

Application for a New Premises Licence

SAINSY'S PIE SHOP, 111 HIGH STREET, BRENTWOOD CM14 4RX

APPENDIX C

Representation

Responsible Authorities

Brentwood Borough Council

Environmental Health (Noise Pollution) - Mr David Carter

MEMO

From Mr David Carter

To: Licensing

Our ref 22/001311/LICON

Your ref

cc

Date 14th July 2022

Location	111 High Street, Brentwood, Essex, CM14 4RX
Details	Premises Licence

Environmental Health has the following comments on this application.

The premises is currently operating as a pie and mash restaurant, with limited sale of alcohol associated with the restaurant business.

The application seeks to extend the opening hours from 23:30 Monday-Friday, 00:30 on Saturday and 22:30 on Sunday to allow opening until 00:30 Monday-Thursday, 01:15 Friday and Saturday and 23:30 on Sunday.

In addition to the sale of alcohol and provision of late-night refreshments, the times of both of which are extended in the application, the operator also wishes to add the licensable activities of live music and recorded music until 00:45 at weekends.

The operating schedule has limited information on the prevention of public nuisance, relating to noise from deliveries, use of outside areas, signage and monitoring of regulated entertainment at the nearest residential property. No other measures to control noise breakout from the premises or the level or amplified music are proposed.

There are residential occupiers in the vicinity of the premises, above other premises and at the rear and it is understood that planning permission for additional residential accommodation has been proposed in this area.

The addition of another late-night premises in this location, with a number of similar licensed premises adjacent to this site is likely to increase the number of customers in the High Street late at night, with limited control of customers outside the premises (there are no designated smoking areas within the boundary) and when leaving. There is insufficient detail to determine the likely impact of regulated entertainment in the premises affecting nearby occupiers.

I would therefore wish to object to the grant of this application on the grounds that the licensing objective of prevention of public nuisance has not been adequately demonstrated and there are insufficient controls proposed.

Mr David Carter
Environmental Health Manager

Paula Hammond

From: Paul Uren <paul.uren@TLTsolicitors.com>
Sent: 28 July 2022 11:33
To: David Carter
Cc: Licensing; 'danny sains'
Subject: D Sainsy Pie Shop - Licensing Hearing 22/00007/LAPRE
Attachments: SAINSY'S PIE SHOP appln for PL 22JUN22 - EH REP (CARTER) 15JUL22.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi David,

I am writing to you as a representative of the applicant for the above application, for which we have been notified of your attached objection.

I thought it might be helpful to give you a bit of background to this application. The venue already benefits from a premises licence which contains a condition that all alcohol has to be served ancillary to food however, essentially, the pie shop business is failing and losing money therefore the applicant has plans to diversify the business to turn it into a more of a bar/ evening venue. That is not to say it is to become a vertical drinking "pub" but a venue for the more mature crowd and less of a food-led business, albeit food will still be available.

The applicant sought advice from local officers who steered him in the direction of applying for a "clean" new premises licence, which is where we are. If an approved premises licence is granted now, the existing licence is proposed to be surrendered.

Your objection raises concerns regarding the potential for public nuisance. We been in a dialogue with the local Police Licensing Officer and Health & Safety and have agreed a revised operating schedule of conditions, in order to support the licensing objectives, including of the prevention of public nuisance. There have been no objections received from any other responsible authority or residents.

The revised conditions are;

1. The premises shall install a CCTV system which will:
 - a. Operate at all times that the premises are open to the public
 - b. Capture images digitally and will have date and time stamps on them
 - c. Images to be retained for a period of at least 31 days
 - d. Cameras must be of sufficient sensitivity to enable them to operate as required under their normal working conditions and lighting levels
 - e. External cameras should be capable of giving useable images under a variety of weather and lighting conditions
 - f. Copies of CCTV footage to be provided to the police or licensing authority on reasonable request.
2. Signs must be displayed at all entrances (and exits) advising customers that CCTV is operating at the premises & shall be a minimum size of 200 x 148 mm & clearly legible at all times when the premises conducts licensable activities.
3. On occasions when licensable activity takes place on the premises beyond 10pm on any day, the management will risk assess the requirement for SIA doorstaff to be employed at the premises. Evidence of this risk assessment to be made available for inspection by police or licensing authority on reasonable request.
4. Any SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear a form of high visibility clothing (jackets/vests/armbands).
5. Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:

- a. The day and date when door supervisors were deployed;
- b. The name and SIA registration number of each door supervisor on duty at the premises; and
- c. The start and finish time of each door supervisor's worked duty period.

