

Minutes

Licensing Sub-Committee Tuesday, 21st November, 2023

Attendance

Cllr Gorton
Cllr Murphy

Cllr M Cuthbert

Apologies

Substitute Present

Also Present

Officers Present

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

235. Appointment of Chair

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

236. Administrative Function

Members were respectfully reminded that, in determining the matter listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.

237. Application to Review a Premises Licence - Licensing Act 2003 - PINK, 111 HIGH ST, BRENTWOOD CM14 4RX

An application had 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 licence holder and designated premises supervisor is Conor Latham.

The premises have been under investigation regarding apparent failures in the management of the premises and disorder incidents linked to the premises. These issues have undermined the prevention of crime and disorder objective.

During the consultation period, a representation had also been received from Brentwood Council's Licensing Officer, Mr David Leonard, as a responsible authority in support of the Police.

During the course of the hearing the committee heard from the licensing officer and the police in regard to their concerns with the current premises and the proposed conditions that were being put forward to alleviate concerns they had.

The Sub-Committee heard from the respondent, Mr Latham, regarding the business and the manner in which it had been run and the proposals in which the business will be run moving forward including a new designated premises supervisor.

In making its decision, the Sub-Committee has taken into account all of the papers in the reports pack, and the evidence and submissions made by the parties at the hearing. It has also taken into account the Council's statement of licensing policy, the Home Office's statutory guidance and the sub-committee's local knowledge of the area surrounding the Premises.

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 acknowledged that the respondent has engaged in constructive communications with those who have raised concerns, albeit that has been somewhat sporadic. This indicates that the respondent is likely to act reasonably in dealing with any concerns. However, if there are justified concerns in the future then the licence may be subject to further review.

The Sub-Committee resolved to modify the premises license with the addition of the conditions agreed with the Licensing Authority and the Police, namely:

1. The Deletion of condition 3 of Annex 2 & replacing it with the following '*On Friday and Saturday 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 Supervisors shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on he premises or accessible from the premises for a period of 3 months.'

2. The reduction of hours of all licensable activities for Friday and Saturday from 10:00-00:45 to 10:00-00:00 with an equivalent reduction in opening hours.

The Sub-Committee reminded Mr Latham of his obligations in regard to the CCTV and the importance of having this working and in place as per Annex 2, condition 1.6

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

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

All parties have the right of appeal to the Magistrates' Court within 21 days of receiving notice of the decision.