

# Minutes

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## Licensing Sub-Committee Monday, 31st July, 2023

### Attendance

Cllr Mrs N Cuthbert  
Cllr McCheyne

Cllr Mynott

### Apologies

### Substitute Present

### Also Present

### Officers Present

Dave Leonard	- Licensing Officer
Paul Adams	- Licensing Manager
Zoe Borman	- Governance and Member Support Officer
David Carter	- Environmental Health Manager
Sam Haldane	- For and on behalf of the Council Solicitor

### LIVE BROADCAST

[Live stream to start at 7pm and available for repeat viewing.](#)

#### 112. Appointment of Chair

Members **RESOLVED** that Cllr Mynott should Chair the meeting.

#### 113. Administrative Function

Members were respectfully reminded that in determining the matters listed below they were exercising an administrative function with the civil burden of

proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

**114. Application for a Premises Licence - Licensing Act 2003, Yiamas, Ongar Road, Pilgrims Hatch, CM15 9SS**

An application had been received by NFS Essex Ltd. for a new premises licence at Yiamas, Ongar Road, Pilgrims Hatch, CM15 9SS. The premises, formally known as Dusk, has been closed for over a year and the new proprietors are seeking to re-open the premises as a restaurant and bar and provide live and recorded music, performance of dance and the supply of alcohol on premises.

The premises will be open to the public from 1200hrs-0000hrs on Sunday to Thursday and from 1200hrs-0200hrs on Friday and Saturday. Twenty-four (24) relevant representations from thirteen different households had been received together with two further representations from Brentwood Borough Council's Environmental Health team and Essex Police (Licensing) as consulting responsible authorities.

Members were requested to determine the application having regard to the operating schedule, the representations received, the Secretary of State's guidance and Brentwood Borough Council's Statement of Licensing Policy and the four Licensing objectives:

- a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

During the course of the hearing the committee heard from the licensing officer, environmental health, the police and number of objections from local residents.

The Sub-Committee heard from the Applicant and his legal representative who provided a significant amount of detail regarding the business and the manner in which it will be run.

Following paragraph 9.12 of the statutory guidance, licensing authorities must consider all representations from responsible authorities carefully and the Sub-Committee did so.

The Sub-Committee also acknowledges that the applicant has engaged in constructive communications with those who have raised concerns. This indicates that the applicant is likely to act reasonably in dealing with any concerns, however, if there are justified concerns in the future then the licence may be reviewed.

The Sub-Committee **RESOLVED** to grant a premises license with the conditions agreed with Environmental Health and the Police.

The Committee further **RESOLVED** to grant Licensable activities as follows:

Friday and Saturday Licensable Activities to finish at 00:00 and close of premises at 00:30

Sunday to Thursday Licensable Activities to finish at 23:30 and close of premises at 00:00

The Al Fresco area will close at 22:00 seven days a week.

If extension to hours is sought for special occasions such as bank holidays an application for a Temporary Event Notice can be made.

In making its decision the Sub-Committee considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance,

Please note that any licence is always subject to review if circumstances require it.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.