff have been trained with the highest standard to public safety and I pride myself on how least trouble I could count on one hand..

d) The prevention of public nuisance:

with the amount of staffing levels that we have in the garden that is clear to the customers with our new uniforms and 24 cctv cameras that covers all of the car park inside bar outside gardens and kids gardens and if people get to drunk then we do stop serving them and are asked to leave. however as I said before this is a family pub with children playing and having fun the amount of trouble is very very small.

e) The protection of children from harm:

Our children garden is protected by its own entrance via the main garden and can't be accessed via the car park. we do have swings and slides with a bouncy castle and a climbing frame that is monitored by my staff at all times.

## **Declaration**

I understand that I must now advertise my application: I agree

A copy of the Prescribed Form of Notice is available here:

Public Notice of Application to Vary

I have attached the premises licence or relevant part of it or an explanation: I agree  
I understand that if I do not comply with the above requirements my application will be rejected: I agree

**It is an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application**

## **Part 4 - Signatures (please read guidance note 10)**

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

Signature: Paul Duley

Date: 10/03/2021

Capacity:

**Where the premises licence is jointly held, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity**

Signature:

Date: 10/03/2021

Capacity:

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)**

Correspondence Name: Paul Duley

**Correspondence Address**

Flat number (if any)

House number/name

Road name

Town

County

Post code

Telephone number:

Mobile telephone number [REDACTED]

Email address [REDACTED]



**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX B**

*Application to Vary the Premises Licence 10 March 2021*

*Licensing Sub-Committee Hearing 11 May 2021*

*Decision Notice*



The Committee has considered all the written evidence and the representations made at the hearing. The Committee has 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 have 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 has also taken into account the fact that no representations have been made by Essex Police or Environmental Health.

Considering all of the evidence, the majority of the Committee has 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.

This concludes the hearing. Thank you for attending.



**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX C**

*Advisory Email to Mr Duley 10 June 2021 re-Euros 2020*



## Dave Leonard

---

**From:** Dave Leonard  
**Sent:** 10 June 2021 12:41  
**To:** paul duley  
**Cc:** David Carter; Paul Adams; Lauren Sharland PS 42072714  
**Subject:** BRAVE NELSON, 138 WOODMAN ROAD, WARLEY, BRENTWOOD CM14 5AL - SCREENING OF THE EUROS TOURNAMENT

Dear Mr Duley,

In confirmation of our meeting at The Brave Nelson yesterday afternoon, I once again have to air to you my concerns regarding your intention to show the live Euros football matches on five screens in your beer garden.

You have advised me that you are charging customers £10 per head to watch the games and that you are already pretty much fully booked up. You have also informed me that you will be employing three door supervisors (who I am sure will be front line SIA registered) and sufficient staff to manage the occasions.

I remind you of Annex 2 Condition 7 on your premises licence:

***Customers will not be permitted use of the garden after 22:00hrs except for the purpose of smoking. The number of smokers permitted to be outside smoking after 22:00hrs will be limited to 15.***

The 2000hrs kick offs in the knockout stages are played to a winning conclusion and, therefore, means that there could be the possibility of extra-time and penalty shoot-out being necessary. I am concerned that it will not be a popular decision to clear a full garden of paying customers at the climatic conclusion of a knockout competition at 2200hrs – ***as you are absolutely required to do in accordance with Annex 2 Condition 7 of your premises licence*** – should this situation arise.

I also remind you that your premises is situated in the centre of a residential estate with a history of noise nuisance complaints against it. I would be interested to know if your event management planning includes a risk assessment and dispersal policy on how you intend to address the promotion of all four licensing objectives in relation to your proposals to screen the Euros tournament.

As discussed and requested, I have notified the Environmental Health team and the local community police of your intentions for their information.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on **01277 312523**.

Kind regards and stay safe,



Dave Leonard | Licensing Officer  
T: 01277 312523 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)



**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX D**

*Rejected TEN notification 22 June 2021 & counter notice*



# Temporary Event Notice

Reference: TEN342199320

**Please Note:** You must provide payment for this licence after completing the form. You do this online. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or a debit card.

**Cost of Application:** £21.00

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

## Personal Details of Premises User

Title: Mr.

First name(s): paul

Surname: duley

Date of birth: [REDACTED]

Place of birth: [REDACTED]

National Insurance Number: [REDACTED]

Do you have any previous or maiden names?: No

Forenames:

Surname:

## Current Address

Flat number (if any)

House number/name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post Code CM14 5AL

Email address: [REDACTED]

Daytime telephone number: [REDACTED]

Evening telephone number: [REDACTED]

Mobile telephone number: [REDACTED]

Would you like to use an alternative address to the one given above for correspondence?: No

## The Premises

Are you able to provide a postal address for the premises where you intend to carry out the licensable activities?: Yes

### Premises Address

Flat number (if any)

House number/name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post Code CM14 5AL

**If not, please provided a detailed description and Ordnance Survey references**

Premises Ordnance Survey map reference:

Address Description:

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?: Yes

If yes, which: Premises Licence

**Please enter the necessary information below**

Premises Licence number: PRM\_0019

Club Premises Certificate number:

**If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a brief description and details. Please describe the nature of the premises.**

open up the outside bar in the garden

**Please describe the nature of the premises:**

pub

**Please describe the nature of the event:**

euro football event

## Licensable Activities

Please state the licensable activities that you intend to carry on at the premises for

The sale by retail of alcohol

**Are you giving a late temporary event notice?: Yes**

Please state the dates on which you intend to use these premises for licensable activities. The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

June 22nd 2021

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

17:00 till 22:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers.

18

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both: On the premises only

## Personal Licence Holders

Do you currently hold a valid Personal Licence?: Yes

**Please provide the details of your personal licence below**

Issuing licensing authority:

Licenc number:

Date of issue:

Any further relevant details:

## **Previous Temporary Event Notices**

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?: No  
Please state the number of temporary event notices you have given for events in that same calendar year?:

Have you already given a temporary event notice for the same premises in which the event period

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

---

## **Associate and Business Colleagues**

Has any associate of yours given a temporary event Nothing selected notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No  
Please state the total number of temporary event notices your associate(s) have given for events in the same calendar year:

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year:

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

## **Condition**

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

## **Declaration**

The information contained in this form is correct to the best of my knowledge and belief.

### **I UNDERSTAND THAT IT IS AN OFFENCE**

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both.

I agree

Full name: Paul Duley

Date: 15/06/2021

### **National Fraud Initiative**

The Council is under a duty to protect the public funds it administers and may use or share the information it holds about you for the prevention and detection of fraud, and to aid the administration of other Council services. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [www.brentwood.gov.uk/nfi](http://www.brentwood.gov.uk/nfi)

This form is to be used to serve a Standard Temporary Event Notice. It must be served at least 10 working days prior to the event, not including date of event, date of service or Bank Holidays.



**BRENTWOOD  
BOROUGH COUNCIL**

**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX E**

*TEN notification 25 June 2021 & written assurances to EHO*



# Temporary Event Notice

Reference: TEN344766534

**Please Note:** You must provide payment for this licence after completing the form. You do this online. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or a debit card.

**Cost of Application:** £21.00

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

## Personal Details of Premises User

Title: Mr.

First name(s): Paul

Surname: duley

Date of birth: [REDACTED]

Place of birth: [REDACTED]

National Insurance Number: [REDACTED]

Do you have any previous or maiden names?: No

Forenames:

Surname:

## Current Address

Flat number (if any)

House number/name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post Code CM14 5AL

Email address: [REDACTED]

Daytime telephone number: [REDACTED]

Evening telephone number:

Mobile telephone number:

Would you like to use an alternative address to the one given above for correspondence?: No

## The Premises

Are you able to provide a postal address for the premises where you intend to carry out the licensable activities?: Yes

### Premises Address

Flat number (if any)

House number/name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post Code CM14 5AL

**If not, please provided a detailed description and Ordnance Survey references**

Premises Ordnance Survey map reference:

Address Description:

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?: No

If yes, which:

**Please enter the necessary information below**

Premises Licence number:

Club Premises Certificate number:

**If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a brief description and details. Please describe the nature of the premises.**

we would like to open outside bar till 11.30 on the 3rd July 2021 the same as the inside bar

**Please describe the nature of the premises:**

pub

**Please describe the nature of the event:**

extra 2 hours at night for the outside bar just incase the football goes to extra time or penalties

## Licensable Activities

Please state the licensable activities that you intend to carry on at the premises for

The sale by retail of alcohol, The provision of late night refreshment

Are you giving a late temporary event notice?: No

Please state the dates on which you intend to use these premises for licensable activities.

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

03rd July 2021

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

extend from 21:30 to 23:30

outside bar

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers.

200

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both: On the premises only

## Personal Licence Holders

Do you currently hold a valid Personal Licence?: Yes

Please provide the details of your personal licence below

Issuing licensing authority [REDACTED]

Licenc numbe [REDACTED]

Date of issue: [REDACTED]

Any further relevant details:

## **Previous Temporary Event Notices**

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?:

Yes

Please state the number of temporary event notices you have given for events in that same calendar year?: 1

Have you already given a temporary event notice for the same premises in which the event period

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

---

## **Associate and Business Colleagues**

Has any associate of yours given a temporary event Nothing selected notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your associate(s) have given for events in the same calendar year:

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year:

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

## **Condition**

**It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 include the supply of alcohol that all such supplies are made by or under the authority of the premises user.**

## **Declaration**

**The information contained in this form is correct to the best of my knowledge and belief.**

### **I UNDERSTAND THAT IT IS AN OFFENCE**

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both.

I agree

Full name: Paul Duley

Date: 25/06/2021

### **National Fraud Initiative**

The Council is under a duty to protect the public funds it administers and may use or share the information it holds about you for the prevention and detection of fraud, and to aid the administration of other Council services. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [www.brentwood.gov.uk/nfi](http://www.brentwood.gov.uk/nfi)

**This form is to be used to serve a Standard Temporary Event Notice. It must be served at least 10 working days prior to the event, not including date of event, date of service or Bank Holidays.**



On 30 Jun 2021, at 12:07, David Carter <[david.carter@brentwood.gov.uk](mailto:david.carter@brentwood.gov.uk)> wrote:

Dear Mr Duley

With reference to your application for a Temporary Event to be held at the above premises on 3<sup>rd</sup> July 2021 I have considered the licensing objective of prevention of public nuisance in relation to this and have the following comments:

**I would wish to object to this application for a Temporary Event**, however subject to the suggested variation below **I would be prepared to withdraw this objection** in order to allow the event to take place if you are able to agree the suggested amendment in writing before 5pm today.

We have recently discussed the ability of the premises to hold an event intended to enable customers to view the Euro football matches being held on Saturday within the outside area of the garden.

I understand that with the current restrictions on the use of the premises due to the ongoing pandemic that the limits on space within the premises will not permit substantial numbers of customers inside the premises and that the outside area will enable additional persons to be accommodated.

