



COMMITTEE TITLE Licensing and Appeals Committee

DATE 30 August 2023

REPORT TITLE:	<i>BLOC 40, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ</i> Application to Review a Premises Licence – Licensing Act 2003
REPORT OF:	Paul Adams – Licensing Manager

1. REPORT SUMMARY

1.1 An application has been received from Mr Simon Barnes, Essex Police Licensing Officer on behalf of the Chief Officer of Police for a review of the premises licence in respect of **BLOC 40, First Floor, 40 High Street, Brentwood CM14 4AJ** following a large-scale disturbance involving large numbers of school aged children that took place within the venue and then spilling outside on the street on Friday 16 June 2023. During the consultation period, representations were also received from Brentwood Council's Environmental Health and Licensing departments as Responsible Authorities and two Other Persons.

2. RECOMMENDATIONS

2.1 The Sub-Committee considers the application for review and any relevant representations and consider what steps are appropriate for the promotion of the licensing objectives in line with the options open to the committee under the Licensing Act 2003.

2.2 The following options are available to the Licensing Sub-Committee:

- i. Do nothing with the licence;
- ii. Modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation or removing a licensable activity from the licence;
- iii. The removal of the designated premises supervisor from the licence;
- iv. To suspend the licence for a period not exceeding three months;
- v. To revoke the licence

3. The Application

- 3.1 On 6 July 2023, an application for a review of the premises licence was received from Mr Simon Barnes, Essex Police Licensing Officer on behalf of the Chief Officer of Police in relation to BLOC 40, First Floor, 40 High Street, Brentwood CM14 4AJ. The premises licence holder is AA Trading Ltd., with the sole director being Mr Ahmet Melin, and the Designated premises Supervisor is Ms Leonora Dunne.
- 3.2 The application relates to a large-scale disturbance involving large numbers of school children that took place within the venue and outside on the street on Friday 16 June 2023. As a result, it is the police contention that all four licensing objectives were undermined. A full copy of the application and supporting materials is attached at **Appendix 1**. As part of the review application, Essex Police are asking the licensing authority to take substantial steps to protect the public going forward and to consider the need for deterrence and to consider what is necessary to promote the objective of crime prevention (in particular), and the needs of the wider community, and not be limited to guidance and remedial action and the needs of the licence-holder. This may involve revocation or suspension of the remises licence.
- 3.3 A copy of the existing premises licence together with a set of OS Street Maps and images to better identify the location are attached at **Appendix 2**.
- 3.4 During the consultation period, two representations were received from Responsible Authorities. Environmental Health Manager, Mr David Carter, and Licensing Officer, Mr Dave Leonard.
- 3.4 Mr Carter's representation is attached as **Appendix 3** and Mr Leonard's representation is attached as **Appendix 4**.
- 3.6 A further representation was received from Other Person's, Dr Sasha Millwood and Mrs Greta Millwood, local residents. A copy of their representation is attached at **Appendix 5**.

SUPPORT ING INFORMATION

4.0 REASONS FOR RECOMMENDATIONS

- 4.1 These are options available to the Sub-Committee under the Licensing Act 2003
- 4.2 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

- 4.3 In determining this application for a review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 4.4 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. Representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
- 4.5 The Sub-Committee are advised that the final decision should be based on the individual merits of the application & findings of fact made at the hearing.
- 4.6 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

5.0 BACKGROUND INFORMATION

- 5.1 Applications for reviews of premises licences can be brought by responsible authorities or any other persons under section 51 Licensing Act 2003 one or more of the four licensing objectives.
- 5.2 The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

Any decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant, the licence holder or a person who made the representation.

Each application must be considered on its own merits and in accordance with the Licensing Authority's statement of licensing policy.

Conditions attached to licences must be tailored to the individual type, location and characteristics of the premises concerned and be appropriate for the promotion of the licensing objectives in an individual case.

7.0 LEGAL IMPLICATIONS

- 7.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.
- 7.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.
- 7.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

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8.0 ENGAGEMENT/CONSULTATION

- 8.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003 and any responses have been included in this report.
- 8.2 Officers from the Licensing Authority have made checks on the display of public notices and are satisfied that these requirements have been met.
- 8.3 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –
- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;
 - (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Brentwood Borough Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

9.0 Statement of Licensing Policy

9.1 The following sections may be relevant to this review:

19.1 Brentwood Borough Council, through its Corporate Strategy is committed to further improving the quality of life for the people of the Borough of Brentwood by continuing to reduce crime and the fear of crime.

19.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Brentwood Borough Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003, as amended, reinforces this duty for local authorities.

19.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. 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 reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

10.0 Relevant Sections of the Secretary of State's Guidance

10.1 Section 11 of the guidance is relevant to reviews.

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APPENDICES

- Appendix A - Appendix 1: Application for review & supporting information
- Appendix B - Appendix 2: Copy of premises licence, OS Street Plans & Images
- Appendix C - Appendix 3: Representations Mr David Carter - Environmental Health
- Appendix D - Appendix 4: Representation Mr Dave Leonard –Licensing Officer
- Appendix E - Appendix 5: Representation from Other Persons
Dr Sasha Millwood & Mrs Greta Millwood