



COMMITTEE TITLE: Licensing Sub-Committee

DATE 8 August 2023

| | |
|----------------------|--|
| REPORT TITLE: | Application for a Premises Licence – Licensing Act 2003 <i>Peasants Revolt 137A-139 Kings Road, Brentwood CM14 4DR</i> |
| REPORT OF: | Dave Leonard – Licensing Officer |

1. REPORT SUMMARY

This report is to determine an application received from Mr Mason Nathaniel for a new premises licence at ***Peasants Revolt 137A-139 Kings Road, Brentwood CM14 4DR***. A representation has been received against the application from Brentwood Council Environmental Health Officer, Mr Chris Breen, as a consulting responsible authority and a further three valid representations in opposition have been received from Other Persons.

2. RECOMMENDATIONS

That the Sub Committee:

Considers this report and appendices together with any oral submissions at the hearing and determines the application in line with the options open to the sub-committee under the Licensing Act 2003: The options available are:

- i) To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
- ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
- iii) To refuse the application in whole or in part

3.0 REASONS FOR RECOMMENDATIONS

3.1 These are the options available to the Sub-Committee under the Licensing Act 2003.

4.0 OTHER OPTIONS CONSIDERED

4.1 In line with the Licensing Act 2003 there are no other options to be considered.

5.0 BACKGROUND INFORMATION

5.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late-Night Refreshment

5.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

5.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued.

5.4 The four licensing objectives are;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

5.5 Any representation must be able to demonstrate that on the balance of probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

The Application

5.6 An application from Mr Mason Nathaniel was received on 14 June 2023 for a new premises licence at **Peasants Revolt 137A-139 Kings Road, Brentwood CM14 4DR**. A copy of Mr Nathaniel's application, together with a layout plan, a written Noise Management Policy and an agreed operating schedule to be offered as conditions are attached at **Appendix 1**.

5.7 Mr Nathaniel has been the premises licence holder of the Peasants Revolt Micropub at 137A Kings Road since it was first granted in December 2021 and where he is also the designated premises supervisor. He has now had the opportunity to acquire the currently empty adjoining unit at 139 Kings Road and is seeking to expand his business with a modest extension to the opening hours & licensable activities on his current premises licence at 137A. A copy of the current premises licence, together with a set of OS Street Maps and images to better identify the location are attached at **Appendix 2**.

5.8 The application is seeking the following licensable activity;

Live Music: Wednesday-Sunday 1400hrs-2230hrs

Recorded Music: Monday-Wednesday 1100hrs-2300hrs, Thursday-Saturday 1100hrs-2330hrs

Supply of Alcohol (Both On and off premises): Sunday-Wednesday 1100hrs-2330hrs, Thursday-Saturday 1100hrs-0000hrs

5.9 In addressing the promotion of the four licensing objectives, the applicant has made undertakings within the operating schedule of the application that will be to be attached as the following conditions on any subsequently issued premises licence. Where an undertaking has by agreement been replaced by a condition agreed with a Responsible Authority the originally proposed operating schedule condition has not been included. In this instance, Mr Nathaniel has agreed with Essex Police Licensing Officer, Mr Simon Barnes, to attaching the following Annex 2 conditions 1-5 from his current Peasants' Revolt premises licence (PRM0588 issued to 137A Kings Road in December 2021 see **Appendix 1**), to any new licence should it be granted:

1 The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system that at all times complies with the below requirements

i. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

ii. CCTV cameras shall cover (all public areas including) all entrances and exits and all areas where the sale of alcohol takes place.

iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of (31) days.

iv. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request

- v. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
 - vi. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.
- 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 and clearly legible at all times when the premises conducts licensable activities
- 3 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 and either a holographic mark or ultraviolet feature) & is either a
- I. Proof of age card bearing the PASS Hologram;
 - II. Photocard driving licence;
 - III. Passport or
 - IV. Ministry of Defence Identity Card.
- 4 The premises shall clearly display signs at each point of sale & 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.
- 5 A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.
- All entries must be made as soon as possible & in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.
- The refusals record shall be either electronic or maintained in a bound document & retained for at least 12 months from the date of the last entry.