I am keen to support local businesses, particularly at this time and also accept that you have made efforts to reduce the impact of customers being accommodated in the outside area, which was evident from my observations at the premises when I visited the area last night.

I am considering my response to the application having regard to the current restrictions on use of the premises, and also to the potential impact on nearby residents.

I would normally have objected to this application based on the extension of time for the outside area and the potential disturbance as a result, however in the spirit of working with your business, and accepting that the Euro tournament is an occasional event I consider that if **the outside bar is closed as normal**, i.e. 9.30pm and **table service only is provided beyond this point** this would have the effect of enabling the outside area to continue to be used on this occasion beyond the normal time that it would need to be cleared as the TEN has the effect of removing other conditions normally in place.

This will allow the customers to continue to use this area until the conclusion of the matches, which may extend beyond the normal closing time of the pub garden due to extra time and penalties etc., and for alcohol service to be provided to the tables, which at present with the continuing Coronavirus restrictions should still be the case even if the outside bar is open.

I would hope that you will accept this variation to the TEN application and that this will then enable the proposed event to continue. I would be grateful if you could confirm receipt and acceptance of this offer as soon as possible today so that I can formally withdraw my objection.

Regards

David

David Carter | Environmental Health Manager | Brentwood Borough Council  
T 01277 312500 | F 01277 312743 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [david.carter@brentwood.gov.uk](mailto:david.carter@brentwood.gov.uk)



Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex. CM15 8AY. This email (including any attachments) is intended only for the recipient(s) named above. It may contain

## Dave Leonard

---

**From:** Debra Wright  
**Sent:** 30 June 2021 14:02  
**To:** David Carter; Licensing; Paul Adams; Dave Leonard  
**Subject:** RE: Temporary Event Notice application for 3rd July 2021 - The Brave Nelson, Woodman Road

I can email out a letter and advise.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on **01277 312500**.

Kind regards,

Debra Wright | Licensing Technical Officer | Brentwood Borough Council

T| F 01277 312500 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [debra.wright@brentwood.gov.uk](mailto:debra.wright@brentwood.gov.uk)

**From:** David Carter <david.carter@brentwood.gov.uk>  
**Sent:** 30 June 2021 13:15  
**To:** Licensing <licensing@brentwood.gov.uk>; Paul Adams <paul.adams@brentwood.gov.uk>; Dave Leonard <dave.leonard@brentwood.gov.uk>; Debra Wright <debra.wright@brentwood.gov.uk>  
**Subject:** FW: Temporary Event Notice application for 3rd July 2021 - The Brave Nelson, Woodman Road

For information see below – Mr Duley has accepted my offer to close the outside bar for service after 9.30pm as requested and therefore I formally withdraw my objection to the TEN application on the basis of this agreement. I would be grateful if you could advise Mr Duley accordingly.

Regards

David

David Carter | Environmental Health Manager | Brentwood Borough Council  
T 01277 312500 | F 01277 312743 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [david.carter@brentwood.gov.uk](mailto:david.carter@brentwood.gov.uk)

**From:** Paul Duley <paul@thebravenelson.co.uk>  
**Sent:** 30 June 2021 12:24  
**To:** David Carter <[david.carter@brentwood.gov.uk](mailto:david.carter@brentwood.gov.uk)>  
**Subject:** Re: Temporary Event Notice application for 3rd July 2021 - The Brave Nelson, Woodman Road

Hello David

Thank you for response and I will accept your offer.

Thank you

Paul duley  
The brave Nelson

Sent from my iPhone



Mr Paul Duley  
The Brave Nelson  
Woodman Road  
Warley  
Brentwood  
Essex  
CM14 5AL

Date: 25th June 2021  
Our Reference: 21/00036/LATEMP

Dear Mr Paul Duley,

Licensing Act 2003 - Temporary Event Notice: The Brave Nelson Woodman Road Warley Brentwood Essex  
EVENT on the 3rd July 2021  
EVENT to the 3rd July 2021  
ACTIVITIES: Sale by Retail of Alcohol  
Regulated Entertainment

TIMES: 21:30 - 23:30

LOCATION: Outside bar

COMMENTS: extra 2 hours at night for the outside bar just incase the football goes to extra time or penalties

CAPACITY: 200

I am writing to acknowledge the receipt of the Temporary Event Notice for the above premise received in this department on 25th June 2021

The fee of £21 has been receipted and paid with thanks.

If the Police or Environmental Health believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice within the period of three working days following the day on which they received the TEN.

You will need to display a copy of this acknowledgment in a prominent position at the premises. It is your responsibility as the applicant to do this.

If the Acknowledgment letter is not displayed a constable or authorised officer may require the premises user or nominated person to produce a copy of it. A constable or authorised officer may, at any reasonable time, enter the premises to which a TEN relates. A person commits an offence if he/she fails, without reasonable excuse, to

produce either a copy of the Temporary Event Notice or acknowledgment letter upon request, or intentionally obstructs an authorised officer exercising these powers.

A Temporary Event Notice maybe withdrawn by the premises user, giving the Licensing Authority no less than 24 hours notice before the beginning of the temporary event. Should you cancel an event, but fail to withdraw the notice, the TEN will still count towards the limited number available per premises and applicant.

Where a Temporary Event Notice acknowledged by the Licensing Authority is lost, stolen, damaged or destroyed, the premises user may apply to the Licensing Authority for a copy of the notice. Any such application must be accompanied by the prescribed fee of £10.50.

We have also attached at page 2 some safety guidance from our Health and Safety team around bouncy castles, should you be considering use of them at this event.

Should you have any queries with regard to the above, please do not hesitate to contact this office.

Yours sincerely

Miss Dominika Jaskolska  
Licensing Technical Officer



## Bouncy castles and other play inflatables: Safety Advice

Serious incidents have occurred where inflatables have collapsed or blown away in windy conditions.

Simple precautions can help you avoid serious incidents, whether you supply or buy bouncy castles and inflatables, are hiring one for an event, or operate them.

Health and safety law applies to the supply, hire and use of inflatables for commercial purposes. It does not apply to private, domestic buyers and users.

The Health and Safety Executive have produced guidance that applies to inflatables devices used both outside and inside.

If you are intending to have a bouncy castle or a play inflatable at your event you need to have regard to the guidance which can be found using the following link:-

<http://www.hse.gov.uk/entertainment/fairgrounds/inflatables.htm>

The guidance details what you should do before you hire or buy a device and how it should be set up and used at the event. It is important to note that the guidance states:-

*'When the inflatable is being operated outside, use an anemometer to measure the wind speed at regular intervals. If one of these is not available, the inflatable should not be operated outside.'*

*'Do not use smartphone weather applications to measure wind speed as they do not take localised wind conditions into account'*

You need to ensure that you make suitable arrangements for the safe use of any bouncy castle or other play inflatable at your event.





Mr Paul Duley  
The Brave Nelson  
Woodman Road  
Warley  
Brentwood  
Essex  
CM14 5AL

Date: 30th June 2021  
Our Reference: 21/00036/LATEMP

Dear Mr Paul Duley,

**Licensing Act 2003 - Temporary Event Notice: The Brave Nelson Woodman Road  
Warley Brentwood Essex  
EVENT on the 3rd July 2021**

**ACTIVITIES: Sale by Retail of Alcohol and Regulated Entertainment**

**TIMES: 21:30 - 23:30**

**LOCATION: Outside bar**

**COMMENTS: extra 2 hours at night for the outside bar just incase the football  
goes to extra time or penalties**

**CAPACITY: 200**

I am writing to acknowledge the receipt of the Temporary Event Notice for the above premise received in this department on 25th June 2021

**Please note:** following consultation with Environmental Health, the following undertaking has been agreed with the licensee Mr Paul Duley:

**The outside bar is closed as normal, i.e. 9.30pm**

You will need to display a copy of this acknowledgment in a prominent position at the premises. It is your responsibility as the applicant to do this.

Should you have any queries with regard to the above, please do not hesitate to contact this office.

Yours sincerely

Debra Wright

Licensing Technical Officer



**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX F**

*TEN notification 1 Jul 2021*

*& correspondence*



# Temporary Event Notice

Reference: TEN346149578

**Please Note:** You must provide payment for this licence after completing the form. You do this online. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or a debit card.

**Cost of Application:** £21.00

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

## Personal Details of Premises User

Title: Mr.

First name(s): Paul

Surname: duley

Date of birth: [REDACTED]

Place of birth: [REDACTED]

National Insurance Number: [REDACTED]

Do you have any previous or maiden names?: No

Forenames:

Surname:

## Current Address

Flat number (if any)

House number/name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post Code CM14 5AL

Email address: [REDACTED]

Daytime telephone number: [REDACTED]

Evening telephone number:

Mobile telephone number:

Would you like to use an alternative address to the one given above for correspondence?: No

## The Premises

Are you able to provide a postal address for the premises where you intend to carry out the licensable activities?: Yes

### Premises Address

Flat number (if any)

House number/name The Brave Nelson

Road name Woodman Road

Town Warley

County Essex

Post Code CM14 5AL

**If not, please provided a detailed description and Ordnance Survey references**

Premises Ordnance Survey map reference:

Address Description:

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?: Yes

If yes, which: Premises Licence

**Please enter the necessary information below**

Premises Licence number: PRM\_0019

Club Premises Certificate number:

**If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a brief description and details. Please describe the nature of the premises.**

Outside bar

**Please describe the nature of the premises:**

pub

**Please describe the nature of the event:**

euro 2020

## Licensable Activities

Please state the licensable activities that you intend to carry on at the premises for

The sale by retail of alcohol

Are you giving a late temporary event notice?: No

Please state the dates on which you intend to use these premises for licensable activities.

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

7th July and 11th July

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

garden to be open but waitress service only as per TEN on the 3rd July

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers.

200

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both: On the premises only

## Personal Licence Holders

Do you currently hold a valid Personal Licence?: [REDACTED]

Please provide the details of your personal licence below

Issuing licensing authority: [REDACTED]

Licenc number: [REDACTED]

Date of issue: [REDACTED]

Any further relevant details:

this ten is a duplication for 3rd July 2021

## **Previous Temporary Event Notices**

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?:

Yes

Please state the number of temporary event notices you have given for events in that same calendar year?: 1

Have you already given a temporary event notice for the same premises in which the event period

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

---

## **Associate and Business Colleagues**

Has any associate of yours given a temporary event Nothing selected notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your associate(s) have given for events in the same calendar year:

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year:

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

## **Condition**

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

## **Declaration**

The information contained in this form is correct to the best of my knowledge and belief.

### **I UNDERSTAND THAT IT IS AN OFFENCE**

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both.

