

Minutes

Licensing Sub-Committee Wednesday, 14th December, 2022

Attendance

Cllr Barber
Cllr Fryd

Cllr Murphy

Apologies

Substitute Present

Also Present

Officers Present

Paul Adams	-	Licensing Manager
Dave Leonard	-	Licensing Officer
Francesca Reason	-	Birketts Solicitors, For and on behalf of the Council
Zoe Borman	-	Governance and Member Support Officer

LIVE BROADCAST

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

264. Appointment of Chair

Members resolved that Cllr Barber would Chair the meeting.

265. 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.

266. Determination of an Application to Vary a Premises Licence - Prince Albert, The Green, Blackmore CM4 0RT

The Licensing Office had received an application to vary the premises licence at the Prince Albert, The Green, Blackmore CM4 0RT, to extend the supply of alcohol for the consumption both on and off the premises to 1100hrs-0000hrs Monday-Thursday, 1100hrs-0100hrs the following day Friday & Saturday & 1100hrs-2300hrs on Sunday. The application also wishes to add the provision of late-night refreshment from 2300hrs-0000hrs on Monday-Thursday & 2300hrs-0100hrs the following day on Friday & Saturday. The amended application is no longer seeking the provision of live music. The application also seeks to remove the embedded restrictions and conditions at Annex 2 of the licence and replace them with revised conditions.

No representations were received from Responsible Authorities although additional conditions were agreed following consultation with both Essex Police & the Environmental Health Noise Pollution Team. There were 46 representations received from Other Persons which consisted of 29 persons from 21 local households, 4 representations from Ward & Parish Council members & 4 representations received from persons not wishing their personal details to be disclosed into the public domain. A further 9 representations were received from Other Persons who did not provide their address.

A hearing was held to consider the application. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Brentwood Borough Council Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officers, Paul Adams and David Leonard
- Borough Councillor, Cllr Jakobsson
- Mr Dadds, representing the Parish Council and residents.
- The Applicant's representative, Mr Hopkins.

The Licensing Officer, Mr Leonard presented the report and outlined the application which had been submitted and responded to questions from all parties. A copy of the application was attached to the report.

Cllr Jakobsson addressed the committee giving reasons why he could not support the application.

Mr Dadds spoke on behalf of the Parish Council and residents, Mr and Mrs Robinson, outlining why they were objecting to the application.

The Committee noted the contents of the application and considered the oral representations of the Applicant who was present at the hearing.

The Committee noted the considerable number of objections from the public, the parish council and the ward councillor who opposed the application on the basis that the licensing objectives; most notably, the prevention of public nuisance, would be undermined.

The spirit of the application in its current form contains an agreement that the premises will be double glazed and that these double glazed windows and doors will remain closed at all times save for ingress and egress. In the absence of any assurance that the conditions set out and agreed by the applicant in their application can practically be adhered to, and the fact that too much prospectively is yet to be agreed, the licensing authority could not, in good faith grant the application.

The Committee rejected the application to vary the premise license of The Prince Albert, a public house, located at The Green at Blackmore.