This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.

6. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following;
 - a. All crimes reported
 - b. All ejections of patrons
 - c. Any complaints received
 - d. Any incidents of disorder
 - e. Seizure of drugs or offensive weapons
 - f. Any faults in the CCTV system
 - g. Any refusal of the sale of alcohol
 - h. Any visit by a relevant authority or emergency service
7. Where home deliveries of alcohol are made the following conditions shall apply:
 - a. Deliveries of alcohol shall only be made to residential dwellings or a place of work with a recognisable postcode
 - b. The premises licence holder shall maintain a record of all delivery companies used and such record shall be made available for inspection by the Police or an authorized officer of the council
 - c. Where Internet /telephone sales are placed, age verification must be obtained before the sale takes place.
 - d. Acceptable forms of ID must be checked on point of delivery and notice of this will be advertised on the company website.
8. No noise from deliveries that may take place to residential properties will give rise to public nuisance.
9. The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas (such as terraces and beer gardens) do so in a quiet and orderly fashion.
10. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. These signs shall be a minimum size of 200mm x 148 mm.
11. Clear notices must be displayed at prominent points in all outdoor areas (informing them as to the requirements of points i.e. no drinks, hours of use, above and) requesting that they respect the needs of local residents and behave in a quiet and orderly manner.
12. Whenever regulated entertainment is taking place at the premises, staff will monitor the external area to ensure noise is not audible at the boundary of the nearest residential property. Whenever regulated entertainment is taking place, a contact number will be readily available at the premises for management to be contacted by any nearby residents.
13. Public Safety Means of escape shall be maintained unobstructed, immediately available and clearly identifiable.
14. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff. Exit doors shall be checked before opening each day to ensure they function satisfactorily.
15. All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed. An appropriate number of first aid kits shall be maintained and available at all times.
16. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement (photo, name, date of birth & either a holographic mark or ultraviolet feature) and is either a:
 - a. Proof of age card bearing the PASS Hologram
 - b. Photocard driving licence
 - c. Passport
 - d. Ministry of Defence Identity Card.
17. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
18. No entertainment taking place at the premises will not in any way harm or offend children.
19. A food offering will be available at all times the premises is conducting licensable activities
20. The premises will be predominantly laid out to tables and chairs.

21. Staff shall receive training in relation to the sale of alcohol commensurate with their duties. Staff training will be refreshed every 6 months
22. A record of staff training shall be kept on the premises and made available to a designated member of the responsible authorities on request.

We hope you agree that this is a fairly comprehensive operating schedule for the type of business proposed.

I would like to discuss with you any further conditions that you would seek to add to the operating schedule which would alleviate any concerns that you might have which, in turn, would negate the requirement for a licensing committee hearing.

If you would like to meet with the applicant, Danny Sains, I have copied him in so that you can both agree a mutually agreeable date/time to discuss the proposals for the venue and give you a greater understanding of what is being put forward.

I am on annual leave this afternoon and all day tomorrow, returning on Monday so if you can back to me with a response by Monday for me to take to the applicant to see if we can get to a position to agree, that would be much appreciated. Alternatively, if you would like to discuss over the phone, please contact me on my mobile number below from 9am on Monday.

I look forward to hearing from you.

Kind regards

Paul Uren
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The Home Office has confirmed that they will be extending the temporary "off sales" easement introduced under the Business and Planning Act 2020 to allow licensed premises in England and Wales that only permit sales of alcohol for consumption on the premises to permit sales of alcohol for consumption off the premises until at least the end of September 2023

In the coming months the Home Office will seek the views of the licensed sector, local authorities and other interested parties on a permanent extension of the off sales relaxation

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