

# Minutes

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## Licensing Sub-Committee Thursday, 20th January, 2022

### Attendance

Cllr Barber  
Cllr Gelderbloem

Cllr Laplain

### Apologies

### Substitute Present

### Also Present

### Officers Present

Dave Leonard	- Licensing Officer
Christopher Irwin	- Legal Representative for and on behalf of Brentwood Borough Council
Allan Wright	- Environmental Health Officer
David Carter	- Environmental Health Manager
Zoe Borman	- Governance and Member Support Officer

### LIVE BROADCAST

[Live broadcast to start at 12pm and available for repeat viewing.](#)

### 271. Appointment of Chair

Members resolved that Cllr Gelderbloem would Chair the meeting.

## **272. 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.

## **273. Determination of Objection to Temporary Event Notices - The Library Bar & Restaurant High Street, Ingatestone CM4 9DU**

An objection had been received from Environmental Health Officer, Mr Allan Wright, with regards to two Temporary Event Notices (TENs) submitted in relation to private hire party events to be held at The Library Bar & Restaurant, High Street, Ingatestone CM4 9DU on Saturday 29 January 2022 & Sunday 30 January 2022 and Saturday 5 February 2022 & 6 February 2022. The objection relates to the prevention of public nuisance 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 had given careful consideration to the application and all of the written and verbal evidence presented, including the objection notice from Environmental Health.

The Committee was mindful of the fact that there had been two noise complaints relating to the premises received by Environmental Health and that one had been closed and the other is on-going. The Committee understands the Applicant is actively working with the Responsible Authority to resolve the issues surrounding the on-going complaint.

The Committee also heard evidence from the Applicant who has now installed a noise monitoring device at the premises and that Environmental Health will now be able to agree a noise limit before the first event referred to in the first TEN.

The Committee had taken into account the fact that the Applicant has undertaken additional measures at the premises, such as employing door staff, who amongst other things, ensure that customers leave the premises quietly. The Committee has also noted that the Applicant confirmed that food and drinks will stop being served at 01:00am, to ensure that all customers have left the premises by 02:00am.

Taking into account all of the evidence, the Committee did not consider that serving Counter Notice would assist in promoting the licensing objective of prevention of public nuisance and therefore consider that the licensable activities as stated in both TEN's should be allowed to go ahead and therefore both applications were granted.

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