

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Tuesday, 27th June, 2017

Place: Committee Room 1 - Civic Suite

- Present:** Councillor R Hadley (Chair)
Councillors S Buckley and G Phillips
- In Attendance:** Councillor Burzotta
T Row, P Tremayne, A Penn, M Newton and L Colby
- Start/End Time:** 10.00 am - 7.50 pm

102 Apologies for Absence

There were no apologies for absence.

103 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillors Hadley, Buckley and Phillips – Agenda Item No. 3 (Application for Grant of Premises Licence – Baboush, 96 The Ridgeway, Westcliff on Sea) – Non-pecuniary interest: One of the objectors is known to them as a fellow Councillor; and

(b) Councillor Phillips – Agenda Item No. 3 (Application for Grant of Premises Licence – Baboush, 96 The Ridgeway, Westcliff on Sea) – Non-pecuniary interest: Another two of the objectors is known to her.

104 Application for Grant of Premises Licence - Baboush, 96 The Ridgeway, Westcliff-on-Sea, SS0 8NU

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by Baboush Ltd for the grant of a Premises Licence in respect of Baboush, 96 The Ridgeway, Westcliff-on-Sea, SS0 8NU.

The application was presented by Mr Hook, the applicant's Solicitor. Mr Hassan, owner of the business was also in attendance and spoke at the hearing. The applicants also called Mr Sawyer as a witness.

The sub-committee noted that no letters of objection to this application were received from the Responsible Authorities, save for the Council's Environmental Protection Team, and measures had been agreed between the applicant and Essex Police as set out in Appendix 3 to the report of the Deputy Chief Executive (Place) should the application be granted. On this basis their objection was withdrawn.

Prior to the commencement of the hearing conditions were also agreed with the Council's Environmental Protection Team should the application be granted. On this basis their objection was also withdrawn.

Representations had however, also been received from forty three (43) local residents and Chalkwell Residents Association. One local resident's representation was later withdrawn.

Mr Murrell, a solicitor, spoke on behalf of 11 residents. Mr Deacon, Mr Perry and Mr Waithe also attended the hearing and gave evidence.

Councillor Burzotta also attended the hearing and spoke on behalf of Miss Silk and Mr Beaumont.

The residents' concerns focussed on the all of the licensing objectives and primarily crime and disorder and the prevention of public nuisance.

At the hearing, the applicant further agreed to amend the applicant to exclude the triangular outside area adjacent to the lobby and Victory Path from the licensed area.

The sub-committee listened to all the evidence and submissions, and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. The sub-committee further considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

On the basis of the evidence presented to it, the Sub-Committee considered that the licensing objectives and the objectors concerns would be adequately addressed by the conditions imposed on the licence. The sub-committee therefore:

Resolved:

That the application for the grant of a premises licence as amended be granted, subject to the following:-

1. The hours of that the premises shall be open to the public shall be :
Fridays and Saturdays - 08.00 to 01.30 hrs the following day;
Sundays - 08.00 to 00.30 hrs the following day;
Mondays to Thursdays (inclusive) - 08.00 to 01.00 hrs the following day; Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Monday 08.00 to 01.30 hrs the following day;
New Year's Eve - 08.00 to 02.30 hrs the following day.
2. The sale of alcohol both on and off the premises shall be permitted as follows:
Fridays and Saturdays - 10.00 to 00.30 hrs the following day;
Sundays - 10.00 to 23.30 hrs;
Mondays to Thursdays (inclusive) - 10.00 to 00.00 (midnight);
Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Monday - 10.00 to 00.30 hrs the following day;
New Year's Eve - 10.00 to 01.30 hrs the following day.

3. The provision of late night refreshment shall be permitted as follows:
Fridays and Saturdays - 23.00 to 01.00 hrs the following day;
Sundays - 23.00 to 00.00 hrs (midnight);
Mondays to Thursdays (inclusive) - 23.00 to 00.30 the following day;
Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Monday - 23.00 to 01.00 hrs the following day;
New Year's Eve - 23.00 to 02.00 hrs the following day.

4. The provision of Regulated Entertainment comprising films, live music, recorded music shall be permitted as follows:
Fridays and Saturdays - 10.00 to 00.30 hrs midnight;
Sundays - 10.00 to 23.30 hrs;
Mondays to Thursdays (inclusive) - 10.00 to 00.00 (midnight);
Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Monday - 10.00 to 00.30 hrs the following day;
New Year's Eve - 10.00 to 01.30 hrs the following day.

5. The Mandatory Conditions set out in Appendix 1 to the report of the Deputy Chief Executive (Place).

6. The conditions set out in Appendix 2 to the report of the Deputy Chief Executive (Place), subject to the following amendments:

Condition 9 shall now read:

"The maximum number of patrons allowed on the premises at any one time shall not exceed 175 persons."

Condition 10 shall now read:

"The outside area hatched in blue on the plan attached to the licence shall not be used for any purpose between 21.00 hrs and 08.00 hrs the following day."

7. The condition set out in Appendix 3 to the report of the Deputy Chief Executive (Place) agreed between the Applicant and Essex Police.

8. The Conditions agreed between the Applicants and the Council's Environmental Protection Team set out in the email from Lee Colby to the Applicant's Solicitor and the Licensing Authority dated 11 May 2017 at 17:19 hrs with the exclusion of condition 6, which is now covered under the amended condition 10 referred to above.

9. The following additional condition:-

- Bona fide off sales shall only comprise Wine or Champagne purchased by patrons who have purchased a meal on the day.

Chairman: _____