I agree

Full name: Paul Duley

Date: 01/07/2021

### **National Fraud Initiative**

The Council is under a duty to protect the public funds it administers and may use or share the information it holds about you for the prevention and detection of fraud, and to aid the administration of other Council services. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [www.brentwood.gov.uk/nfi](http://www.brentwood.gov.uk/nfi)

This form is to be used to serve a Standard Temporary Event Notice. It must be served at least 10 working days prior to the event, not including date of event, date of service or Bank Holidays.



## Dave Leonard

---

**From:** Paul Duley <paul@thebravenelson.co.uk>  
**Sent:** 01 July 2021 15:16  
**To:** Dominika Jaskolska  
**Subject:** Re: TEN enquiry

Garden is to open An extra 2 hours till 23:30

It's a duplication of the ten on the 3rd

Thank you

Sent from my iPhone

On 1 Jul 2021, at 15:12, Dominika Jaskolska <dominika.jaskolska@brentwood.gov.uk> wrote:

Good afternoon,

Can you also please confirm the times you want the garden to be open until as there is no time indication on your application.

Thank you.

Dominika Jaskolska | Admin Assistant, Brentwood Borough Council  
T 01277 312510 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [Dominika.jaskolska@brentwood.gov.uk](mailto:dominika.jaskolska@brentwood.gov.uk)

**From:** Paul Duley <paul@thebravenelson.co.uk>  
**Sent:** 01 July 2021 14:59  
**To:** Dominika Jaskolska <dominika.jaskolska@brentwood.gov.uk>  
**Subject:** Re: TEN enquiry

No I don't want to withdraw thank you

Paul

The brave Nelson

Sent from my iPhone

On 1 Jul 2021, at 14:57, Dominika Jaskolska  
<[dominika.jaskolska@brentwood.gov.uk](mailto:dominika.jaskolska@brentwood.gov.uk)> wrote:

Dear Mr Duley,

Unfortunately the TEN you have submitted attached is out of the date for the 7<sup>th</sup> July 2021, but we can still accept it for the 11<sup>th</sup> July 2021.

Please let me know whether you would like to withdraw the TEN completely or just have it for the date of the 11<sup>th</sup> July.

Kind Regards

Dominika Jaskolska | Admin Assistant, Brentwood Borough Council  
T 01277 312510 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [Dominika.jaskolska@brentwood.gov.uk](mailto:Dominika.jaskolska@brentwood.gov.uk)



*Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex. CM15 8AY.  
This email (including any attachments) is intended only for the recipient(s) named above. It may contain restricted or privileged information and should not be read, copied or otherwise used by any other person unless express permission is given. If you are not a named recipient, please contact the sender and delete the email from the system. It is the recipient's responsibility to ensure that appropriate measures are in place to check for software viruses.*

*We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to [www.brentwood.gov.uk/privacy](http://www.brentwood.gov.uk/privacy).*

<Temporary Event Notice Application - Ref TEN346149578.pdf>

Click [here](#) to report this email as spam.

## Dave Leonard

---

**From:** Dominika Jaskolska  
**Sent:** 01 July 2021 14:57  
**To:** paul@thebravenelson.co.uk  
**Cc:** Debra Wright; Dave Leonard  
**Subject:** TEN enquiry  
**Attachments:** Temporary Event Notice Application - Ref TEN346149578.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Duley,

Unfortunately the TEN you have submitted attached is out of the date for the 7<sup>th</sup> July 2021, but we can still accept it for the 11<sup>th</sup> July 2021.

Please let me know whether you would like to withdraw the TEN completely or just have it for the date of the 11<sup>th</sup> July.

Kind Regards

Dominika Jaskolska | Admin Assistant, Brentwood Borough Council  
T 01277 312510 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [Dominika.jaskolska@brentwood.gov.uk](mailto:Dominika.jaskolska@brentwood.gov.uk)



*Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex. CM15 8AY. This email (including any attachments) is intended only for the recipient(s) named above. It may contain restricted or privileged information and should not be read, copied or otherwise used by any other person unless express permission is given. If you are not a named recipient, please contact the sender and delete the email from the system. It is the recipient's responsibility to ensure that appropriate measures are in place to check for software viruses.*

*We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to [www.brentwood.gov.uk/privacy](http://www.brentwood.gov.uk/privacy).*





Mr Paul Duley  
The Brave Nelson  
Woodman Road  
Warley  
Brentwood  
Essex  
CM14 5AL

Date: 1st July 2021  
Our Reference: 21/00043/LATEMP

Dear Mr Paul Duley,

Licensing Act 2003 - Temporary Event Notice: The Brave Nelson Woodman Road Warley Brentwood Essex  
EVENT on the 11th July 2021  
EVENT to the 11th July 2021  
ACTIVITIES: Sale by Retail of Alcohol

TIMES: 21:30 - 23:30

LOCATION: Beer garden

COMMENTS: garden to be open but waitress service only as per TEN on the 3rd July

CAPACITY: 200

I am writing to acknowledge the receipt of the Temporary Event Notice for the above premise received in this department on 1st July 2021

The fee of £21 has been receipted and paid with thanks.

If the Police or Environmental Health believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice within the period of three working days following the day on which they received the TEN.

You will need to display a copy of this acknowledgment in a prominent position at the premises. It is your responsibility as the applicant to do this.

If the Acknowledgment letter is not displayed a constable or authorised officer may require the premises user or nominated person to produce a copy of it. A constable or authorised officer may, at any reasonable time, enter the premises to which a TEN relates. A person commits an offence if he/she fails, without reasonable excuse, to

produce either a copy of the Temporary Event Notice or acknowledgment letter upon request, or intentionally obstructs an authorised officer exercising these powers.

A Temporary Event Notice maybe withdrawn by the premises user, giving the Licensing Authority no less than 24 hours notice before the beginning of the temporary event. Should you cancel an event, but fail to withdraw the notice, the TEN will still count towards the limited number available per premises and applicant.

Where a Temporary Event Notice acknowledged by the Licensing Authority is lost, stolen, damaged or destroyed, the premises user may apply to the Licensing Authority for a copy of the notice. Any such application must be accompanied by the prescribed fee of £10.50.

We have also attached at page 2 some safety guidance from our Health and Safety team around bouncy castles, should you be considering use of them at this event.

Should you have any queries with regard to the above, please do not hesitate to contact this office.

Yours sincerely

Miss Dominika Jaskolska  
Licensing Technical Officer



## Bouncy castles and other play inflatables: Safety Advice

Serious incidents have occurred where inflatables have collapsed or blown away in windy conditions.

Simple precautions can help you avoid serious incidents, whether you supply or buy bouncy castles and inflatables, are hiring one for an event, or operate them.

Health and safety law applies to the supply, hire and use of inflatables for commercial purposes. It does not apply to private, domestic buyers and users.

The Health and Safety Executive have produced guidance that applies to inflatables devices used both outside and inside.

If you are intending to have a bouncy castle or a play inflatable at your event you need to have regard to the guidance which can be found using the following link:-

<http://www.hse.gov.uk/entertainment/fairgrounds/inflatables.htm>

The guidance details what you should do before you hire or buy a device and how it should be set up and used at the event. It is important to note that the guidance states:-

*'When the inflatable is being operated outside, use an anemometer to measure the wind speed at regular intervals. If one of these is not available, the inflatable should not be operated outside.'*

*'Do not use smartphone weather applications to measure wind speed as they do not take localised wind conditions into account'*

You need to ensure that you make suitable arrangements for the safe use of any bouncy castle or other play inflatable at your event.



**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX G**

*Screen shot of Brave Nelson Incident Log dated 7 July 2021*



2021 July

Wednesday 7

3 x DUN STAFF

100-100

are THE SAME AS 13-6-71

Bar SHUT AT 10pm because of noise

White Roving Rowdy lots of Shouting and Chanting

HAD TO TELL PEOPLE TO LEAVE DUN NO ONE WAS ASK TO LEAVE.

10:15PM A group of guys were Arguing about taking their shirts away from them. THE GUYS were taking a few hours to decide up.

10:30PM A small fight broke out in contact between 2 people and was quickly over within seconds DUN STAFF ATTENDED

NO POLICE were called.

January	February	March	April	May	June	July	August	September	October	November	December
1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30
1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30
1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30
1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24	25 26 27 28 29 30



**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX H**

*Brave Nelson premises licence issued 19 May 2021*

*OS Maps & Images*





BRENTWOOD  
BOROUGH COUNCIL

## Premises Licence

Premises Licence Number

PRM\_0019

Application Number

21/00022/LAFVAL

Date of Issue

19 May 2021

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**The Brave Nelson**  
**138 Woodman Road**  
**Warley**  
**Brentwood**  
**Essex**  
**CM14 5AL**

Telephone number  
**01277 211690**

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Performance of Live music**  
**Playing of Recorded music**  
**Provision of Late Night Refreshments**  
**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Performance of Live music**

<b>Christmas Eve</b>	<b>23:00 - 00:30</b>
<b>Boxing Day</b>	<b>23:00 - 00:30</b>
<b>New Year's Eve</b>	<b>10:00 - 02:00</b>

**Playing of Recorded music**

<b>Christmas Eve</b>	<b>23:00 - 00:30</b>
<b>Boxing Day</b>	<b>23:00 - 00:30</b>
<b>New Year's Eve</b>	<b>10:00 - 02:00</b>

### **Provision of Late Night Refreshments**

Friday	23:00 - 23:30
Saturday	23:00 - 23:30
Christmas Eve	23:00 - 00:30
Boxing Day	23:00 - 00:30
New Year's Eve	10:00 - 02:00

### **Sale by Retail of Alcohol**

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 23:00
Friday	10:00 - 23:30
Saturday	10:00 - 23:30
Sunday	10:00 - 23:00
Christmas Eve	23:00 - 00:30
Boxing Day	23:00 - 00:30
New Year's Eve	10:00 - 02:00

### **Outside Beer Garden Bar - Open March to September**

Thursday & Friday	17:00 - 21:30
Saturday & Sunday	12:00 - 21:30

### **The opening hours of the premises**

Monday	10:00 - 23:30
Tuesday	10:00 - 23:30
Wednesday	10:00 - 23:30
Thursday	10:00 - 23:30
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 23:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Alcohol is supplied for consumption both on and off the Premise**

## **Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Paul Duley**  
**The Brave Nelson**  
**138 Woodman Road**  
**Warley**  
**Brentwood**  
**Essex**  
**CM14 5AL**

**Email Address**      **Paul@thebravenelson.co.uk**

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Paul Duley**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Personal Licence Number: PSL**  
**Licensing Authority: Brentwood Borough Council**

## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under this licence
  - a) At a time when there is no designated supervisor in respect of it or,
  - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 2 every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 3
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or .
    - (b) an ultraviolet feature.
- 4
  - (A). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.  
  
