

Minutes

Licensing Sub-Committee Monday, 22nd November, 2021

Attendance

Cllr Barber
Cllr Fryd

Cllr Gelderbloem

Apologies

Substitute Present

Also Present

Officers Present

Dave Leonard	-	Licensing Officer
Paul Adams	-	Principal Licensing Officer
Sam Haldane	-	For and on behalf of the Council Solicitor

LIVE BROADCAST

[Live broadcast to start at 10am and available for repeat viewing.](#)

173. Appointment of Chair

Members resolved that Cllr Barber would Chair the meeting.

174. Administrative Function

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

175. Determination of Objection to Temporary Event Notice, 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 in-house events to be held at Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ on Saturday 27 November 2021 and Sunday 28 November 2021. The objection relates to the prevention of crime and 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 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 noted the absence of the Applicant at the hearing and accordingly, the Committee agreed to proceed with the hearing.

The Committee also noted that Essex police were opposed to a voluntary undertaking regarding last entry time and required the last entry time to be a condition.

The Applicant had communicated to the licensing authority that it is happy to accept the existing conditions on its premises licence save for the condition requiring last entry/re-entry time to be at midnight. The Applicant seeks a last entry/re-entry time of 1:00am.

The Committee considered carefully the difference in the proposed entry times but ultimately found that the police's representations regarding conditions versus voluntary undertakings had merit.

Having sought legal advice the committee resolved to impose the TEN with the full conditions that are on the original premises license.