In clarifying the undertakings being offered in his operating schedule, Mr Nathaniel has since confirmed with the Licensing Office that he is content for all of the conditions attached to his current premises licence to also be attached to any subsequently issued licence so as to effectively address the promotion of all four licensing objectives and not just those falling under those previously agreed with the police under the crime and disorder remit.

Therefore, the following Annex 2 conditions 6-9 from his current Peasants' Revolt premises licence (see **Appendix 1**), shall also be attached to any new licence should it be granted:

- 6 Strong management controls and effective training of all staff so that they are aware of the premises licence requirements and requirements of the licensing objectives and ensuring that all activities and customers using the premises do not cause offence or nuisance to neighbours, passers by, or others using the premises.
- 7 There will be prevention and vigilance in the illegal use and sale of drugs and other illegal items. There will be frequent toilet checks & management circulation.
- 8 Prominent and clear signage will be displayed at the exit requesting customers to respect the needs of surrounding premises and leave quietly.
- 9 Delivery of goods for the operation of the premises will be during the hours of operation to prevent nuisance to nearby neighbours.

The movement of rubbish and waste from the premises will be completed quietly and during hours of operation.

- 5.10 There has been one representation received from a Responsible Authority. Mr Chris Breen makes a representation on behalf of Brentwood Borough Council's Environmental Health team.
- 5.11 Environmental Health Officer, Mr Chris Breen, is mindful that the Peasants Revolt is below & opposite residential properties & the fact that the application seeks to expand into adjacent premises and extend operational hours gives concern with regards to the prevention of public nuisance objective. He contends that opening later into the night, with lower ambient noise levels, the impact of noise from customers outside the premises and noise from the premises itself (including amplified music) is likely to be more significant than under the present opening hours. It is therefore more likely that residents adjoining the premises will be trying to sleep during the operational hours of the premises and there is a greater potential for disturbance. Mr Breen recommends that a noise management plan (considering sources of noise, noise control measures and details of any continual monitoring that may be undertaken) should be incorporated into the Operating Schedule to ensure sufficient controls to prevent public nuisance are met. A noise management policy has since been submitted to the Licensing Office by Mr Nathaniel (**see Appendix 1**) but has yet to be agreed with the Environmental Health Officer. However, Mr Breen has indicated that a suitable noise management policy may allow him to support the application with more confidence. Mr. Breen's representation is attached at **Appendix 3**.
- 5.12 Three representations applications against the application have been received from Other Persons living in Primrose Hill and all make reference to the inclusion of live and recorded music and the ability for it to cause anti-social behaviour and public nuisance in close proximity to residential properties. These representations are attached at **Appendix 4**.

Statement of Licensing Policy

5.13 The following Brentwood Borough Council Statement of Licensing Policy control measures relate to the prevention of public nuisance state:

- 22.1 *Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.*
- 22.2 *The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.*
- 22.5 *Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.*
- 22.6 *When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include-*
- (a) The location of premises & proximity to residential and other noise sensitive premises, such as hospitals, hospices & places of worship*
 - (b) The hours of opening, particularly between 23.00 and 07.00.*
 - (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.*
 - (d) The design and layout of premises and in particular the presence of*
 - (e) The occupancy capacity of the premises.*
 - (f) The availability of public transport.*
 - (g) A 'wind down period' between the end of the licensable activities and closure of the premises.*
 - (h) A last admission time.*

Relevant Sections of the Secretary of State’s Guidance

5.14 The following sections of the guidance may be relevant to this application:

- 8.44 *It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. E.g., premises with close proximity to of the licensing objectives, and where there are no known concerns, acknowledge residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion this in their application.*