(B).For the purposes of the condition set out in paragraph 1 -  
(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;  
(b) "permitted price" is the price found by applying the formula where-  
  
$$P = D + (D \times V)$$
  
  
(i) P is the permitted price,  
(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and  
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 5 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise); .
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 6 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available

7 The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider:  $\frac{1}{2}$  pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and,
  - (ii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1 An incident log will be kept in which staff will record any crimes, incidents, refusals and any complaints received.**
- 2 Staff will be trained on their roles and responsibilities, records of training given will be retained and made available to the licensing authority or the Police for inspection upon reasonable request.**
- 3 A comprehensive CCTV system is installed with full recording facilities covering both inside and outside parts of the premises.**
- 4 Any music provided will be closely monitored and controlled by the in house management team so as to minimise noise nuisance to the neighbours.**
- 5 All music will cease at 23:00hrs**
- 6 Smokers will be encouraged to use the garden smoking shelter in a quiet and noise friendly fashion**
- 7 Customers will not be permitted use of the garden after 22:00hrs except for the purpose of smoking. The number of smokers permitted to be outside smoking after 22:00hrs will be limited to 15.**
- 8 No drinks are to be consumed outside after 22:00hrs.**
- 9 Notices will be posted at entrance/exits requesting patrons to respect the neighbours and leave in a quiet & orderly fashion.**
- 10 The premises will adopt a Challenge 25 policy**
- 11 Children will only be admitted while in the company of a supervising adult and will be required to vacate the premises by 22:00hrs daily (except for a pre-booked family party/event)**
- 12 The premises shall install and maintain a CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.**
- 13 The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on premises.**
- 14 All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer of a Responsible Authority.**
- 15 A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.**

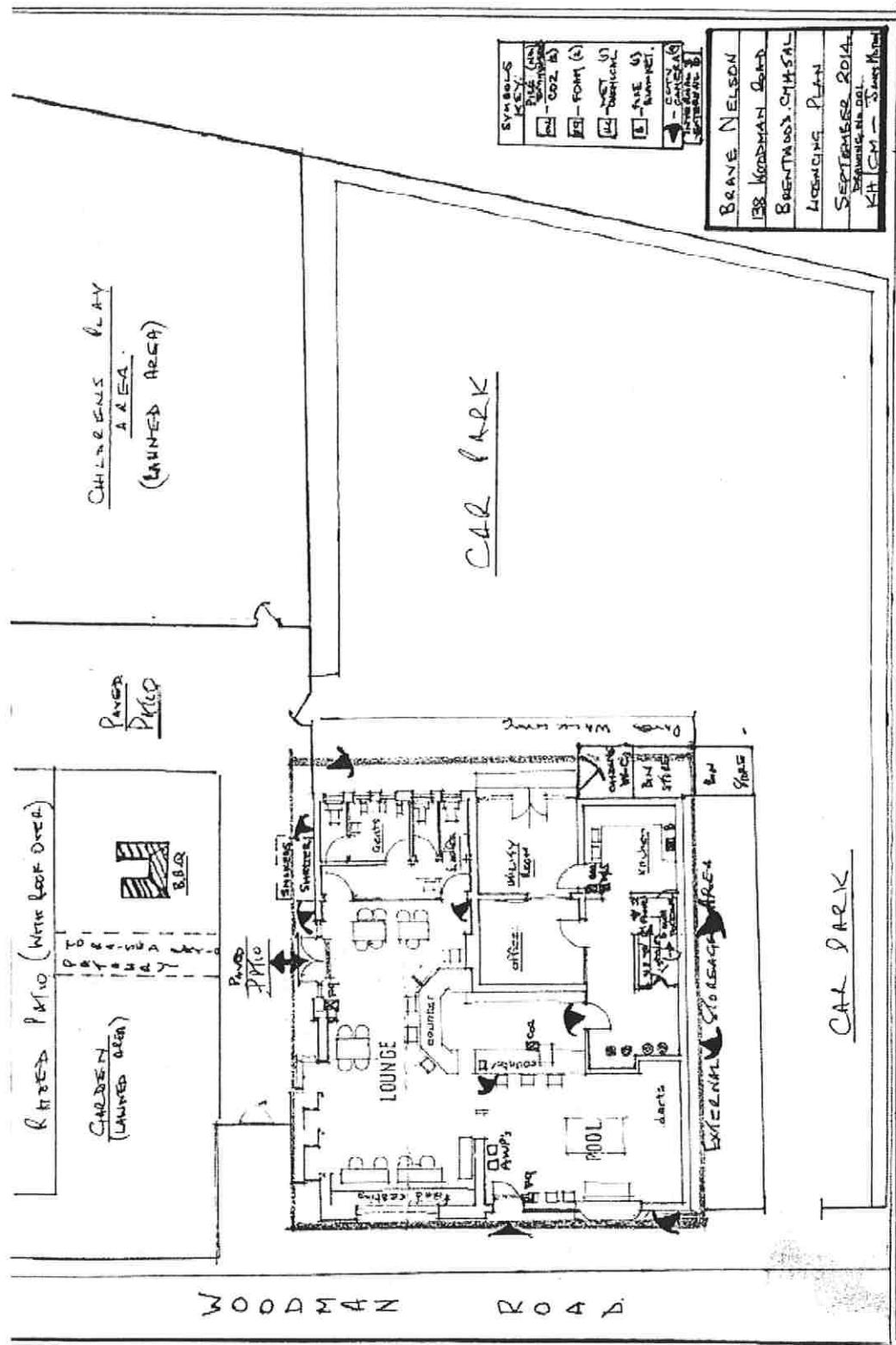
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

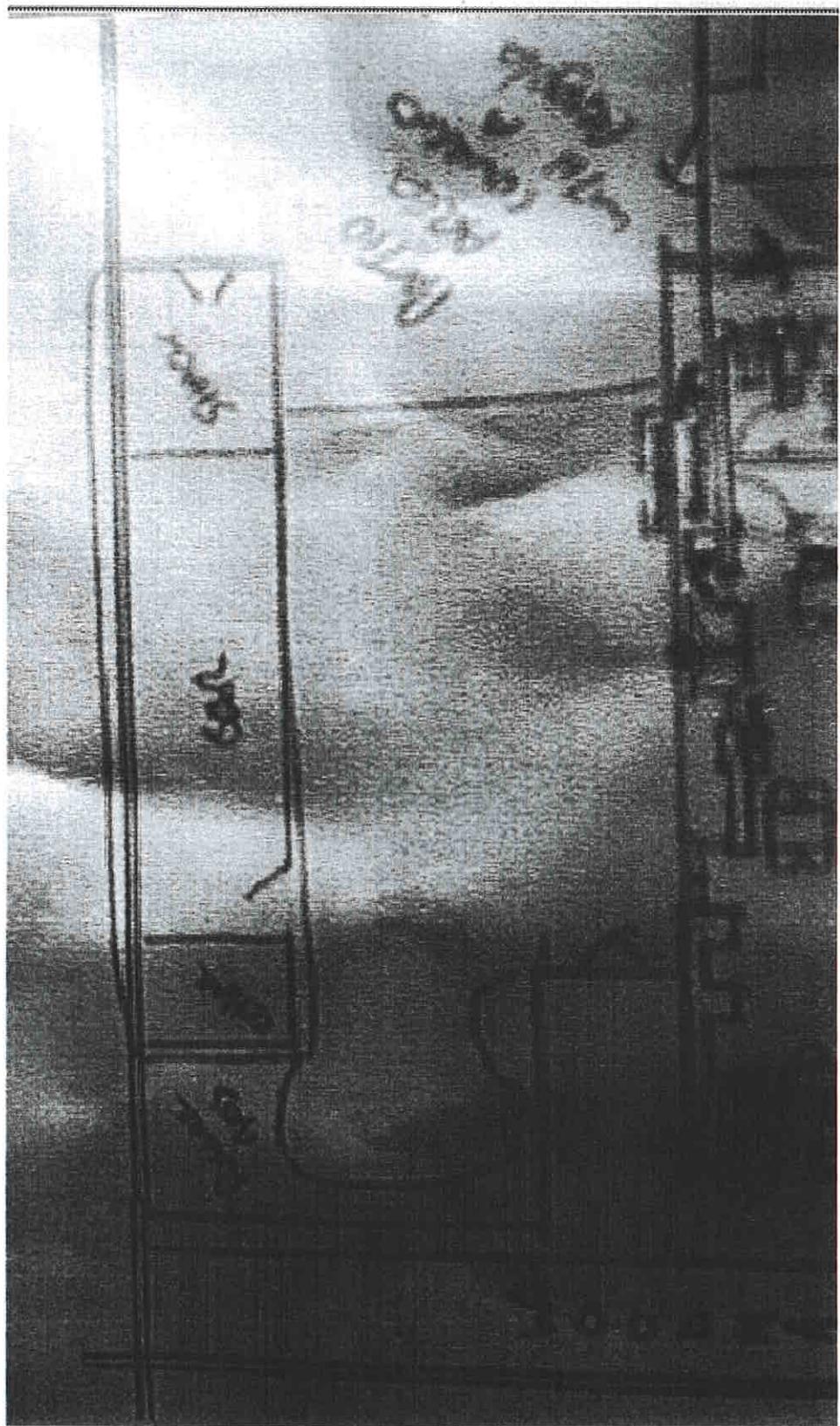
- 1 Self-closers shall be fitted on all doors that open to the front of the premises and into the garden and the doors shall not be fixed open whilst music is being played to avoid noise break-out from the premises.**
- 2 The childrens play area will be closed to all patrons after 21:00hrs on any day**
- 3 Ball games are to be banned from the children's play area.**
- 4 Music amplification is prohibited in the outside areas of the premises without prior permission from the Council's licensing department.**
- 5 Any special events planned at the premises shall be notified to the Council's licensing department at least 14 days before the event. The premises management will work with the licensing department so that the impact of such events is minimised.**
- 6 The hours of operation at New Year is limited to 02:00hrs, rather than the 08:00hrs applied for.**
- 7 The outside bar is to be open from the period of March to September each year only.**
- 8 One member of staff to be present in the garden and carpark until the last customer leaves the premises.**

## Annex 4 – Plans

This licence is issued subject to the following attached plans:

Plan no. KH/CM James-Motion titled Brave Nelson 138 Woodman Road CM15 5AL







## Premises Licence Summary

Premises Licence Number	PRM_0019
Application Number	21/00022/LAFVAL
Date of Issue	19 May 2021

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**The Brave Nelson  
138 Woodman Road  
Warley  
Brentwood  
CM14 5AL**

Telephone number  
**01277 211690**

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Performance of Live music  
Playing of Recorded music  
Provision of Late Night Refreshments  
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

#### Performance of Live music

Christmas Eve	23:00 - 00:30
Boxing Day	23:00 - 00:30
New Year's Eve	10:00 - 02:00

#### Playing of Recorded music

Christmas Eve	23:00 - 00:30
Boxing Day	23:00 - 00:30
New Year's Eve	10:00 - 02:00

