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Chief Executive

AGENDA

Committee:	LICENSING SUB-COMMITTEE
Date and Time:	Monday 24th June 2019 at 10am.
Venue:	Council Chamber
Membership:	Councillors Egan, MacLean and Palmer
Officers attending:	Mel Harris - Head of Licensing & Safer Communities Andrew Smith – Corporate Legal Adviser
Committee Enquiries:	Cheryl Salmon, Ext. No. 2454

PART I

(Business to be taken in public)

- 1. Appointment of Chairman**
- 2. Procedure for the Sub-Committee (as attached)**
- 3. Application to vary a Premises Licence under Section 34 of the Licensing Act 2003 made by Bread and Cheese Public House, 520 London Road, Benfleet, Essex, SS7 1AA**

The report of the Head of Licensing and Safer Communities is attached.

- 4. Decision**
- 5. Appeal against refusal to grant a Private Hire Driver's Licence – Applicant ABC**

The report of the Head of Licensing and Safer Communities is attached.

- 6. Decision**

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LICENSING SUB COMMITTEE

24th June 2019

Subject: Application to vary a Premises Licence under Section 34 of the Licensing Act 2003 made by Bread and Cheese Public House, 520 London Road, Benfleet, Essex, SS7 1AA

Report of: Head of Licensing and Safer Communities – Mrs Melanie Harris

1. Purpose of Report

To consider an application to vary a premises licence for the Bread and Cheese Public House, 520 London Road, Benfleet, Essex, SS7 1AA.

2. Background

2.1 The application has been submitted to all the Relevant Responsible Authorities:

- Licensing Department
- Essex Police
- Essex County Fire & Rescue Service
- Planning Services
- Environmental Health Service
- The Health & Safety Executive
- Children's Safeguarding Service (Essex County Council)
- Essex Trading Standards
- Director of Public Health (Essex County Council)

2.2 Details of the application were also advertised on the Council's website and blue notices were displayed on lampposts near to the premises.

3. Application

The application is for the following provisions:

Current Licensable Activity Times	Variation Proposed
B. Exhibition of Films (Indoors and Outdoors) – not currently licensed	New - Exhibition of films (Indoors and outdoors) Mon – Sun 11:00 – 23:00

E. Performance of Live Music (Garden) Currently Mon – Sun 11:00 – 18:00	Extend hours to Mon – Sat 11:00 – Midnight Sun - 11:00 – 23:00
F. Playing of Recorded Music (Garden) Mon – Sun 11:00 – 18:00	Extend hours to Mon – Sat 11:00 – Midnight Sun - 11:00 – 23:00
G. Performance of Dance (Garden) Mon – Sun 11:00 – 18:00	Extend hours to Mon – Sat 11:00 – Midnight Sun - 11:00 – 23:00
H. Anything of a similar description to that falling with E.F or G) (Garden) Mon – Sun 11:00 – 18:00	New extend hours to Mon – Sat 11:00 – Midnight Sun - 11:00 – 23:00
I. Provision of Facilities for Making Music (Garden) Mon – Sun 11:00 – 18:00	Extend hours to Mon – Sat 11:00 – Midnight Sun - 11:00 – 23:00
J. Provision of Facilities for Dancing (Garden) Mon – Sun 11:00 – 18:00	Extend hours to Mon – Sat 11:00 – Midnight Sun - 11:00 – 23:00
M. The Sale by Retail of Alcohol for Consumption ON and OFF The Premises (Garden) Mon – Sun 11:00 – 18:00	Extend hours to Mon – Sat 11:00– Midnight Sun - 11:00 – 23:00
The Opening Hours of the Premises Mon – Thurs 11:00 – 23:30 Fri – Sat 11:00 – 01:00 Sun 11:00 – 23:00 Bank Holiday 12:00 – 00:30 Christmas Day 11:00 – 00:30 Boxing Day 11:00 – 00:30 New Years Eve 11:00 – 03:30	Extend garden opening hours to Mon – Sat 11:00 – Midnight Sun - 11:00 – 23:00

A copy of the application and premises licence are attached at Appendix 1 of the report

A copy of the blue notice is attached at Appendix 2 of the report

4. Representations

One representation was received from the Responsible Authorities:

- Environmental Health

Representations have also been received from 11 interested parties (persons living in the vicinity) within the consultation period:

Copies of the representations are attached at Appendix 3 of the report

5. Statement of Licensing Policy

The following extracts from the Council's Policy are brought to the general attention of the Sub-Committee.

“1.19 When considering applications, the Council will have regard to:-

- the Licensing Act 2003 and the licensing objectives,
- Government guidance issued under Section 182 of the Licensing Act 2003,
- any supporting regulations
- this Statement of Licensing Policy

1.20 This does not however undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

1.21 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and to reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of night-time economies that are important for investment, employment and tourism.

1.22 When determining applications before a Licensing Sub-Committee, the authority will seek to balance those factors against their duty to promote the four licensing objectives and the rights of residents to peace and quiet.”

An extract of the Statement of Licensing Policy is attached at Appendix 4 of the report

6. Licensing Objectives

Licensing objectives which could potentially be breached:

Prevention of Crime and Disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

7. Options

The Sub-Committee is advised that it has the following options when determining this application.

- (i) Grant the application on the terms and conditions applied for as set out in Appendix 1.
- (ii) Grant the application on the terms and conditions applied for including the additional conditions as agreed by the applicant and Essex Police or modified to such extent as considered necessary for the promotion of the Licensing Objectives.
- (iii) Reject the application

Recommendation

The decision of the Sub Committee is required following proper consideration of the application and any representations made to the Sub Committee.

Resolution Required.

Appendices

Appendix 1 – Application & Copy of Premises Licence
Appendix 2 - Blue notice
Appendix 3 - Representations
Appendix 4 - Extract of the Statement of Licensing Policy

Background Papers:

Application file held by the Licensing Authority
Licensing Act 2003
Castle Point Borough Council Statement of Licensing Policy

APPENDIX 1

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We KATE SIMMONS ON BEHALF OF SIMMONS LEISURE LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number CPBC/LU/366
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
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520 LONDON ROAD BENFLEET ESSEX			
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Post town	BENFLEET	Postcode	SS71AA
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Telephone number at premises (if any)	01268 753402.
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Non-domestic rateable value of premises	
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Part 2 – Applicant details

Daytime contact telephone number	07979187558		
E-mail address (optional)	KATESIMMONS@BREADANDCHEESE PUB.COM		
Current postal address if different from premises address	520 LONDON ROAD		
Post town	BENFLEET	Postcode	SS71AA

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

TO EXTEND ALL OF THE LICENSABLE ACTIVITIES ON THE GARDEN LICENCE.
TO ADD A LICENSABLE ACTIVITY TO BOTH OUR INDOORS AND OUTDOORS
LICENCE
TO ADD FILMS THIS WILL ENABLE US TO SHOW FILMS.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☒
- c) indoor sporting events (if ticking yes, fill in box C) ☒
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☒

