

Minutes

Licensing Sub-Committee Tuesday, 26th October, 2021

Attendance

Cllr Barber
Cllr Fryd

Cllr Tanner

Apologies

Substitute Present

Also Present

Officers Present

Dave Leonard - Licensing Officer
Zoe Borman - Governance and Member Support Officer

LIVE BROADCAST

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

163. Appointment of Chair

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

164. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

165. Determination of Objection to Temporary Event Notices - Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ

The Licensing Office had received an objection from the Essex Police Senior Licensing Officer, Mr Gary Burke, with regards to a Temporary Event Notice (TEN) submitted in relation to Hallowe'en events to be held at Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ on Saturday 30 October 2021 & Sunday 31 October 2021. The objection relates to the prevention of crime & disorder licensing objective.

Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

The Committee noted the absence of the Applicant from the hearing. The Committee was satisfied that it was appropriate to proceed with the hearing given the Applicant had indicated to the Committee that it did not intend to attend.

Furthermore, the Committee noted the absence of Essex Police but was made aware that the Essex police objection is maintained. Essex Police's representations are that the existing licensing conditions must be maintained to further the licensing objectives, in particular the objective of prevention of crime and disorder. The Applicant had communicated to the licensing authority that it is happy to accept all of the existing conditions on its premises licence.

Mr Leonard, Licensing Officer, presented the report.

The Committee in making its determination had regard to the Authority's own licensing statement and guidance issued by the Secretary of State under section 182 of the same Act.

In respect of imposing conditions on a TEN, the Committee had particular regard to s106A of the Licensing Act 2005 and s7.38-7.39 of the Guidance issued under s182 of the Act. The Committee also noted its duty under section 17 of the Crime & Disorder Act 1998.

The Committee considered all the written evidence and the representations made at the hearing. In light of this evidence and representations, the Committee resolved to impose the full premises licence conditions as listed at Annexes 1-3 of the premises licence on the dates of the TEN, save that the Committee noted that the opening hours of the premises would be extended

on the date of the TEN to 03:00am and the sale by retail of alcohol and the provision of regulated entertainment and late night refreshment would be extended to 2:30 am.

The Committee imposed conditions on the temporary event notice ("TEN") pursuant to s106A of the Licensing Act 2003.

166. Determination of Objection to Temporary Event Notices - Brave Nelson, 138 Woodman Road, Warley CM14 5AL

With regard to the Brave Nelson, the Environmental Health Officer had withdrawn his objection, therefore, the hearing was not heard.