### **Provision of Late Night Refreshments**

<b>Friday</b>	<b>23:00 - 23:30</b>
<b>Saturday</b>	<b>23:00 - 23:30</b>
<b>Christmas Eve</b>	<b>23:00 - 00:30</b>
<b>Boxing Day</b>	<b>23:00 - 00:30</b>
<b>New Year's Eve</b>	<b>10:00 - 02:00</b>

### **Sale by Retail of Alcohol**

<b>Monday</b>	<b>10:00 - 23:00</b>
<b>Tuesday</b>	<b>10:00 - 23:00</b>
<b>Wednesday</b>	<b>10:00 - 23:00</b>
<b>Thursday</b>	<b>10:00 - 23:00</b>
<b>Friday</b>	<b>10:00 - 23:30</b>
<b>Saturday</b>	<b>10:00 - 23:30</b>
<b>Sunday</b>	<b>10:00 - 23:00</b>
<b>Christmas Eve</b>	<b>23:00 - 00:30</b>
<b>Boxing Day</b>	<b>23:00 - 00:30</b>
<b>New Year's Eve</b>	<b>10:00 - 02:00</b>

### **Outside Beer Garden Bar - Open March to September**

<b>Thursday &amp; Friday</b>	<b>17:00 - 21:30</b>
<b>Saturday &amp; Sunday</b>	<b>12:00 – 21:30</b>

The opening hours of the premises

<b>Monday</b>	<b>10:00 - 23:30</b>
<b>Tuesday</b>	<b>10:00 - 23:30</b>
<b>Wednesday</b>	<b>10:00 - 23:30</b>
<b>Thursday</b>	<b>10:00 - 23:30</b>
<b>Friday</b>	<b>10:00 - 00:00</b>
<b>Saturday</b>	<b>10:00 - 00:00</b>
<b>Sunday</b>	<b>10:00 - 23:30</b>

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Alcohol is supplied for consumption both on and off the Premise**

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Paul Duley**  
**The Brave Nelson**  
**138 Woodman Road**  
**Warley**  
**Brentwood**  
**Essex**  
**CM14 5AL**

**Email Address** [Paul@thebravenelson.co.uk](mailto:Paul@thebravenelson.co.uk)

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Paul Duley**

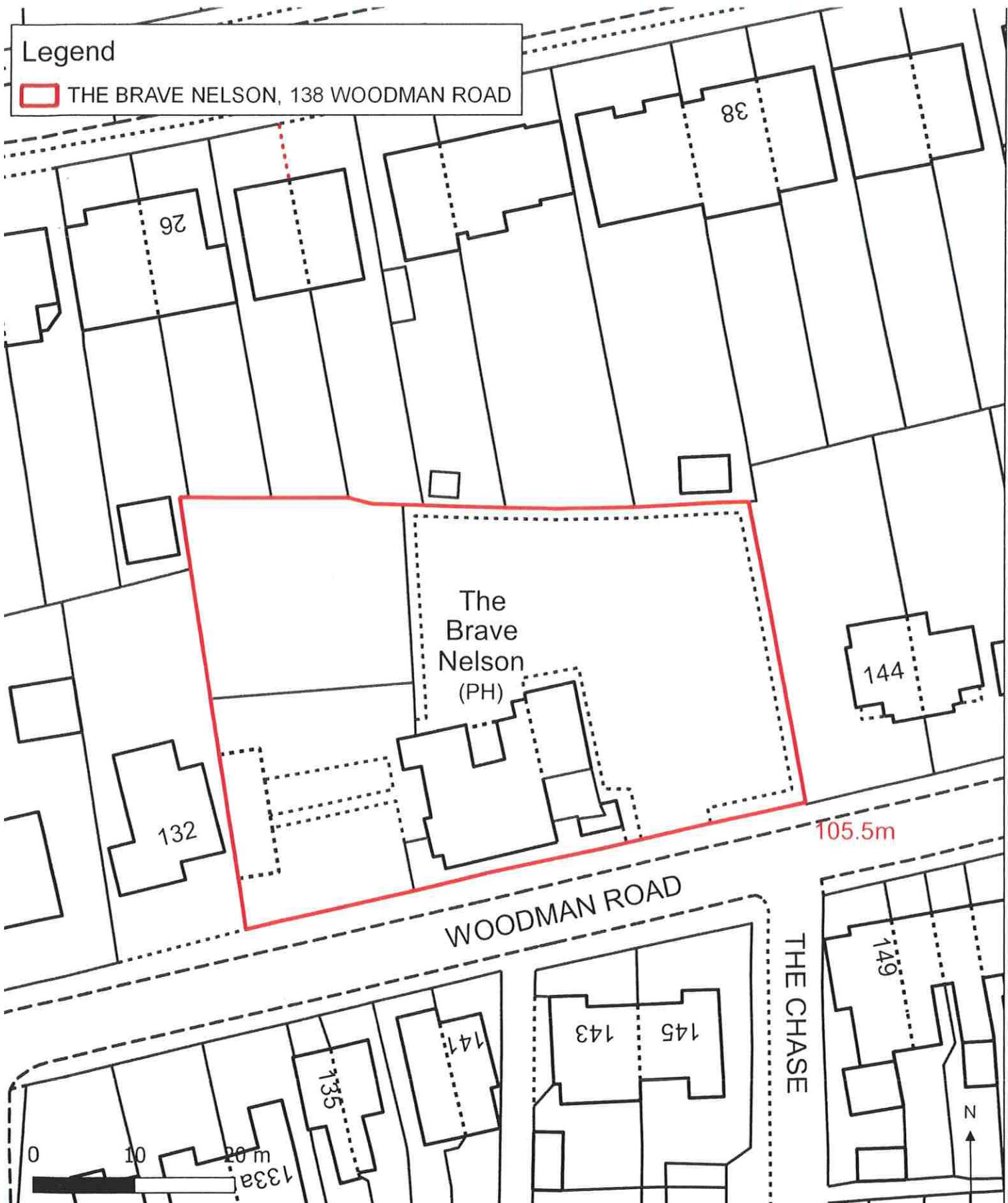
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Personal Licence Number: PSL**  
**Licensing Authority: Brentwood Borough Council**



## Legend

 THE BRAVE NELSON, 138 WOODMAN ROAD



## THE BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL

Drawing No. :

Scale at A4 : 1:500

Drawn by : OSJ

Service : ICT

Date : 19th April 2021



Jonathan Stephenson  
Chief Executive  
Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



## Legend

THE BRAVE NELSON, 138 WOODMAN ROAD



THE BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD  
CM14 5AL



Drawing No. :

Scale at A4 : 1:1250

Drawn by : OSJ

### Service : ICT

Date : 19th April 2021

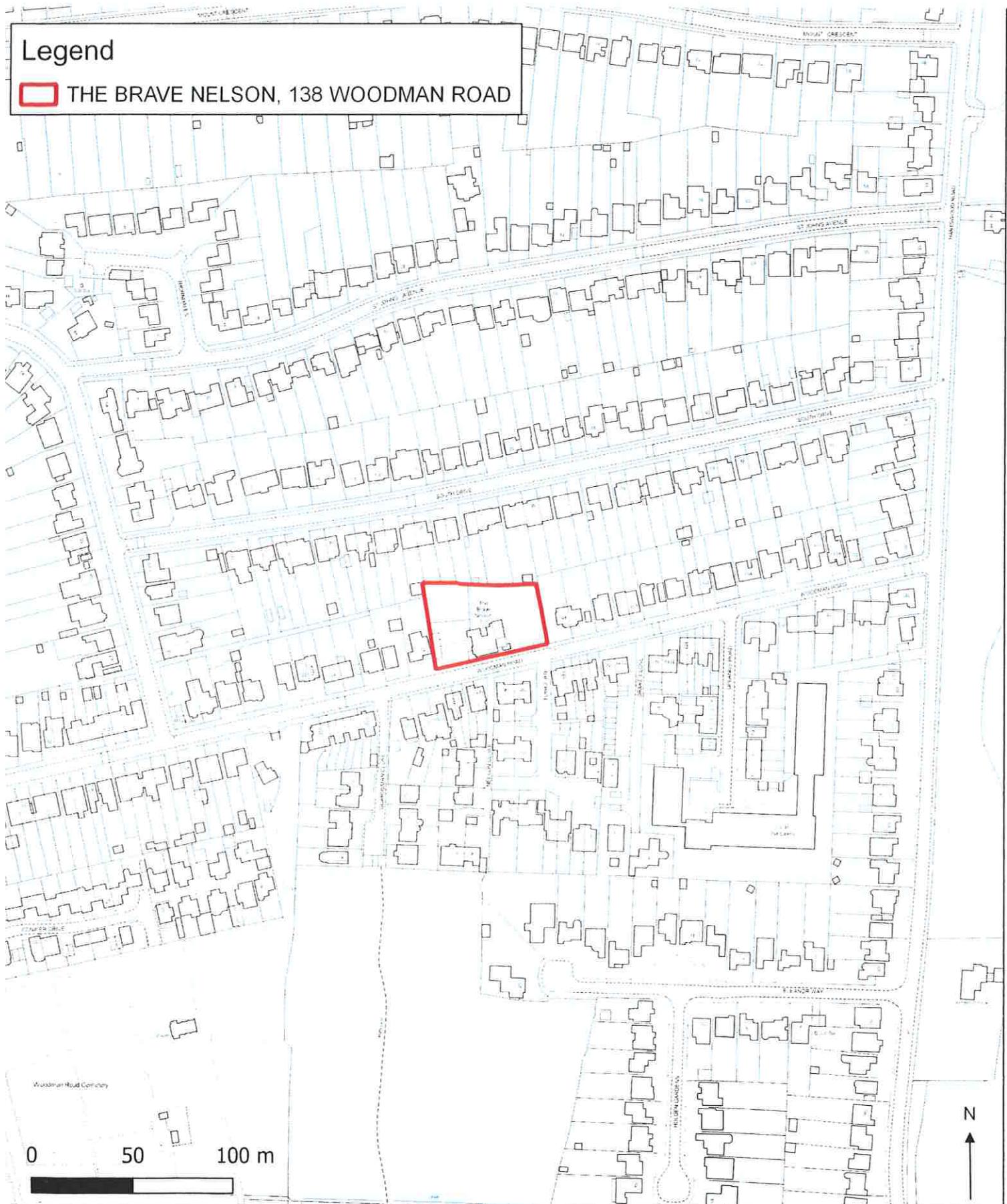
© Crown copyright and database rights 2021 Ordnance Survey 100018309

Jonathan Stephenson  
Chief Executive  
Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



## Legend

 THE BRAVE NELSON, 138 WOODMAN ROAD



## THE BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL



Drawing No. :

Scale at A4 : 1:2500

Drawn by : OSJ

Service : ICT

Date : 19th April 2021

© Crown copyright and database rights 2021 Ordnance Survey 100018309

Jonathan Stephenson  
Chief Executive  
Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



