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u> <p style="text-align: center;">N/A PLEASE SEE ATTACHED ORIGINAL OPERATING SCHEDULE</p>		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 6)</u> <p style="text-align: center;">N/A</p>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00	<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Thur	11:00	23:00	TO SHOW A FILM ON A LARGE SCREEN OUTSIDE DURING THE SUMMER MONTHS MON-SUN 11:00 – 23:00HRS		
Fri	11:00	23:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat	11:00	23:00			
Sun	11:00	23:00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<p><u>Please give further details (please read guidance note 5)</u></p> <p>N/A</p> <p>PLEASE SEE ATTACHED ORIGINAL OPERATING SCHEDULE</p>
Day	Start	Finish	
Mon			
Tue			<p><u>State any seasonal variations for indoor sporting events (please read guidance note 6)</u></p> <p>N/A</p>
Wed			
Thur			<p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)</u></p>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			
			<u>Please give further details here (please read guidance note 5)</u> N/A PLEASE SEE ATTACHED ORIGINAL OPERATING SCHEDULE
Tue			
			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u> N/A
Wed			
			N/A
Thur			
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u> N/A
Fri			
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) TO EXTEND THE HOURS FOR LIVE MUSIC IN THE GARDEN MON-SAT 11:00 – MIDNIGHT SUNDAY 11:00 – 23:00HRS		
Mon	11:00	00:00			
Tue	11:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	11:00	00:00			
Thur	11:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	11:00	00:00			
			TO EXTEND THE HOURS FOR RECORDED MUSIC IN THE GARDEN MON-SAT 11:00 – MIDNIGHT SUNDAY 11:00 – 23:00HRS		
Tue	11:00	00:00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed	11:00	00:00			
Thur	11:00	00:00			
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	23:00			

6

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 5) N/A PLEASE SEE ATTACHED ORIGINAL OPERATING SCHEDULE			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 6) N/A			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7) N/A			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing PRIVATE FUNCTIONS IN THE GARDEN		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon	11:00	00:00		Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	00:00	<u>Please give further details here</u> (please read guidance note 5)		
Wed	11:00	00:00			
Thur	11:00	00:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri	11:00	00:00	TO EXTEND ALL OF THE LICENSABLE ACTIVITIES OF OUR GARDEN LICENCE.		
Sat	11:00	00:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun	11:00	23:00			

(L)

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 5) <div style="text-align: center;">N/A</div> PLEASE SEE ATTACHED ORIGINAL OPERATING SCHEDULE			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) <div style="text-align: center;">N/A</div>			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)			
Sat						
Sun			<div style="text-align: center;">N/A</div>			

Supply of alcohol Standard days and timings (please read guidance note 2)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
			GARDEN ONLY	Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)					
Mon	11:00	00:00						
Tue	11:00	00:00	TO EXTEND THE HOURS OF THE SUPPLY OF ALCOHOL IN THE GARDEN MON-SAT 11:00 – MIDNIGHT SUNDAY 11:00 – 23:00HRS					
Wed	11:00	00:00						
Thur	11:00	00:00				<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	00:00						
Sat	11:00	00:00						
Sun	11:00	23:00						

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<p><u>State any seasonal variations</u> (please read guidance note 6)</p> <p>N/A</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>N/A</p>
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

CCTV OPERATES 24HRS AND COVERS ALL OF THE PREMISES. RECORDINGS ARE STORED FOR 28DAYS.
FOR ANY BIG EVENTS IN THE GARDEN WE WILL HAVE SIA DOOR SUPERVISORS TO CONTROL CAPACITY AND MONITOR CUSTOMERS.

c) Public safety

WHEN HOLDING BIG EVENTS IN THE GARDEN WE USE PLASTIC GLASSES AND EMPLOY SIA DOOR SUPERVISORS THIS ALLOWS US TO CONTROL CAPACITY, TO ENSURE GLASSWARE ISNT TAKEN OFF THE PREMISE AT CERTAIN TIMES, CHECKING ID'S AND TO MAKE SURE THAT THE CUSTOMERS LEAVE QUIETLY AND SAFELY.

d) The prevention of public nuisance

WE HAVE VISIBLE SINGNAGE AROUND THE PREMISES ASKING OUR CUSTOMERS TO LEAVE QUIETLY AND TO RESPECT OUR NEIGHBOURS.
FOR EVERY LIVE EVENT WE MONITOR THE SOUND LEVELS FROM 4 POINTS OF THE PREMISES TO ENSURE THAT WE ARE NOT DISTURBING OUR NEIGHBOURS.
WE PROVIDE TAXI NUMBERS AND CONTACT THEM FOR CUSTOMERS TO PREVENT LOITERING.

e) The protection of children from harm

CHALLENGE 25 SCHEME IS OPERATED INDOORS AND OUTDOORS AND ALL ID'S ARE CHECKED UNDER UV LAMPS.
ALL THE STAFF ARE TRANED TO ENSURE CHILDREN UNDER THE AGE OF 18 ARE TO BE ACCOMPANIED BY A RESPONSIBLE ADULT AT ALL TIMES AND THERE ARE VISIBLE SIGNS STATING NO CHILDREN OR MINORS ON THE PREMISES AFTER 9PM.

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	2 nd APRIL 2019
Capacity	DIRECTOR AND MANAGER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	2 ND APRIL 2019
Capacity	DIRECTOR AND MANAGER

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

520 LONDON ROAD
BENFLEET
ESSEX

Post town	BENFLEET	Post code	SS71AA
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Telephone number (if any)	07979187558
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) katesimmons@breadandcheesepub.com	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in 070community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- **Recorded Music:** no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - **Dance:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - **Cross activity exemptions:** no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not

exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

LOCAL AUTHORITY



Licensing Department
 Castle Point Borough Council
 Council Offices, Kiln Road,
 Thundersley, Benfleet,
 Essex SS7 1TF
 Tel: 01268 882200

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

BREAD AND CHEESE

520 LONDON ROAD, BENFLEET, ESSEX, SS7 1AA.

Telephone 01268 753402 or 07979 187558 (Kate)

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday Garden	11:00am	6:00pm
	Sunday Indoors	11:00am	11:00pm
	Bank Holiday Indoors	8:00pm	11:00pm
	Christmas Eve Indoors	8:00pm	Midnight
	Monday to Thursday Indoors	11:00am	11:30pm
	Friday and Saturday Indoors	11:00am	1:00am
	Boxing Day Indoors	8:00pm	Midnight

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors) continued ...			
	New Years Eve Indoors	8:00pm	2:00am
F. Playing of recorded music (Indoors & Outdoors)			
	Monday to Sunday Garden	11:00am	8:00pm
	Sunday Indoors	11:00am	11:00pm
	Bank Holiday Indoors	8:00pm	11:00pm
	Christmas Eve Indoors	8:00pm	Midnight
	Monday to Thursday Indoors	11:00am	11:30pm
	Friday and Saturday Indoors	11:00am	1:00am
	Boxing Day Indoors	8:00pm	Midnight
	New Years Eve Indoors	8:00pm	2:00am
G. Performance of dance (Indoors & Outdoors)			
	Monday to Sunday Garden	11:00am	6:00pm
	Sunday Indoors	11:00am	11:00pm
	Bank Holiday Indoors	8:00pm	11:00pm
	Christmas Eve Indoors	8:00pm	Midnight
	Monday to Thursday Indoors	11:00am	11:30pm
	Friday and Saturday Indoors	11:00am	1:00am
	Boxing Day Indoors	8:00pm	Midnight
	New Years Eve Indoors	8:00pm	2:00am
I. Provision of facilities for making music (Indoors & Outdoors)			
	Monday to Sunday Garden	11:00am	6:00pm
	Sunday Indoors	11:00am	11:00pm
	Bank Holiday Indoors	8:00pm	11:00pm
	Christmas Eve Indoors	8:00pm	Midnight
	Monday to Thursday Indoors	11:00am	11:30pm
	Friday and Saturday Indoors	11:00am	1:00am
	Boxing Day Indoors	8:00pm	Midnight
	New Years Eve	8:00pm	2:00am



THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors & Outdoors) continued ...			
	Indoors		
J. Provision of facilities for dancing (Indoors & Outdoors)			
	Monday to Sunday	11:00am	6:00pm
	Garden		
	Sunday	11:00am	11:00pm
	Indoors		
	Bank Holiday	8:00pm	11:00pm
	Indoors		
	Christmas Eve	8:00pm	Midnight
	Indoors		
	Monday to Thursday	11:00am	11:30pm
	Indoors		
	Friday and Saturday	11:00am	1:00am
	Indoors		
	Boxing Day	8:00pm	Midnight
	Indoors		
	New Years Eve	8:00pm	2:00am
	Indoors		
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)			
	Friday and Saturday	11:00am	1:00am
	Thursday	8:00pm	11:00pm
	Christmas Eve	8:00pm	Midnight
	Boxing Day	8:00pm	Midnight
	New Years Eve	8:00pm	2:00am
	Bank Holiday	8:00pm	11:00pm
L. Late night refreshment (Indoors)			
	Monday to Thursday	11:00pm	11:30pm
	Friday and Saturday	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises			
	Monday to Thursday	11:00am	11:00pm
	Bank Holiday	Noon	Midnight
	Monday to Sunday	11:00am	6:00pm
	Garden		
	Friday and Saturday	11:00am	12:30am
	Sunday	11:00am	11:00pm
	Christmas Eve	11:00am	Midnight
	Boxing Day	11:00am	Midnight
	New Years Eve	11:00am	3:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	11:00am	11:30pm
Friday and Saturday	11:00am	1:00am
Sunday	11:00am	11:00pm
Bank Holiday	Noon	12:30am
Christmas Day	11:00am	12:30am
Boxing Day	11:00am	12:30am
New Years Eve	11:00am	3:30am



WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises



Premises Licence

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

SIMMONS LEISURE [Cafe Simmo](#)

BREAD AND CHEESE PH, 520 LONDON ROAD, BENFLEET, ESSEX, SS7 1AA.

Telephone 01268 753402 or 07979 187558

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

SIMMONS LEISURE LTD

9309173

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE
AUTHORISES THE SUPPLY OF ALCOHOL

KATIE SIMMONS

296 THUNDERSLEY PARK ROAD, BENFLEET, ESSEX, SS7 1AH.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. CP/PL0774

Issued by Castle Point



ANNEXES

ANNEX 1 - MANDATORY CONDITIONS**MANDATORY LICENSING CONDITIONS**

NO SALE OF ALCOHOL MAY BE MADE UNDER THE PREMISES LICENCE:

A) AT A TIME WHEN THERE IS NO DESIGNATED PREMISES SUPERVISOR IN RESPECT OF THE PREMISES LICENCE; OR

B) AT A TIME WHEN THE DESIGNATED PREMISES SUPERVISOR DOES NOT HOLD A PERSONAL LICENCE OR HIS PERSONAL LICENCE IS SUSPENDED.

EVERY SUPPLY OF ALCOHOL UNDER THE PREMISES LICENCE MUST BE MADE OR AUTHORISED BY A PERSON WHO HOLDS A PERSONAL LICENCE.

MANDATORY LICENSING CONDITIONS

1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or



ANNEXES, continued ...

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2). The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off

ANNEXES continued ...

the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence
or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b)

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on day ("the first day") would be different from the permitted price on the next day ("the second



ANNEXES continued ...

day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the Licensing plans regulations is indicative only and subject to change at any time.

PREVENTION OF CRIME AND DISORDER

- The licensee shall ensure that an effective Closed Circuit Television (CCTV) surveillance system that records in real time covering licensable areas all exits/areas front forecourt grounds, and any areas where the public have access shall be maintained. Recording shall be retained for thirty days A member of staff will always be on duty that is able.
- A suitably worded sign of sufficient size and clarity shall be displayed at the point of entry to the premises, and in a suitable location at the point of sale, advising customers that CCTV is operating in the premises.
- **The DPS shall be responsible for ensuring that staff complete challenge 25 training and training in relation to the licensing law including the sale of alcohol to people who are drunk before making any sales of alcohol.**
- Written records of staff training shall be retained on the premises and made available to the Police/Licensing Authority upon reasonable request.
- An incident book shall be retained on the premises to record all incidents. The book shall be made available to the Police/Licensing Authority upon reasonable request.
- A refusals book shall be retained behind each bar on the premises to record refusals of

ANNEXES continued ...

sales of alcohol. The book shall be made available to the Police/Licensing Authority upon reasonable request.

- The premises licence holder will risk assess the need for SIA door supervisors at the premises and/or employ such door supervisors at such time and in such numbers as deemed necessary by the risk assessment and/or at any other times the Police (Inspector or above) request. Where door staff are utilised at the premises, the Licensee shall

ensure that a proper record is kept to show full details of all door staff on duty.

- The Car Park and rear garden area will be well lit at all times when licensable activities are taking place.
- The licensee shall within three months from the date of the grant create a scheme of written policies in agreement with police which will include:

Dispersal Policy

Drugs Policy to include regular toilet checks.

Noise Policy

Glassware Risk Assessment - The Licensee shall undertake (and from time to time review) an assessment of the risks to persons arising from the use of glass drinking vessels (not including drinks served in bottles) as potential weapons. Where an assessment shows a significant risk, the licensee shall ensure that only non-glass drinking vessels are used.

Scoring Matrix - The licensee shall formulate and comply with a policy document governing use of the venue for functions at the premises. The policy document shall specify how the licensed area will be used and shall make provision for required documentation to be created in relation to any event to specifically include, but not be limited to:-

- A Scoring Matrix to assess risk.
- Measures implemented in response to the Scoring Matrix
- The circumstances in which there will be notification of the function to the Licensing Authority and Police.
- The content of such notification.
- The retention period of required documentation (subject to a minimum of 12 months).
- The provision of required documentation to the Police and Licensing Authority upon request.
- The management of functions predominantly for persons under 18 years of age.

PUBLIC SAFETY

Staff will be trained in all legislation relevant to their job role.

PREVENTION OF PUBLIC NUISANCE

ANNEXES continued ...

Notices will be displayed asking customers to leave the premises quietly and respect neighbours.

Doors and windows will remain closed (except for access to and egress from the premises) after 22:00hrs during any regulated entertainment.

PROTECTION OF CHILDREN FROM HARM

Children will be accompanied by an adult.

The Challenge 25 scheme shall be adopted at the premises, whereby anyone who appears to be under the age of 25 shall be asked for identification to prove that they are over 18 years old. The only acceptable forms of ID are passports, UK photocard driving licences and "PASS" logo accredited proof of age cards.

