



COMMITTEE TITLE Licensing and Appeals Committee

DATE 21 November 2023

REPORT TITLE:	<i>PINK, 111 HIGH ST, BRENTWOOD CM14 4RX</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 **Pink, 111 High Street, Brentwood CM14 4RX**, the premises having been under investigation regarding apparent failures in the management of the premises & disorder incidents linked to the premises. These issues have undermined the prevention of crime and disorder objective. During the consultation period, a representation was also received from Brentwood Council's Licensing Officer as a responsible authority in support of the Police.

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.**

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

- **Do nothing with the licence;**
- **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;**
- **The removal of the designated premises supervisor from the licence;**
- **To suspend the licence for a period not exceeding three months;**
- **To revoke the licence**

3. The Application

3.1 On 29 September 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 **Pink, 111 High St, Brentwood CM14 4RX**. The premises licence holder & designated premises supervisor is Conor Latham.

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 B**.

- 3.2 Essex Police has concerns relating to issues regarding disorder linked to Pink. On 12 August 2023, 20 August 2023 and 2 September 2023, police were called to deal with alleged incidents of persons fighting in or around the premises and the ineffectual actions of security & failures in management have hindered their ability to conduct a satisfactory investigation. Multiple requests to Mr Latham for information and CCTV records in accordance with conditions attached to his premises licence were either not responded to or were unhelpfully late. It was also later established that, on 20 August, the premises had been operating past its licensable hours. It is the police contention that this culmination of concerns undermines the crime & disorder licensing objective. A copy of the application and supplementary bundle is attached at **Appendix A**.
- 3.3 Essex Police also had concerns regarding the management of the premises prior to these events in respect of a failure to comply with mandatory conditions. All three incidents of reported disorder occurred after midnight and the police are seeking a minimum of the following changes to the premises licence:
- **The deletion of condition 3 of Annex 2 & replacing it with the following:**
“On Friday and Saturdays at least three SIA licensed door supervisors shall be on duty at the premises from 2100hrs whilst the premises is open and for at least 30 minutes after the premises has closed. At all other times the Designated Premises Supervisor shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on the premises, or accessible from the premises, for a period of 3 months.”
 - **The reduction of hours of all licensable activities for Friday & Saturday from 10:00-00:45 to 10:00-00:00 with an equivalent reduction in opening hours.**
- 3.4 As part of the review application, Essex Police are asking the licensing authority to take significant steps to promote the licensing objectives going forward and to consider the need for what is necessary to promote the objective of crime prevention, the needs of the wider community, and not be limited to guidance and remedial action and to the needs of the licence-holder. This may involve a reduction of hours of all licensable activities or a suspension of the licence.

- 3.5 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.
- 3.6 During the consultation period, one additional representation was received from Mr Dave Leonard, Licensing Officer, on behalf of the Licensing Authority as a Responsible Authority. A copy of the officer's representation together with supporting material is attached at **Appendix C**.
- 3.7 No further representations were received from the responsible authorities or Other Persons.

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 and 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
- 5.3 Any decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.
- 5.4 Each application must be considered on its own merits and in accordance with the Licensing Authority's statement of licensing policy.
- 5.5 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.

6.0 ENGAGEMENT/CONSULTATION

- 6.1 application has been consulted on in accordance with the requirements of the Licensing Act 2003 and any responses have been included in this report.
- 6.2 Officers from the Licensing Authority have made checks on the display of the public notices and are satisfied that these requirements have been met.

7.0 Statement of Licensing Policy

- 7.1 There are no specific sections that are directly relevant.

8.0 Relevant Sections of the Secretary of State's Guidance

- 8.1 Section 11 relates to Reviews.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are no direct financial implications arising from this report.

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

10 LEGAL IMPLICATIONS

- 10.1 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.

10.2 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.

10.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

10.4 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.

**Name & Title: Claire Mayhew, Joint Acting Director –
People & Governance & Monitoring Officer**
Tel & Email 01277 312500 / claire.mayhew@brentwood.gov.uk

11.0 EQUALITY IMPLICATIONS

11.1 The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime & Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance & the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

**Name & Title: Kim Anderson, Corporate Manager –
Communities, Leisure and Health**
Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

**REPORT AUTHOR: Name: Paul Adams
Title: Licensing Manager
Phone: 01277 312500
Email: paul.adams@brentwood.gov.uk**

APPENDICES

- Appendix A - Essex Police application for review & supplementary bundle
- Appendix B - Copy of premises licence, OS Street Plans & Images
- Appendix C - Representation from the Responsible Authorities

Mr Dave Leonard – Brentwood Council Licensing Officer

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

LIST OF **APPENDICES**

A. Essex Police - Application for Review & Supplementary Bundle

Mr Simon Barnes – Essex Police Licensing Officer

B. Copy of Premises Licence, OS Street Plans & Images

C. Representation for Responsible Authorities

Mr Dave Leonard – Brentwood Borough Council Licensing Officer