**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

**APPENDIX I**

*Summary of Complaints received against Brave Nelson*

*May-July 2021*



**Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

*Summary of Complaints to the Licensing Office*

*received against Brave Nelson*

*May-July 2021*



Reference	Nature of Complaint	Address	Date Allocated
21/000996/LIPRCO	<p>I wanted to let you know of the issues we have had with the above public house over the Bank Holiday Weekend.</p> <p>Saturday 29th May.</p> <p>Chelsea football match shown on the televisions in the garden created excess noise . We assume, as we have often seen customers leaving the Brave Nelson with pints of beer, that glasses had been smashed in the road outside the cottages opposite, as staff from the Brave Nelson were out sweeping up at about 10.15pm. Groups of young lads leaving the pub chanting support for Chelsea as they went up the road . At the same time the police arrived, blue flashing lights, to deal with the disturbance.</p> <p>Customers were out in the pub garden until gone 11pm as we could hear them from our bedroom, when the garden should have been closed at 10pm.</p> <p>Sunday 30th May.</p> <p>Karaoke going on inside the pub that was so loud we could hear this inside the house which went on until 11pm.The bar was so full social distancing was totally ignored.</p> <p>Thursday 27th May/Friday 28th May</p> <p>On both of these nights customers leaving the pub after midnight standing outside talking in very loud voices no attempt by the pub staff to move them on or any respect shown for the residents .</p>	<p>The Brave Nelson The Brave Neilson Woodman Road Warley Brentwood Essex CM14 5AL</p>	01.06.2021

Reference	Nature of Complaint	Address	Date Allocated
21/001046/LIPRCO	I have never received any further response on the below.  Brave Nelson - last weekend - 28th May weekend Excessive noise from cheering and shouting as watching the football on the tvs outside. Customers still in the garden well past 10pm Police in attendance Broken glass on the street  I was very disappointed to hear the decision was made to grant the licensing extension for the Brave Nelson on Woodman Road. There are continuing problems with the Brave Nelson today, and they are continually in breach of their licensing agreement. I wasnt able to attend the meeting as I had work.  See DMS for full email	The Brave Nelson Woodman Road Warley Brentwood Essex CM14 5AL	07.06.2021

Reference	Nature of Complaint	Address	Date Allocated
21/001063/LIPRCO	Good morning, Saturday 5th June -10.50pm customers still out in the garden singing!	The Brave Nelson Woodman Road Warley Brentwood Essex CM14 5AL	07.06.2021

Reference	Nature of Complaint	Address	Date Allocated
21/001308/LIPRCO	Can I please make a complaint of a breach of licensing conditions for the Brave Nelson beer	The Brave Nelson The Brave Nelson	08.07.2021

	<p>garden. It had gone 10pm the garden is packed, the lights are on and customers continue to drink and make considerable noise. Can I please be provided with a reference, CCTV checked and appropriate action taken.</p>	Woodman Road Warley Brentwood Essex CM14 5AL
--	--	--

Reference	Nature of Complaint	Address	Date Allocated
21/001310/LIPRCO	<p>Please log and provide me with the appropriate reference details for the considerable noise from the Brave Nelson beer garden area last night 7 July 21. This carried on beyond the approved licensing hours. I understand that no extension was applied for and therefore the out of hours use of the premises was a breach of the license.</p> <p>Yet again this licensee takes no notice of the local residents.</p> <p>I also note that the promised planning application for the "building" is not forthcoming at this time.</p>	The Brave Nelson Woodman Road Warley Brentwood Essex CM14 5AL	08.07.2021

Reference	Nature of Complaint	Address	Date Allocated
21/001435/LIPRCO	<p>Last night, after being subjected to another shriek-filled day from the Brave nelson, there were children being noisy in the garden up until ten oclock last night.</p> <p>Then, this afternoon, having worked all morning, I tried to sit out in the garden for a while but there were children shouting down from the overhanging tree next to our fence. We asked them politely to get down but next minute there were the same (or different) children back up there shouting at us. They dont even</p>	The Brave Nelson Woodman Road Warley Brentwood Essex CM14 5AL	26.07.2021

	<p>stop when we ignore them.</p> <p>It became so intolerable, I have had to just come inside. I am so angry and fed up with the way this pub is managed and the awful behaviour of the clientele. Mr. Duly says he runs a tight ship..I can only assume it must be the Titanic.</p> <p>I would phone the pub but there are far too many people rammed in out there for staff to control. This situation is totally unacceptable for nearly residents to endure. In your last email, you said you were investigating the breaches of licensing conditions but it seems to be just getting steadily worse.</p> <p>Also, we have still not heard back from environmental health re noise monitoring. Are we just being ignored now?</p> <p>Please log this as two separate noise complaints.</p>	
--	---	--

Reference	Nature of Complaint	Address	Date Allocated
21/001416/LIPRCO	<p>Noise complaint that after some compliance with closing the beer garden at 10pm, yet again we have noisy patrons in the garden at 23:20. No lights on, but just loud multiple people.</p> <p>How many more non compliances do we have to put up with? Warm weather, windows open you can hear every word.</p>	<p>The Brave Nelson Woodman Road Warley Brentwood Essex CM14 5AL</p>	22.07.2021

## **Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

*Summary of Complaints to Environmental Health*

*received against Brave Nelson*

*May-July 2021*



Reference	Nature of Complaint	Address	Date Allocated
21/000935/NOICOM	<p>Following on from discussions regarding the above establishment; last correspondence in September 2019 with Rakish Rose. The situation has now deteriorated to the extent of an outside bar now situated in the pub garden. As you can imagine, this has led to a substantial increase in noise levels. In light of this I am requesting that long term monitoring be carried out at the premises to determine noise levels and the impact these have on surrounding residents.</p> <p>I was disappointed to hear that no representations were made by Environmental Health at the recent hearing to pass a licence for the outside bar. Due to COVID the pub has been pretty much closed for the last 18 months and therefore no complaints have have been made. However, complaints have been made in the past and I feel that the Licensing Committee should have been made aware of these and had them brought to their attention.</p> <p>The disturbance to our daily lives caused by The Brave Nelson is not a matter I am prepared to take lying down. Could you please therefore contact me to arrange for this monitoring to be carried out.</p> <p>Regards</p>	<p>Brave Nelson The Brave Nelson Woodman Road Warley Essex CM14 5AL</p>	20.05.2021

Reference	Nature of Complaint	Address	Date Allocated
21/000937/NOICOM	<p>Dear Sir/Madam</p> <p>Following on from discussions regarding the above establishment; last correspondence in September 2019 with Rakish Rose. The situation has now deteriorated to the extent of an outside bar now</p>	<p>Brave Nelson The Brave Nelson Woodman Road Warley Essex CM15 8AY</p>	20.05.2021

	<p>situated in the pub garden. As you can imagine, this has led to a substantial increase in noise levels. In light of this I am requesting that long term monitoring be carried out at the premises to determine noise levels and the impact these have on surrounding residents.</p> <p>I was disappointed to hear that no representations were made by Environmental Health at the recent hearing to pass a licence for the outside bar. Due to COVID the pub has been pretty much closed for the last 18 months and therefore no complaints have have been made. However, complaints have been made in the past and I feel that the Licensing Committee should have been made aware of these and had them brought to their attention.</p> <p>The disturbance to our daily lives caused by The Brave Nelson is not a matter I am prepared to take lying down. Could you please therefore contact me to arrange for this monitoring to be carried out.</p>	CM14 5AL
--	--	----------

Reference	Nature of Complaint	Address	Date Allocated
21/000995/NOICOM	I wanted to let you know of the issues we have had with the above public house over the Bank Holiday Weekend.	<p>Brave Nelson The Brave Nelson Woodman Road Warley Brentwood Essex CM14 5AL</p> <p>Saturday 29th May. Chelsea football match shown on the televisions in the garden created excess noise . We assume, as we have often seen customers leaving the Brave Nelson with pints of beer, that glasses had been smashed in the road outside the cottages opposite, as staff from the Brave Nelson were out sweeping up at about 10.15pm. Groups of young lads leaving</p>	01.06.2021

<p>the pub chanting support for Chelsea as they went up the road . At the same time the police arrived, blue flashing lights, to deal with the disturbance. Customers were out in the pub garden until gone 11pm as we could hear them from our bedroom, when the garden should have been closed at 10pm.</p>	<p>Sunday 30th May. Karaoke going on inside the pub that was so loud we could hear this inside the house which went on until 11pm.The bar was so full social distancing was totally ignored.</p> <p>Thursday 27th May/Friday 28th May On both of these nights customers leaving the pub after midnight standing outside talking in very loud voices no attempt by the pub staff to move them on or any respect shown for the residents .</p>
---	--

Reference	Nature of Complaint	Address	Date Allocated
21/001111/NOICOM	Sat 12th June 2021 13:08 had door open and was playing music. I called the Brave Nelson and complained 21:00 -music playing in the garden. I called the Brave Nelson and complained 21:50 the TV sound was on in the garden for the football. This meant music and commentary was being played in the garden.	Brave Nelson The Brave Nelson Woodman Road Warley Essex CM14 5AL	14.06.2021

Sun, 13th June 2021  
Excessive noise from the Brave Nelson. Screaming, shouting, and singing.

Reference	Nature of Complaint	Address	Date Allocated
21/001181/NOICOM	<p>After a more sensible start following the hearing, there are certainly far more very loud groups of young patrons. They are particularly noisy when leaving the premises.</p> <p>I await the long overdue planning application to restart reminding Councillors that these premises are in the wrong place with the wrong clientele.</p>	Brave Nelson The Brave Nelson Woodman Road Warley Essex CM14 5AL	21.06.2021
<b>21/001224/LITEN</b>	<p>Please describe the nature of the premises:</p> <p>pub</p> <p>Please describe the nature of the event: extra 2 hours at night for the outside bar just incase the football goes to extra time or penalties</p> <p>Licensable Activities</p> <p>Please state the licensable activities that you intend to carry on at the premises for The sale by retail of alcohol, The provision of late night refreshment</p> <p>Are you giving a late temporary event notice? No</p> <p>Please state the dates on which you intend to use these premises for licensable activities.</p> <p>The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).</p> <p>03rd July 2021</p> <p>Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).</p> <p>extend from 21:30 to 23:30</p>	Brave Nelson The Brave Nelson Woodman Road Warley Essex CM14 5AL	25.06.2021

	<p>outside bar</p> <p>Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers.</p> <p>200</p>
--	--

Reference	Nature of Complaint	Address	Date Allocated
<b>21/001257/LITEN</b>	<p>If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a brief description and details. Please describe the nature of the premises.</p> <p>Outside bar</p> <p>Please describe the nature of the premises:</p> <p>pub</p> <p>Please describe the nature of the event:</p> <p>euro 2020</p> <p>Licensable Activities</p> <p>Please state the licensable activities that you intend to carry on at the premises for</p> <p>The sale by retail of alcohol</p> <p>Are you giving a late temporary event notice? No</p> <p>Please state the dates on which you intend to use these premises for licensable activities.</p> <p>The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).</p> <p>11th July</p> <p>Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).</p> <p>garden to be open but waitress service only as per</p>	<p>Brave Nelson The Brave</p> <p>Nelson</p> <p>Woodman Road</p> <p>Worley</p> <p>Essex</p> <p>CM14 5AL</p>	01.07.2021