A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the Licensing plans regulations is indicative only and subject to change at any time.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Hearing 19/8/2016

- 1) Essex Police conditions added at Annex 2 as requested.
- 2) Garden area to be restricted to permitted activities during the hours of 11am to 6pm as below:
 - Sale of alcohol
 - Performance of live music
 - Playing of recorded music
 - Performance of dance

Designated Licensing Officer



Premises Licence Summary

LOCAL AUTHORITY



Licensing Department
Castle Point Borough Council
 Council Offices, Kiln Road,
 Thundersley, Benfleet,
 Essex SS7 1TF
 Tel: 01268 882200

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

BREAD AND CHEESE

520 LONDON ROAD, BENFLEET, ESSEX, SS7 1AA.

Telephone 01268 753402 or 07979 187558 (Kate)

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday Garden Garden	11:00am	6:00pm
	Sunday Indoors	11:00am	11:00pm
	Bank Holiday Indoors	8:00pm	11:00pm
	Christmas Eve Indoors	8:00pm	Midnight
	Monday to Thursday Indoors	11:00am	11:30pm
	Friday and Saturday Indoors	11:00am	1:00am
	Boxing Day Indoors	8:00pm	Midnight
	New Years Eve Indoors	8:00pm	2:00am



Premises Licence Summary

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday Garden	11:00am	8:00pm
	Sunday Indoors	11:00am	11:00pm
	Bank Holiday Indoors	8:00pm	11:00pm
	Christmas Eve Indoors	8:00pm	Midnight
	Monday to Thursday Indoors	11:00am	11:30pm
	Friday and Saturday Indoors	11:00am	1:00am
	Boxing Day Indoors	8:00pm	Midnight
	New Years Eve Indoors	8:00pm	2:00am
G. Performance of dance (Indoors & Outdoors)	Monday to Sunday Garden	11:00am	6:00pm
	Sunday Indoors	11:00am	11:00pm
	Bank Holiday Indoors	8:00pm	11:00pm
	Christmas Eve Indoors	8:00pm	Midnight
	Monday to Thursday Indoors	11:00am	11:30pm
	Friday and Saturday Indoors	11:00am	1:00am
	Boxing Day Indoors	8:00pm	Midnight
	New Years Eve Indoors	8:00pm	2:00am
I. Provision of facilities for making music (Indoors & Outdoors)	Monday to Sunday Garden	11:00am	6:00pm
	Sunday Indoors	11:00am	11:00pm
	Bank Holiday Indoors	8:00pm	11:00pm
	Christmas Eve Indoors	8:00pm	Midnight
	Monday to Thursday Indoors	11:00am	11:30pm
	Friday and Saturday Indoors	11:00am	1:00am
	Boxing Day Indoors	8:00pm	Midnight
	New Years Eve Indoors	8:00pm	2:00am
J. Provision of facilities for dancing (Indoors & Outdoors)	Monday to Sunday	11:00am	6:00pm



Premises Licence Summary

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued

Activity (and Area if applicable)	Description	Time From	Time To
J. Provision of facilities for dancing (Indoors & Outdoors) continued ...			
	Garden		
	Sunday	11:00am	11:00pm
	Indoors		
	Bank Holiday	8:00pm	11:00pm
	Indoors		
	Christmas Eve	8:00pm	Midnight
	Indoors		
	Monday to Thursday	11:00am	11:30pm
	Indoors		
	Friday and Saturday	11:00am	1:00am
	Indoors		
	Boxing Day	8:00pm	Midnight
	Indoors		
	New Years Eve	8:00pm	2:00am
	Indoors		
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)			
	Friday and Saturday	11:00am	1:00am
	Thursday	8:00pm	11:00pm
	Christmas Eve	8:00pm	Midnight
	Boxing Day	8:00pm	Midnight
	New Years Eve	8:00pm	2:00am
	Bank Holiday	8:00pm	11:00pm
L. Late night refreshment (Indoors)			
	Monday to Thursday	11:00pm	11:30pm
	Friday and Saturday	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises			
	Monday to Thursday	11:00am	11:00pm
	Bank Holiday	Noon	Midnight
	Monday to Sunday	11:00am	6:00pm
	Garden		
	Friday and Saturday	11:00am	12:30am
	Sunday	11:00am	11:00pm
	Christmas Eve	11:00am	Midnight
	Boxing Day	11:00am	Midnight
	New Years Eve	11:00am	3:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	11:00am	11:30pm
Friday and Saturday	11:00am	1:00am
Sunday	11:00am	11:00pm
Bank Holiday	Noon	12:30am
Christmas Day	11:00am	12:30am
Boxing Day	11:00am	12:30am
New Years Eve	11:00am	3:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Premises Licence Summary

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

SIMMONS LEISURE LTD

BREAD AND CHEESE PH, 520 LONDON ROAD, BENFLEET, ESSEX, SS7 1AA.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

SIMMONS LEISURE LTD

9309173

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

KATIE SIMMONS

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

CHILDREN ARE NOT RESTRICTED OR PROHIBITED FROM ACCESS TO THE PREMISES

Designated Licensing Officer

APPENDIX 2

LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION

APPLICATION FOR A VARIATION OF A PREMISES LICENCE / CLUB PREMISES CERTIFICATE *

(under Sections 34 or 84 of the Act)

* delete as appropriate

Name of Applicant or Club	KATE SIMMONS BREAD & CHESSE PUBLIC HOUSE
Postal address of premises or club premises including Postcode (where possible) or a description to enable the location to be identified.	520 LONDON ROAD BENFLEET ESSEX SS71AA
Briefly describe the proposed variation from the existing Licence or Certificate.	
<p>To extend all of our licensable activities on the garden licence. To add the licensable activity to show films to the premises licence indoors and outdoors.</p> <p>Opening Hours - Mon- Sat -11.00- 00.00hrs Sun – 11.00- 23.00hrs Supply of Alcohol - Mon- Sat -11.00- 00.00hrs Sun – 11.00- 23.00hrs Recorded Music - Mon- Sat -11.00- 00.00hrs Sun – 11.00- 23.00hrs Live Music – Mon- Sat -11.00- 00.00hrs Sun – 11.00- 23.00hrs Films – Mon- Sun – 11.00- 23.00hrs</p>	

The Licensing Register may be inspected at the Licensing Department, Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex SS7 1TF between 9.00 am and 4.30 pm (Monday to Friday except public holidays).

Any representations by a Responsible Authority or an Interested Party must be made in writing to the above address by 30th April 2019

It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.

Notes:

This Notice must be of a size EQUAL TO OR LARGER THAN A4 paper and must be on PALE BLUE coloured paper. It must be PRINTED IN BLACK INK or TYPED IN BLACK in a FONT SIZE EQUAL TO OR LARGER THAN 16.

It must be displayed PROMINENTLY at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises.

In the case of premises covering an area of more than 50 METRES SQUARE, a further Notice in the same form must be displayed EVERY 50 METRES along the exterior of the premises abutting any highway.

The Notice must be displayed for a period of NO LESS THAN 28 CONSECUTIVE DAYS starting on the day after the day on which the application was given to the Licensing Authority (Castle Point Borough Council).

Representations by a Responsible Authority or an Interested Party must be made during a period of 28 consecutive days starting on the day after the day on which the application is given to the Licensing Authority.

APPENDIX 3

Melanie Harris

From: Janette Parker-East
Sent: 26 April 2019 15:48
To: Licensing Unit
Cc: Scott Grant; Simon Llewellyn
Subject: Bread & Cheese - Licence Variation Application

Good Afternoon,

Environmental Health would like to object to the variation of this licence to extend the hours of operation of the garden (from current closure at 8pm) to meet those already operating inside the pub (which are much later, the earliest being 11pm).

Prior to the current licence being in place we had significant numbers of substantiated complaints relating to the once a month Soul Night which took place inside. The complaints all related to the later hours of operation as all complainants reasonably asserted that some noise earlier in the evening was acceptable but not once people and their families started wanting to go to bed/sleep. The owners of the pub did considerable works to sound proof the pub which resolved the noise problems.

