

Minutes

Licensing Sub-Committee Wednesday, 2nd August, 2023

Attendance

Cllr Mrs Francois
Cllr Munden

Cllr M Cuthbert

Apologies

Substitute Present

Also Present

Officers Present

Dave Leonard	- Licensing Officer
Zoe Borman	- Governance and Member Support Officer
David Carter	- Environmental Health Manager
Allan Wright	- Environmental Health Officer

LIVE BROADCAST

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

115. Appointment of Chair

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

116. 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.

117. Application to Vary a Premises Licence - Licensing Act 2003 The Lounge Wine Bar, Clifton House, 40 High Street, Ingatestone CM4 9EE

An application had been received from Mr Michael Bell, director of The Wine Lounge Ltd., to vary the premises licence at The Lounge Wine Bar, Clifton House, 40 High Street, Ingatestone CM4 9EE. The Licensing Office had received representations against the application from Brentwood Council's Environmental Health Officer and Essex Police's Licensing Officer as consulting responsible authorities. Fifteen Other Persons from ten households, together with a representative from the Ingatestone & Fryerning Parish Council, had also made representations opposing the application whilst a further thirteen valid representations had been received in support of the application.

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 a number of objections from local residents and also residents in support of the application.

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. They also heard a number of additional proposed conditions by the applicant.

The Sub-Committee made it clear that they considered this application in accordance with the licensing objectives and disregarded information that was not relevant to that.

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 variation to the premises license with the conditions agreed with Environmental Health and the Police.

The Committee further resolved to grant the following conditions:

External Area to the rear to be cleared of Patrons by 2000 Sunday to Thursday

External Area to the rear to be cleared of Patrons by 2100 Friday and Saturday this will include bank holidays.

Late night refreshment is not included in this license.

To increase the sale of alcohol by one hour to 2200hrs Sunday – Wednesday and 2300 Thursday-Saturday.

Windows and doors must be shut after 1800hrs and remain closed.

The committee resolved to grant the amendments regarding further hours as per the initial application.

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.