	TEN on the 3rd July 21:30 - 23:30 Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. 200
--	---

## **Application to Review a Premises Licence**

**BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL**

# **APPENDIX J**

### *Warning Letters sent to Brave Nelson*

*8 August 2018 –*

*Community Protection Notice - Environmental Health*

*9 August 2018 – Licensing*

*25 April 2019 – Licensing*

*29 April 2019 – Environmental Health*

*12 June 2019 – Licensing*

*24 June 2019 – Environmental Health*





Mr. Paul Duley  
The Brave Nelson  
138 Woodman Road  
Brentwood  
Essex  
CM14 5AL

Date: 8<sup>th</sup> August 2018  
Our Reference: 18/001398 NOICOM  
18/001395/NOICOM  
18/001220/NOICOM

Dear Mr Duley

The Brave Nelson, 138 Woodman Road, Brentwood, CM14 5AL  
Anti-social Behaviour, Crime and Policing Act 2014 Section 43  
Environmental Protection Act 1990

Further to my visit to the residential properties around the Brave Nelson on 4<sup>th</sup> August 2018 from 20:00 to 20:30, I am satisfied that the playing of music at The Brave Nelson is producing noise that is having detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality and that this conduct is unreasonable.

Please find enclosed a written warning regarding this conduct and to notify you that, if it persists, the council will issue you with a Community Protection Notice.

If further complaints are received, the Council will make investigations to attempt to determine whether the noise is justified and if it is likely to amount to a statutory nuisance. If necessary, monitoring may be undertaken either directly by Council officers, or by the installation of digital recording equipment to ascertain the nature and level of the noise. You should be aware that the complainants have been requested to keep a diary of events.

Failing to comply with a Community Protection Notice is an offence under Section 48 of the Anti-social Behaviour, Crime and Policing Act 2014, for which you could be prosecuted.

If you wish to discuss the content of this letter or require any further clarification please do not hesitate to contact me as per the details below.

Thank you for your anticipated co-operation in this matter.



Yours Sincerely,

A handwritten signature in black ink, appearing to read "Rakish Rose".

Rakish Rose  
**Technical Officer**  
Environmental Health & Licensing  
Telephone: 01277 312500  
Email: [rakish.rose@brentwood.gov.uk](mailto:rakish.rose@brentwood.gov.uk)



Brentwood Borough Council  
Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY

### Community Protection Notice - Warning Anti-Social Behaviour, Crime and Policing Act 2014

To: Mr Paul Duley

Of: The Brave Nelson, 138 Woodman Road, Warley, Brentwood, Essex, CM14 5AL

Re: The Brave Nelson: Persistent noise from entertainment music and shouting from people late at night in the beer garden affecting nearby residents

**WHEREAS** it appears to Brentwood Borough Council that you are responsible for unreasonable behaviour which is persistent and/or continuing in nature and is having a detrimental effect on the quality of life of others.

This unreasonable behaviour includes:

The noise from music within the premises and in the outside areas, is having an adverse and detrimental effect on the life of those neighbours living in the locality. Customers in the rear garden shouting, swearing and talking loudly.

This letter is formal notification that you are required to stop behaving in the manner described above to avoid further consequences. Please ensure that you take the following actions within the timescales identified:

Action you must take:	Deadline for when you must do this by:
All external doors and windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place	10 <sup>th</sup> August 2018
No amplified sound is permitted in the outside garden area. This includes personal speakers brought in by customers.	10 <sup>th</sup> August 2018
To produce a Noise Policy regarding the control of noise from music entertainment to be approved by officers of the Environmental Health	1 <sup>st</sup> September 2018

The Premises Licence holder or nominated person shall carry out observations in the vicinity of the nearby residential properties, on at least hourly intervals during the licencing hours whilst music entertainment is being carried out in order to establish whether noise breakout at a level likely to cause disturbance to the occupants of the residential properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a log for that purpose, such a log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such log must be made available at all times upon request to any relevant authority,	10 <sup>th</sup> August 2018
The Premises Licence Holder or the nominated person shall control the behaviour of their patrons/customers with regard to abusive, swearing and shouting.	10 <sup>th</sup> August 2018
No more than 10 persons shall be permitted to be outside smoking at any one time after 22:00. No drinks to be consumed outside after 22:00. The Premises Licence holder or the nominated person shall monitor this.	10 <sup>th</sup> August 2018.

If you fail to comply with the above requirements within the timescales given then Brentwood Borough Council will consider serving you with a Community Protection Notice (CPN). This Notice will tell you the things that you must do to put these problems right. If you fail to do so without reasonable excuse:

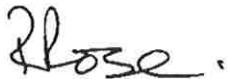
1. You may be issued with a fixed penalty notice
2. You may be prosecuted. If you are prosecuted and convicted the maximum penalty is a fine not exceeding level 4 on the standard scale (currently £2,500 for an individual, and up to £20,000 for a business or organisation)
3. The court may make whatever order the court thinks appropriate to ensure that what the notice requires to be done is done.
4. A court order may require you to:
  - a. Carry out specified work; or
  - b. Allow specified work to be carried out by, or on behalf of Brentwood Borough Council
5. The Court may require you to surrender possession of an item used in your failure to comply with the Notice, to a constable or to a person representing the local authority. The Court may require this item to be destroyed or disposed of. A justice of the peace may issue a warrant, authorising a constable or authorised person to enter your premises to seize the item.

6. Social Landlords may offer a responsible tenant reward scheme which could be compromised if further action is taken.

Brentwood Borough Council will also consider what other action may be required to stop the problems, such as applying for an ASB injunction, Premises Closure Order, or notifying your landlord (where relevant) of Brentwood Borough Council consider that breaches of your tenancy agreement/lease have occurred. Your details will also be passed on to the Local Action Group who will consider a multi agency response to the anti-social behaviour that has led to this warning being issued.

You are advised to refer to the extract from the ASB Crime and Policing Act 2014 provided.

Dated: 8<sup>th</sup> August 2018

Signed: 

Mrs Rakish Rose

Position: Technical Officer

Being an officer authorised by Brentwood Borough Council to exercise the powers and functions conferred by section 108 of the Environment Act 1995, as amended.

Reference: 18/001398NOICOM; 18/001395/NOICOM; 18/001220/ NOICOM

Address:

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Telephone number: 01277 312 500 fax 01277 312 743 minicom 01277 312 809





Mr Paul Duley

Date: 9<sup>th</sup> August 2018

Contact: Dave Leonard  
01277 312523

Dear Mr Duley,

**Licensing Act 2003 – Premises Licence  
The Brave Nelson, 138 Woodman Road, Warley, Brentwood CM14 5AL**

This letter is sent in confirmation of our meeting on Thursday, 9<sup>th</sup> August 2018 at 9am, when I met with you at **The Brave Nelson** to discuss a number of alleged public nuisance complaints received relating to the management of the premises.

I also conducted a full inspection of your current premises licence issued on 10<sup>th</sup> March 2017 and we discussed in detail the operating schedule of the premises and the conditions attached to Annex 2 and Annex 3 of the licence.

As a result of this inspection, it was determined that you are not compliant with the following three Conditions 1, 2 & 8 in Annex 2;

- (1) An incident log will be kept in which staff will record any crimes, incidents, refusals and any complaints received.**
- (2) Staff will be trained on their roles and responsibilities, records of training given will be retained and made available to the licensing authority or the Police for inspection upon reasonable request.**
- (8) No drinks are to be consumed outside after 22:00hrs.**

These breaches of the premises licence conditions are easily remedied and you readily undertook to resolve this issue as a matter of priority. Indeed, a robust adherence by the management to enforce condition 8 should alleviate a majority of the complaints received relating to the late-night use of the beer garden.

It was also identified that you are not compliant with the following two Conditions 1 & 4 in Annex 3;

- (1) Self-closers shall be fitted on all doors that open to the front of the premises and into the garden and the doors shall not be fixed open whilst music is being played to avoid noise break-out from the premises.**
- (4) Music amplification is prohibited in the outside areas of the premises without prior permission from the Council's licensing department.**

Conditions are only attached to Annex 3 of a premises licence when representations, or objections, against the granting of the licence have been received. In this instance, a Licensing Sub-Committee hearing has to be convened to determine the outcome and any licence subsequently granted is done so on the understanding that a strict compliance to the attached conditions is observed.

Following an explanation of the conditions in Annex 3 that you are currently failing to comply with, I am now confident that you are fully understanding that the conditions relating to '**the doors shall not be fixed open whilst music being played**' and '**music amplification is prohibited in the outside areas**' relates to **ANY** music and is not determined on whether or not it happens to be licensed or background music.

#### **All the complaints I receive relate to the use & management of your beer garden.**

Music amplification is prohibited in the outside areas and this condition also applies to any of your patrons who attempt to use their own amplification devices. It is the responsibility of you and your staff to satisfactorily manage the premises and this includes the beer garden and the car park. Having viewed some specimen recordings on your CCTV system, I am satisfied that you are complying with Annex 2 Condition 7;

- (7) *Customers will not be permitted use of the garden after 22:00hrs except for the purpose of smoking. The number of smokers permitted to be outside smoking after 22:00hrs will be limited to 15.***

Together with your bar manager, Mr Keiron Prince, we have also had a very positive discussion that concluded that a robust compliance to the highlighted conditions would very likely address many of the concerns raised in the letters of complaint received.

The other source of noise complaint in the garden tends to be relating to that caused by children frolicking in your purpose-built play area. I have advised you if there is an insistence to cater for a family friendly venue then you do need to ensure that there is an appropriate policy in place in regard to the management of the garden in order to safeguard the children and protect them from harm. As you are aware, this is a requirement when addressing the promotion of the four licensing objectives. An improved safety measure may be that you risk assess your use of glass vessels in the garden when children are playing outside. Likewise, and in light of recent tragedies involving the use of recreational inflatables, you may wish to ensure that your bouncy castle conforms to all the relevant health and safety regulations.

I am aware that the local Environmental Health Officer, Mrs Rakish Rose, has issued you with a Community Protection Notice -Warning and you will need to respond to that notice as required. Both Mrs Rose and I are in regular contact with the local residents and will continue to monitor this situation.

**Please ensure that you take note of the above information and act upon it immediately. Further action may follow without further warning should the terms and conditions of your premises licence continue to be breached.**

If in doubt about your rights and responsibilities you may contact your legal advisor or this office, where any questions can be answered.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523**.