Since the current licence has been in place (August 2016) the pub applied for 4 Temporary Event Notices (TEN's) in 2017 and Environmental Health received 3 complaints related to noise. The pub applied for 6 Temporary Event Notices in 2018 all related to serving food and drink outside until 10pm and monitoring was carried out as a result of noise complaints.

The decision based on the noise monitoring was that although the noise levels were borderline/unacceptable that due to the frequency of events and operation under the TEN application procedure no further action was deemed necessary. Scott Grant, Environmental Health Team Leader, and Carla Okikiade, Environmental Health Technical Officer, carried out the monitoring. Scott Grant, Environmental Health Team Leader has said that in his professional opinion if these noise levels occurred on a more regular basis (if there had been more events) or to later times in the evening as this licence application would allow there would be a nuisance to residents and abatement notices would have been served.

Since it is not possible to carry out sound proof works to a garden I believe it is reasonably foreseeable that there will be problems if the garden is used to the same later times and frequencies as the pub as requested in this licence variation application. I do not believe that the steps described in the application for prevention of public nuisance are adequate and that the licence variation as it relates to the garden should be refused.

The premises are entitled to submit TENs applications (this procedure has been manageable for the previous years) and the 6 submitted in 2018 were not objected to by Environmental Health and have not resulted in action. An alternative method of achieving the same aim is to grant a variation to the licence giving restrictions for using the garden in the way requested for only a few specific numbers of events/days in the year.

Yours faithfully,

Mrs J. M. Parker-East BSc (Hons) MCIEH CEnvH FRSPH
Environmental Health Officer
Environmental Health Services

Melanie Harris

From: [REDACTED]
Sent: 28 April 2019 16:02
To: Licensing Unit
Subject: Variation of Licensing for 520 London Road, The Bread and Cheese Public House

To whom it may concern.

The Bread and Cheese is a countryside public house, it is not or should not be allowed to become nightclub, wedding or music venue. Amending the current license to allow extended hours with amplified recorded music and live bands plus films to be broadcast in the pub garden until Midnight 6 days a week and 11.00 pm on the Sabbath does not fit in with the environment and location of the premises, its in the countryside not a town or city.

In August 2017 the applicant applied for a similar extension, the environment department / council agreed that an extension to 18.00 and 20.00 hours on specified dates for the above was reasonable. Prior to the 2017 application we had experienced unbearable noise, in the afternoon and late evenings on the dates the pub had amplified music. This became so loud we had to record dates and times this occurred and the council sent out regular units to monitor as the complaints were so many from local residents.

This coupled with the increased number of people the events attracts caused additional problems in the adjacent roads as the pub car park does not have sufficient spaces. Already there are issues with the current volume of vehicles looking to enter the London Road from the surrounding side streets, one of which, Mount Road which runs along the Public House is a bridle path and private road. Any additional traffic will cause further problems for residents plus the noise of people coming and going late at night in to the early hours.

The area around the pub boundary is full of broken beer glasses, bottles, crisp bags and other discarded waste which can only have come from the pubs visitors.

Under the current licensing rules the noise is contained to within the pub building, the current regulations for external music are reasonable and should not be changed. During the last 18 months where the pub has held events it attracts more people who act in an inappropriate manner, this includes people urinating against fences and the wall to our property which my 12 year old daughter has witnessed seeing. My neighbours opposite at 132 Mount Road have been awoken by a group of men fighting which ended with two males on their property fighting on their doorstep.

This is not in keeping with a countryside pub and if the proposed extensions were to be granted this would only see an increase not only in noise but inappropriate behaviour, littering and vandalism to the surrounding areas.

To summarise, the current licensing laws being applied work for a country pub and it's local residents. It would appear the applicant wishes to amend these with an application for club certification too, extended hours and external later licenses of live and recorded music which is totally not in keeping with a public house outside of a town or city. Looking at the council's letter from 2017 it says to clarify a nuisance under the Environmental Protection Act 1990, it states:-

"A nuisance is a significant and unreasonable emission of noise etc which causes significant and unreasonable interference with the use and enjoyment of your home". If any amendments are agreed to this will be the case for my family and many neighbours.

I sincerely hope the application will be rejected.

Kind regards,

Benfleet
Essex



29 April 2019

Castle Point Borough Council
LICENSING UNIT
Council Offices
Kiln Road
Thundersley
Benfleet

Re OBJECTION TO VARIATION OF LICENCE BREAD AND CHEESE PUBLIC HOUSE, 520 LONDON ROAD, BENFLEET

This letter is to register my objection to the Bread and Cheese Public House's request for a variation in their licence. The main reasons for my objection are:-

- 1) In the past the licensee has shown no consideration to the residents living close by as when they have played music in the outside area it has been at an intolerably high level meaning that we could not enjoy our own garden with our family as we could not hear each other talk due to the music from the Bread & Cheese Public House being so loud. As the licensee has shown no consideration to us residents in the past there is no reason to presume that we will be considered in the future. We live in a nice residential area and it is not too much to expect that we should be able to enjoy our own homes and gardens without being subjected to loud continuous music.
- 2) When they hold DJ & music events it also attracts people from outside of the Castle Point area ie from Basildon & Pitsea meaning more cars and the larger crowd means that the pubs own car parking area is insufficient, so patrons have no option but to park in the neighbouring side roads. To many of these patrons have no respect for the Castle Point residents as they double park in Thundersley Grove causing obstruction which can put lives at risk as emergency vehicles are unable to travel though between the parked vehicles.
- 3) Visitors to the pub that return to their cars parked in Thundersley Grove talk & shout loudly when returning to their cars (probably due to a combination of drink and their listening to such loud music that they are not aware that they are actually talking so loud) and they then slam their car doors shut thereby disrupting the normally peaceful location where residents live.
- 4) The overspill of vehicles additionally park on the double yellow lines in Thundersley Grove at the junction with London Road which is dangerous for cars trying to turn into Thundersley Grove as the cars behind do not expect that you will have to suddenly stop as it is not possible to see the cars parked until you attempt to turn to enter the road. This area at the top of the hill has seen many accidents previously as visibility is not great and if the variation to the licence is approved then the overspill of cars from the public house with nowhere to park will again park on the double yellow lines causing additional danger.
- 5) In the past with special events / variation of licence has come larger crowds that also congregate out both the side and front of the public house with people standing drinking out of bottles with people in groups shouting and swearing very loudly with

ensuing arguments from drunken patrons of the pub. This is not fair for residents and their young families to hear.

- 6) Patrons of the pub leaving empty glass bottles on the grass verges and pavements before getting in their vehicles parked in Thundersley Grove and others throwing empty glass bottles in ours & other residents gardens. Granting a variation of the licence resulting in increasing visitors that arrive by car means that littering will increase.

I am all for business's prospering but not at the expense of local residents suffering. We want to be able to live in our homes and not be subjected to loud noise from the pub. It would be nice if we could 1) sit outside in our own gardens during the day and not have to listen to music from the pub 2) be able to sleep at night and not be disturbed by loud music 3) have our windows open on warm days and not feel we have to keep them closed so as to lower the noise disturbance 4) not be subjected to loud voices from visitors to the pub returning to their cars at night and slamming car doors.

