

Minutes

Licensing Committee 26 March 2014

Membership/Attendance

- | | |
|-------------------------------|------------------|
| * Cllr McCheyne (Chair) | * Cllr Keeble |
| * Cllr Dr Naylor (Vice-Chair) | * Cllr Morrissey |
| Cllr Mrs Beeston | * Cllr Mynott |
| * Cllr Braid | * Cllr Quirk |
| * Cllr Chilvers | Cllr Russell |
| * Cllr Clarke | * Cllr Sleep |
| * Cllr Mrs Cohen | * Cllr Tee |
| * Cllr Mrs Henwood | |

*present

Substitute Present

Cllr Kerlake (for Cllr Mrs Beeston)
Cllr Parker (for Cllr Tee)

Also Present

Cllr Le-Surf
Cllr Lloyd

Officers Present

Ashley Culverwell – Head of Borough, Health, Safety and Localism
Gary O’Shea – Principal Licensing Officer
Chris Pickering – Principal Solicitor
Leanna McPherson – Governance and Member Support Officer

414. Apologies for Absence

Apologies for absence were received from Cllr Mrs Beeston, Cllr Russell and Cllr Tee.

415. Minutes of the Licensing Committee meeting held on 14 January 2014

The minutes of the meeting held on 14 January 2014 were approved and signed by the Chairman as a correct record.

416. Hackney Carriage and Private Hire Fees and Charges for 2014/15

This report was before Members to advise of a response that had been received to the advertised proposed fees and charges for 2014/15.

The response that had been received did not affect the setting of fees which were now in force in accordance with the provisions of law. However, Members were asked to note the content of the response relating to various licence procedures as outlined in the report before them.

It was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Parker to approve the recommendations as set out in the report.

RESOLVED that Members note that

- i) as no objections were received in respect of the proposed alterations, the fees for the grant of a Private Hire Operators licence came fully into force on 13 March 2014 as advertised; and
- ii) note the objection raised by A2Z licensing over the process employed by the Council in relation to the 'replacement' of a vehicle during the currency of a vehicle licence.

(Cllr Quirk declared a non pecuniary interest under the Councils Code of Conduct by virtue of knowing the owners of Treble Twenty Taxis)

Minutes

Licensing/Appeals Sub-Committee Friday, 22nd August, 2014

Attendance

Cllr Reed (Chair)
Cllr Mrs Murphy
Cllr Newberry

Officers Present

Dave Leonard	Licensing Officer
Gary O'Shea	Principal Licensing Officer
Chris Pickering	Principal Solicitor
Jean Sharp	Governance and Member Support Officer

111. Appointment of Chair

RESOLVED to appoint Cllr Reed to chair this meeting of the Sub-Committee.

112. Quasi-Judicial Function

Members were respectfully reminded that, in determining the matter listed under Minute 114, they were exercising a quasi-judicial function with the civil burden of proof, that the matter would be determined on the facts before the Sub-Committee and the rules of natural justice applied.

113. Application for a Premises License - Licensing Act 2003

The Licensing Act 2003 established a single integrated scheme for licensing premises used for the supply of alcohol, regulated entertainment or provision of late night refreshment.

The purpose of the licensing system was the promotion of four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

The Sub-Committee took those objectives into account in determining the matters before it, together with the following:

- Guidance Notes on the Conduct of Hearings before the Licensing/Appeals Committee
- Brentwood Borough Council's Statement of Licensing Policy
- The statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

114. NTK Foodstore, 72-74 Ongar Road, Brentwood, CM15 9AX.

An application for a new Premises License had been received in respect of NTK Foodstore, 72-74 Ongar Road, Brentwood, CM15 9AX and was before the Sub-Committee as representation had been received from an interested party relating to the prevention of crime and disorder, also from a Member expressing concern regarding the time alcohol would be on sale but this was withdrawn in view of the conditions proposed by the Essex Police Licensing Officer and accepted by the applicant.

The Sub-Committee had before them the details of the application which was for this minimarket to be able to sell alcohol for consumption off the premises for the following hours;

- 08:00hrs-23:00hrs on Monday to Thursday and
- 08:00hrs-00:00hrs on Friday to Sunday

The Committee was addressed by the Council's Licensing Officer who introduced the application. Members' attention was drawn to the relevant paragraphs of the Council's Licensing Policy and Statutory Guidance.

The Sub-committee was addressed by the applicant's representative Mr Aydemir who spoke in support of the application and addressed the concerns of the objector which were included in the agenda.

No representations had been received from any of the Responsible Authorities but the Police observations and agreed conditions were before the Sub-Committee. Members were advised that the applicant had consented to operate with the conditions proposed by the Essex Police Licensing Officer

and had stated that training programmes were in place and that training records would be retained.

The Sub-Committee had the opportunity to ask questions of the applicant's representative and considered at length the submissions from all parties. Members were satisfied that the conditions listed in the report at paragraphs 5.2 and 5.3 on page 9 of the agenda were sufficient for the promotion of the licensing objectives and therefore RESOLVED to grant the application as applied for (subject to the points at paragraphs 5.2 and 5.3 being conditions on the licence).