Yours Sincerely,



Dave Leonard  
Licensing Officer





Mr Paul Duley

Date: 25<sup>th</sup> April 2019

Contact: Dave Leonard  
01277 312523

Dear Mr Duley,

**Licensing Act 2003 – Premises Licence**  
**The Brave Nelson, 138 Woodman Road, Warley, Brentwood CM14 5AL**

This letter is sent in confirmation of our conversation following my latest visit to **The Brave Nelson** on Wednesday, 24<sup>th</sup> April 2019 at 5pm. This visit was in response a number of alleged public nuisance complaints received relating to the management of the premises over the Easter Bank Holiday weekend.

I also conducted a full inspection of your current premises licence issued on 10<sup>th</sup> March 2017 and we discussed in detail the operating schedule of the premises and the conditions attached to Annex 2 and Annex 3 of the licence.

As a result of this inspection, it was determined that you are not compliant with the following three Conditions 1, 2 & 8 in Annex 2;

- (1) An incident log will be kept in which staff will record any crimes, incidents, refusals and any complaints received.**
- (2) Staff will be trained on their roles and responsibilities, records of training given will be retained and made available to the licensing authority or the Police for inspection upon reasonable request.**
- (8) No drinks are to be consumed outside after 22:00hrs.**

These breaches of the premises licence conditions are easily remedied and you readily undertook to resolve this issue as a matter of priority. Indeed, a robust adherence by the management to enforce condition 8 should alleviate a majority of the complaints received relating to the late-night use of the beer garden.

It was also identified that you are not compliant with the following two Conditions 1 & 4 in Annex 3;

- (1) Self-closers shall be fitted on all doors that open to the front of the premises and into the garden and the doors shall not be fixed open whilst music is being played to avoid noise break-out from the premises.**
- (4) Music amplification is prohibited in the outside areas of the premises without prior permission from the Council's licensing department.**

Conditions are only attached to Annex 3 of a premises licence when representations, or objections, against the granting of the licence have been received. In this instance, a Licensing Sub-Committee hearing has to be convened to determine the outcome and any licence subsequently granted is done so on the understanding that a strict compliance to the attached conditions is observed.

Following an explanation of the conditions in Annex 3 that you are currently failing to comply with, I am now confident that you are fully understanding that the conditions relating to '**the doors shall not be fixed open whilst music being played**' and '**music amplification is prohibited in the outside areas**' relates to **ANY** music and is not determined on whether or not it happens to be licensed or background music.

**All the complaints I receive relate to the use & management of your beer garden.**

Music amplification is prohibited in the outside areas and this condition also applies to any of your patrons who attempt to use their own amplification devices. It is the responsibility of you and your staff to satisfactorily manage the premises and this includes the beer garden and the car park. Having viewed some specimen recordings on your CCTV system, I am satisfied that you are complying with Annex 2 Condition 7;

- (7) Customers will not be permitted use of the garden after 22:00hrs except for the purpose of smoking. The number of smokers permitted to be outside smoking after 22:00hrs will be limited to 15.**

Together with your bar manager, Miss Charlie Willock, we have also had a very positive discussion that concluded that a robust compliance to the highlighted conditions would very likely address many of the concerns raised in the letters of complaint received.

I am aware that the local Environmental Health Officer, Mrs Rakish Rose, has previously issued you with a Community Protection Notice and both she and I are in regular contact with the local residents and will continue to monitor this situation.

**Please ensure that you take note of the above information and act upon it immediately. Further action may follow without further warning should the terms and conditions of your premises licence continue to be breached.**

If in doubt about your rights and responsibilities you may contact your legal advisor or this office, where any questions can be answered.

**Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY  
Tel: 01277 312 500 Fax: 01277 312 743 Minicom: 01277 312 809 [www.brentwood.gov.uk](http://www.brentwood.gov.uk)**

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523**.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Dave Leonard".

Dave Leonard  
Licensing Officer





Mr Paul Duley  
The Brave Nelson  
Woodman Road  
Warley  
Essex  
CM14 5AL

Date: 29th April 2019  
Our Reference: 19/000794/NOICOM

Dear Mr Duley

**Environmental Protection Act 1990**  
**Regulation of Investigatory Powers Act 2000**  
**Re: Alleged noise nuisance at The Brave Nelson Woodman Road Warley Essex CM14 5AL**

I write to inform you that this Service is continuing to receive complaints about noise disturbance emanating from your premises. It has been alleged that loud music and people talking loudly is disturbing the nearby residents. Sunday the 21<sup>st</sup> April is one of the days that is being complained about. It is alleged that loud music and people shouting was heard beyond 23:00. It is possible that the noise was breaking out due to the door into the garden was left open or alternatively there were speakers in the garden.

I would like to remind you of the Community Protection Warning served on you on the 8<sup>th</sup> August 2018 requiring you to put certain measures in place to control the noise disturbance.

The noise allegations will be monitored by Environmental Health staff and if they are justified then further action may be instigated against you.

I trust that you will take steps, if appropriate, to ensure that further action is not required with regard to this matter. If you have any further queries, or wish to discuss the above, please contact me at these offices.

*All enforcement decisions that this Service makes are in conformance with the Council's agreed enforcement policy. A copy of this policy will be sent to you on request or you may download a copy from the Council's website: [www.brentwood-council.gov.uk](http://www.brentwood-council.gov.uk)*

I thank you for your co-operation with regard to this matter.

Yours sincerely



Mrs Rakish Rose  
Technical Officer  
Environmental Health & Licensing  
Telephone: 01277 312514  
Email: [rakish.rose@brentwood.gov.uk](mailto:rakish.rose@brentwood.gov.uk)



BRENTWOOD  
BOROUGH COUNCIL

Mr Paul Duley

Date: 12<sup>th</sup> June 2019

Contact: Dave Leonard  
01277 312523

Dear Mr Duley,

**Licensing Act 2003 – Premises Licence  
The Brave Nelson, 138 Woodman Road, Warley, Brentwood CM14 5AL**

This letter is sent in confirmation of my latest visit to **The Brave Nelson** on Friday, 7<sup>th</sup> June 2019 at 4pm. This visit was conducted in order to view your CCTV recording system in response to further alleged public nuisance complaints received relating to the management of the premises on Saturday, 1<sup>st</sup> June 2019 and, indeed, to your claim that vexatious calls are being made to the police.

I also repeated the inspection of your current premises licence issued on 10<sup>th</sup> March 2017 to ensure that you continue to comply with your operating schedule and the conditions attached to Annex 2 and Annex 3 of the licence.

Following the viewing of your CCTV system I was pleased to see that you were enforcing - to the minute - Annex 2 Condition 8

**(8) No drinks are to be consumed outside after 22:00hrs.**

And you were also now compliant with Annex 2 Conditions 1 & 2

- (1) An incident log will be kept in which staff will record any crimes, incidents, refusals and any complaints received.***
- (2) Staff will be trained on their roles and responsibilities, records of training given will be retained and made available to the licensing authority or the Police for inspection upon reasonable request.***

as these were highlighted failings identified from my last visit on 24<sup>th</sup> April 2019 and referred to in my warning letter dated 25<sup>th</sup> April 2019.

The CCTV recording also appears to support your concern that a vexatious call was made to the police alleging that tables were being overturned & a riot was in progress.

However, the CCTV system inspection also revealed that there were children in the play area until 21.47hrs that evening. This directly contravenes Annex 3 Condition 2;

**(2) The childrens play area will be closed to all patrons after 21:00hrs on any day**

This condition should be easy to enforce just by ensuring that a member of staff completes a 9pm check of the enclosed play area, turns off the fan for the inflatable and closes and locks the garden gate.

You readily undertook to resolve this issue as a matter of priority. Indeed, a robust adherence by the management to enforce Annex 2 Condition 8 & Annex 3 Condition 2 should alleviate a majority of the complaints received relating to the late-night use of the beer garden.

I have also received complaints alleging that you are not compliant with Annex 3 Conditions 1;

**(1) Self-closers shall be fitted on all doors that open to the front of the premises and into the garden and the doors shall not be fixed open whilst music is being played to avoid noise break-out from the premises.**

Conditions are only attached to Annex 3 of a premises licence when representations, or objections, against the granting of the licence have been received. In this instance, a Licensing Sub-Committee hearing has to be convened to determine the outcome and any licence subsequently granted is done so on the understanding that a strict compliance to the attached conditions is observed.

Following an explanation of the conditions in Annex 3 that you are currently failing to comply with, I am now confident that you are fully understanding of the conditions relating to ‘the doors shall not be fixed open whilst music being played’ and ‘the childrens play area will be closed to all patrons after 21:00hrs on any day’.

**Most complaints I receive relate to the use and management of your beer garden**

Music amplification is prohibited in the outside areas and this condition also applies to any of your patrons who attempt to use their own amplification devices. It is the responsibility of you and your staff to satisfactorily manage the premises and this includes the beer garden and the car park. Having viewed some specimen recordings on your CCTV system, I am satisfied that you are complying with Annex 2 Condition 7;

**(7) *Customers will not be permitted use of the garden after 22:00hrs except for the purpose of smoking. The number of smokers permitted to be outside smoking after 22:00hrs will be limited to 15.***

Together with your bar manager, Miss Charlie Willock, we have also had a very positive discussion that concluded that a continued and robust compliance to the highlighted conditions would very likely address many of the concerns raised in the letters of complaint received.

I am aware that the local Environmental Health Officer, Mrs Rakish Rose, has previously issued you with a Community Protection Notice and both she and I are in regular contact with the local residents and will continue to monitor this situation.

**Please ensure that you take note of the above information and act upon it immediately. Further action may follow without further warning should the terms and conditions of your premises licence continue to be breached.**

If in doubt about your rights and responsibilities you may contact your legal advisor or this office, where any questions can be answered.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523**.

Yours Sincerely,



Dave Leonard  
Licensing Officer





Mr Paul Duley  
The Brave Nelson  
Woodman Road  
Warley  
Essex  
CM14 5AL

Date: 24<sup>th</sup> June 2019  
Our Reference: 19/001010/NOICOM

Dear Mr Duley

**Environmental Protection Act 1990**  
**Regulation of Investigatory Powers Act 2000**  
**Re: Alleged noise nuisance at The Brave Nelson Woodman Road Warley Essex CM14 5AL**

I am writing to you again concerning complaints received by this Department concerning noise emanating from the garden area. The allegation is that noise is occurring beyond 10 pm.

It is unclear if the noise is from patrons in the garden or whether it is from people using the smoking area.

Could you ensure that the CCTV cameras are sited in a position that will cover the smoking area so that if Officers of the Council need to view the footage to verify the complaints they can do.

I thank you for your co-operation with regard to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rakish Rose".

Mrs Rakish Rose  
Technical Officer  
Environmental Health & Licensing  
Telephone: 01277 312514  
Email: [rakish.rose@brentwood.gov.uk](mailto:rakish.rose@brentwood.gov.uk)