It is a shame that this cannot be a nice family pub that local residents would welcome for a drink and a quiet meal rather than being used primarily by those that are driving from further away (Pitsea and Basildon residents I already know of) so as to attend what appears to now be more of a club / DJ / loud music entertainment venue.

I object most strongly to Kate Simmons request to vary their existing licence as most certainly increasing the current licensing hours in the garden & adding Films to their licence will draw more patrons and therefore worsen the problems we already experience and find intolerable.

I therefore appeal to the licensing authority to consider the local Castle Point residents that are already affected by their current licence and to refuse their request to vary the existing licence.

Yours faithfully

Dear Sir/Madam,

Bread & Cheese Public House

To Extend all of their Licensable Activities on the Garden Licence.

To Add to the Licensable Activity to Show Films to the Premises Licence
Indoors and Outdoors.

I wish to object to the proposal by the Bread and Cheese Public House to extend all of their licensable activities on their garden licence. This to include the proposal to show films outdoors.

My concerns are:-

- 1) the proposal to extend the playing of recorded and live music outside, beyond the current agreed arrangements is unacceptable and completely inappropriate bearing in mind the pub's residential neighbourhood.
- 2) these areas, mainly Mount Road and Thundersley Grove occupied largely by families and older people will be made intolerable by the noise, disturbance, parking problems and traffic issues arising from these proposed outside licence changes.
- 3) It is appreciated that the pub is a commercial enterprise and seeks to enhance its revenues but it must not be allowed to trample over the basic human rights of the nearby residents and their desire for a reasonably tranquil and peaceful existence particularly in the late evening.
- 4) In their search for additional customers the pub's owners ignore that the current parking facilities are totally inadequate. At present parking spills over into Mount Road - an unmade road. The road surface flanking the pub has been severely affected by their customers which the owners make no attempt to maintain. Indeed it is the residents of Mount Road who are forced to carry out the pub's obligations to undertake the necessary repairs of their portion of the road.
- 5) The residents of Mount Road also are forced to pick up litter discarded by the pub's customers. This seems to be indicative of the lack of interest and concern by the pub owners in the local environment. This is likely to be translated into a disregard of the noise and the consequent well-being of the local residents arising from the current proposals to extend outside music facilities.
- 6) the extension by community pubs into late night music venues should not be permitted in essentially residential areas such as our own. Such entertainment venues should be restricted to town centres or non-residential areas and there are several within easy reach e.g. at Basildon, Rayleigh and Southend which offer ample appropriate facilities.

Yours Faithfully,

Melanie Harris

From:
Sent: 29 April 2018 12:48
To: Licensing Unit
Subject: Bread and Cheese Application for Variation of a Premises License

Ref: Bread and Cheese Application for Variation of a Premises License.

FAO: Sharon Burke.

Further to our conversation this morning: Please note our strong objection to this variation of the current Licensing Hours operated by the Bread and Cheese Public House.

Reasons for contesting: This is a residential road and this loud music was contested and refused in the past because it was environmentally unacceptable. Nothing has changed!!! Even the current hours are a noise nuisance particularly during the summer months at the weekends. From lunch time onwards we have to listen to the excessively loud music and even worse when they have live music. To extent this would be detrimental to our wellbeing. There is a current issue with parking in the unadopted road outside the pub and this would exasperate it. Also at times there are issues with broken glasses/bottles and unsociable behaviour outside the pub. By extending the existing hours this problem would grow.

Kind regards

29th April 2019

Subject – Variation of Premises licence – Bread and Cheese pub

Dear Sir;

We have seen the application to extend the licence for entertainment at the Bread and Cheese Pub. We would like to make the following objections to the extension of the garden licence:

- Extending the garden licence to allow live music every day from the 11.00 am to midnight will create unreasonable disturbance for neighbours. The pub is in a residential area with residents who work, have families or who are retired. We feel the licence should be limited to only a couple of days a week and should be terminated at a reasonable time in the evening to avoid disturbance to the community (10.30 pm maximum for outside).
- The extension of the licensing will lead to an increase in drunken and rowdy and unsociable outdoor behaviour that residents already have to endure.
- The proposed extension is likely to lead to more traffic congestion at the junction of Mount Road, making it more difficult for residents to enter and leave their community;
- There is likely to be an increase in rubbish and broken bottles which already constantly litter the entrance of Mount Road and which render the environment unsavoury, dirty and dangerous for children. The rubbish should be cleared up by the pub owners at the same time as they clean their premises.

We are not opposed to the pub in general, and we are ourselves patrons, but any approval to extend the current licence of the garden must take into account the detrimental impact on neighbours and the local environment.

Yours sincerely

Melanie Harris

From: [REDACTED]
Sent: 29 April 2019 13:42
To: Licensing Unit
Subject: Objection to - Licence application for Bread and Cheese Pub

Re-Application For Variation of a Premises Licence

Premises - Bread and Cheese Public House

Address - 520 London Road, Benfleet

Dear Sir/Madam

I wish to lodge an objection to the licensing committee regarding the above application.

In the past we have had very loud music from it and complaints were lodged with environmental health.

Although in the last year any outside music events have been of a more reasonable level they are still quite clearly loud enough for us to sing along to any songs we know whilst sitting indoors with windows or doors open.

The last event was on Easter day between approx 1-3pm where they had a live singer doing a couple of sets of music. The level then was of an acceptable level for short short periods of time they performed.

Should you agree this licence then you are effectively saying they can have live bands, singers or piped music outdoors from 11Am till midnight 365 days of the year nigh on constantly.

Occasional music outdoors is acceptable and tolerable, but surely within limits. The agreement for outside music until midnight 365 days of the year is extreme for a pub that backs onto residential housing. We do not wish to have scenarios of recent past where we have had to close all windows and doors on hot days and evenings to try and block out the outside music from this establishment.

The owners have regularly shown little regard for their neighbours in their management of the pub and local areas that it affects since they owned it. With face to face complaints of noise they have said they have permission to do play it until an agreed time but with little understanding of how volume can affect their neighbours.

Regarding parking, patrons of the establishment regularly park down both side of Mount Road which is a narrow unmade road. When they do so it becomes hazardous getting into or out of the road. They sometimes park so close to Kiln Road it is difficult to see past them to pull out. Pulling in is also a hazard as 2 cars can't pass on it so I have been stuck on the main road until the vehicle exiting the road leaves. I have also been unable to enter the road at all where irresponsible parking has left to road too narrow for any vehicle to pass. A danger in itself should any emergency service need to enter the road. At 11pm at night I have had to park in Kiln Road and get the Doorman to put tancy messages out over the DJ mic to get people to move cars so residents can enter or leave the road. I know at least two other residents that have endured this. The Pub seems unconcerned by this problem.

It would also appear that the patrons parking in this road also feel that its the perfect place to discard their rubbish, beer bottles, cans and alcohol glasses. Sadly the current owners do not feel clearing the road at the side of their Pub used by their patrons is their issue as they do not clear it. The previous owners used to have a handyman who cleaned up the area daily. Currently its looking a mess. Driving into the road late in the evenings I have found people urinating in bushes rather than going into the pub which was still open.

I've also witnessed several drug deals being done in the road next to the pub and people smoking cannabis.

As a realist I accept some of this comes with being near a Pub. As a local resident I do not wish to see all the above problems increase which I believe will be the case with extended licensing and change in licence allowing outside music till late.

Secondary to the music, to be heard patrons have to shout and as the night extends, alcohol levels increase, voices become more raised and vocabulary becomes more coarse. Not something I enjoy my 6 year old hearing.

I believe this is not a suitable venue for a club licence, nor outside music till late evening. It will be detrimental to the local community and is not suited to the residential greenbelt surroundings.

When I purchased my property the pub was owned by a chain that served carvery style food, was more family orientated and contributed toward the cleanliness and upkeep of the road.

I appreciate the pub has changed hands and as a business they have chosen other routes to succeed. However consideration should be taken that it is a Pub, always has been a pub and maybe should stay as one.

If the owners wish to own a night club maybe they should consider looking for a premises that is better placed to suit what they wish to achieve.

I have no problem with indoor music, serving of alcohol outside, nor possibly allowing opening till Midnight on Fridays and Saturdays. However I do believe outside music should have stricter control including management of volume and a curfew of before 7pm and that the owners need to take some responsibility for their surroundings.

Yours faithfully

Melanie Harris

From: Melanie Harris
Sent: 29 April 2019 16:51
To: Licensing Unit
Subject: Bread and Cheese Public House

I wish to register my concern about the application for a Variation of Premises License for the Bread and Cheese Public House.

The proposed variation to the licensed hours represent a significant potential disturbance to local residents. Patrons leaving the establishment at the end of the proposed new hours, are likely to cause noise at a time when neighbours will be asleep. Voices and car doors slamming/engines starting will be very disruptive. As a resident of Thundersley Grove, I have noticed that patrons of the pub often park in this road when the pub runs an event, and later opening hours will inevitably impact on the peace and quiet at an unacceptable hour.

With regard to the application to show films outdoors, this must inevitably cause a noise disturbance at any time a film is being shown, and permission should therefore be declined on this basis. I have no objection to films being shown indoors.

The Bread and Cheese is situated in a predominantly residential area, and should therefore respect its neighbours. 11 pm is a reasonable hour for it to close and therefore I object to any change in the current licensed hours.

Melanie Harris

From:
Sent: 29 April 2019 18:38
To: Licensing Unit
Subject: Variation of Premises Licence - Bread and Cheese

Dear Sir,

I am prompted to write to you concerning the application by the Licensee of the Bread & Cheese Public House to vary their Licence to:

1. To extend all of the licensable activities on the garden license.
2. To add a licensable activity to both the indoor and outdoor licence
3. To add the provision of regulated entertainment.

I note that the new application contains several variations to their stated advertised hours as per the official Bread & Cheese internet site.

The current hours are Mon – Thurs, 12pm – 11pm/ Fri & Sat, 12pm - 12am/ Sun, 12pm – 9pm.

The proposed variation being;

Opening Hours	Mon - Sat 1100hrs – 0000hrs	Sun – 1100hrs – 2300hrs
Supply of Alcohol	Mon - Sat 1100hrs - 0000hrs	Sun – 1100hrs – 2300hrs
Recorded Music	Mon – Sat 1100hrs – 0000hrs	Sun - 1100hrs – 2300hrs
Live Music	Mon – Sat 1100hrs – 0000hrs	Sun - 1100hrs – 2300hrs
Films	Mon – Sun 1100hrs – 2300hrs	

Thus the application encompasses extensions Mon to Thurs and Fri to Sat of 1100hrs to 0000hrs.

These extensions create the availability of the public house for an additional 2hrs per day on Mon – Sat and an additional 3hrs per day on Sundays.

By breaking down their application to; Opening Hours, Supply of Alcohol, Recorded Music, Live Music and Films, each of the timings are the same except for Films on a Sunday.

Each of the residents whom live in Mount Road, London Road and Thundersley Grove are likely to suffer if these extended hours are to be granted without some form of control.

I am given to understand that the Public House proposes to install large television screens in and around the garden. I would be concerned about road safety incidents and excessive noise as mentioned below.

1. Where drivers are attracted to the shouting of football fans and stop inappropriately and suddenly on the highway of the A13 which is at the brow of the hill.
2. Where the film images, sounds and shouting are projected across the highway of the A13 causing a distraction to those drivers on the A13 which is at the brow of the hill.
3. Where the likely excesses of shouting of football fans within the curtilage of the Bread and Cheese public house is not and probably cannot be contained and will create conflict with residents whom wish to enjoy the tranquillity of their respective gardens together with visits from relations and friends.

We ALL support our National Team, and want them to do well, but the proposals should not be to the detriment of the local folk and neighbours of the Bread & Cheese public house.

Currently the Bread & Cheese public house hosts live music events. The car park around the public house is of insufficient size to accommodate motor vehicles belonging to regulars and visitors to the public house on these live music evenings.

The surrounding roads of Mount Road, Thundersley Grove and both sides of the London Road in the vicinity of the public house are stressed due to indiscriminate parking by persons visiting the venue. It has to be seen to be believed. Parking on grass verges, parking on the pavements, blocking residents driveways.

May I seriously suggest that the Local Licensing Authority apply some time limitations on noise at the weekend. This action would reinforce the residents view that they are being listened to by the Licensee of the Public House and the local Licensing Authority.

Without considerations being put in place regarding excessive noise and vehicle parking in roads near to the Bread & Cheese public house, I would object to the proposed licence variation.

Sincerely,

Melanie Harris

From:
Sent: 29 April 2019 23:02
To: Licensing Unit
Cc:
Subject: Variation of Premises License. Bread and Cheese

Dear Sirs

Have just learned that The Bread and Cheese have applied for a Variation of their premises licence

I object to the variation in so far as it relates to the garden and outdoor areas of the Pub

My objection relates to the likely noise that will be caused. I live in Thundersley Grove. Adjacent to my property is The Beacon Car Park essentially open ground opposite the pub.

Clearly the Pub has not learned any lessons from its previous hearing when it attempted to have music playing late at night and in its garden area in what is essentially a residential area.

As I remember from attendance at the hearing the pub accepted that unacceptable noise and in particular a throbbing bass beat could be heard beyond their boundaries - and they agreed to put measures in place such that the noise would not be heard outside their boundaries. If their application is allowed I cannot see how they can prevent a noise nuisance to residential properties in the vicinity.

Another lesson not learned is their failure to consult with their neighbours over issues such as this. An attempt to ride roughshod over others tantamount to bullying.

Yours faithfully



Sent from my iPad

WITH REWARDS TO THE APPLICATION FOR A VARIATION TO THE EXISTING LICENSE HELD BY THE BREAD & CHEESE PUBLIC HOUSE I WOULD LIKE TO REGISTER MY OBJECTIONS TO THE PROPOSED EXTENDED LICENSING HOURS AND THE ACTIVITIES BOTH INSIDE & OUTSIDE OF THE PREMISES.

THIS IS A RESIDENTIAL AREA AND I FEEL THAT THE PROPOSED OUTDOOR ACTIVITIES FROM 11:00am UNTIL MIDNIGHT MON/SAT WOULD RESULT IN EXCESSIVE NOISE LEVELS FOR THE RESIDENTS PLUS EVEN MORE PARKING PROBLEMS IN AN ALREADY OVER CROWDED ROAD.

THERE IS ALSO AN ONGOING PROBLEM WITH DRUG DEALING IN THUNDERLEY GROVE AND ESSEX POLICE HAVE INSTALLED SIGNS AT BOTH ENDS OF THE ROAD AS A DETERRENT, ALTHOUGH WE CAN CONFIRM THAT DRUG DEALING STILL OCCURS WE HAVE WITNESSED CUSTOMERS OF THE BREAD & CHEESE COLLECT DRUGS FROM DEALERS IN THUNDERLEY GROVE AND THEN RETURN TO THE BREAD & CHEESE ON A REGULAR BASIS.

I FEEL THAT ANY EXTENSION IN HOURS OR ACTIVITIES AT THE BREAD & CHEESE WOULD ONLY INCREASE THE PROBLEMS MENTIONED ABOVE.



Melanie Harris

From: [redacted]
Sent: 30 April 2019 14:03
To: Licensing Unit
Subject: Variation of Premises License - Bread and Cheese

Dear Sirs,

The above has come to my attention and is a cause for concern.

The activities of the pub currently, largely indoors, are not, overall, a concern.

When such entertainment activities as they do conduct outdoors occur, not only is the parking in Mount Road significantly heavy, but the noise levels can be very intrusive.

To face a situation where the pub is free to conduct an increasing number of entertainment activities, outdoors, without restriction, up to midnight, Monday to Saturday, is not tolerable in a residential area.

The parking situation in Mount Road when the pub holds popular activities, leads to no small amount of inconvenience, with parked cars flanking both sides of the road and leads to the occasional unpleasant confrontation between residents seeking ingress or egress, with pub customers returning to vehicles without care or consideration.

An additional impact will be on local wildlife, foxes and badgers routinely traverse the road and surroundings at nighttime, and will be curtailed in their activities with the possibility of people and vehicles being active until midnight and beyond.

I trust residents concerns will be taken in to full consideration when this application is being discussed.

Yours faithfully,

[redacted]
[redacted]
[redacted]

APPENDIX 4

previous consultation and bodies representing ethnic minority groups and disabled people were also sought. Due consideration was given to the views of all those who responded to the consultation.

Links to other Bodies

- 1.14 In preparing this statement of licensing policy, the Council has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy. See appendix "M" and "N".
- 1.15 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 1.16 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the planning committee to have regard to such matters when making its decisions.
- 1.17 The Council recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000. The Equality Act 2006, the Disability Discrimination Act 2005 and other related legislation. The impact of this policy on race relations, equality issues and disabled people will be monitored through the Council's equality and diversity policies and strategies and the Licensing Authority will take these responsibilities into account when dealing with applications.

Regulated Entertainment

- 1.18 Having regard to the Council's Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities. The Council will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events. The Council will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Advice and guidance on this matter will be sought from the Council's Head of Partnership or other appointed officer.

Applications

- 1.19 When considering applications, the Council will have regard to:-
- the Licensing Act 2003 and the licensing objectives,

- Government guidance issued under Section 182 of the Licensing Act 2003,
- any supporting regulations
- this statement of licensing policy

- 1.20 This does not however undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 1.21 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and to reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of night-time economies that are important for investment, employment and tourism.
- 1.22 When determining applications before a Licensing Sub-Committee, the authority will seek to balance those factors against their duty to promote the four licensing objectives and the rights of residents to peace and quiet.
- 1.23 When the Council is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the local planning authority.

However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)

- 1.24 When one part of the Council seeks a premises licence from the licensing authority, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may appeal to the magistrates' court and thereby receive an independent review of any decision made.
- 1.25 In all cases, applicants and those making representation in respect of applications to the Council have a right of appeal to the Magistrates' Court against the decisions of the Council.
- 1.26 Appendix "P" provides applicants with the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an explanation of why it is incomplete.

LICENSING SUB COMMITTEE

24th June 2019

Subject: Appeal against refusal to grant a Private Hire Driver's Licence – Applicant ABC

Report of: Head of Licensing and Safer Communities – Mrs Melanie Harris

1. Purpose of Report

To consider the appeal made by the applicant ABC against the refusal by the Council to grant a Private Hire Driver's Licence.

2. Background

ABC attended the Licensing Department in February 2019 to apply for a Private Hire Driver's Licence. The Council refused to grant the application because ABC had a number of previous convictions and cautions as follows:

- Soliciting a woman for prostitution from a motor vehicle causing her annoyance (7/4/03)
- No insurance (24/9/05)
- Unlicensed person (Taxi Tout) soliciting persons for hire car services (24/9/05)
- Using vehicle while uninsured (21/6/09)
- Unlicensed person (Taxi Tout) soliciting persons for hire car services (21/6/09)
- Using vehicle while uninsured (31/10/10)
- Unlicensed person (Taxi Tout) soliciting persons for hire car services (31/10/10)
- Unlicensed person (Taxi Tout) soliciting persons for hire car services (9/10/11)
- Using vehicle while uninsured (9/10/11)

A copy of these convictions and cautions is attached at Appendix 1.

The application for a Private Hire Driver's Licence dated 11/02/2019 is attached at Appendix 2.

The legislation relating to the refusal to grant a driver's licence is contained under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Section 51, whereby at 51.(1) subject to the provisions of this part of this Act, a district council shall, on receipt of an application from any person for the grant of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence-

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence: or
- (b) to any person who has not for at least twelve months been, and is not at the date of the application for a driver's licence, the holder of a licence granted under Part III of the Act of 1972 (not being a provisional licence) authorising him to drive a motor car.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

(3) It shall be the duty of a council by which licences are granted in pursuance of this section to enter, in a register maintained by the council for the purpose, the following particulars of each such licence, namely-

- (a) the name of the person to whom it is granted;
- (b) the date on which and the period for which granted; and
- (c) if the licence has a serial number, that number, and to keep the register available at its principal offices for inspection by members of the public during office hours free of charge.

Under Section 52. Any person aggrieved by –

- (1) the refusal of the district council to grant a driver's licence under section 51 of this Act; or
- (2) any conditions attached to the grant of a driver's licence;

may appeal to a magistrate's court.

3. 'Fit and Proper'

The definition of what is a fit and proper person is not defined in law however the generally accepted test is:

- Would you allow your son, daughter, mother, spouse or other person you care about to get into a vehicle with this person alone?

This definition was supported in the judgment by HHJ Silber in the case of Leeds City Council v Hussain which surrounds the suspension of a driver:

...’the purpose of the power of suspension is to protect the users of licensed vehicles and those who are driven by them and members of the public. Its purpose is to prevent licences being given or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty and that they are people who would not take advantage of their employment to abuse or assault people.’

As ABC has been convicted of the above convictions and cautions he is not regarded as a fit and proper person to hold a driver’s licence and the Council made the decision to refuse the application.

4. Legal implications

Decisions in relation to the grant of a licence give rise to the obligations under the Human Rights Act 1998. The Council will therefore ensure that there is a review hearing before the Licensing Sub-Committee. It should be noted that ABC has the right to appeal the decision made by the Council to the Magistrates Court if he is aggrieved by the decision of the Sub-Committee.

5. Options

The Sub-Committee is advised that it has the following options when determining this application.

- (i) Uphold the decision to refuse to grant the Private Hire Driver’s Licence.
- (ii) Grant the Private Hire Driver’s Licence subject to appropriate conditions.
- (iii) Grant the Private Hire Driver’s Licence.

Recommendation

The decision of the Sub Committee is required following proper consideration of the application and any representations made to the Sub Committee.

Appendices

Appendix 1 – DBS certificate

Appendix 2 – Application form

Background Papers:

Local Government (Miscellaneous Provisions) Act 1976

http://www.legislation.gov.uk/ukpga/1976/57/pdfs/ukpga_19760057_en.pdf

APPENDIX 1