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## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Licensing Sub-Committee A

**Date: Wednesday, 20th June, 2018**  
**Place: Committee Room 4 - Civic Suite**

**Present:** Councillor R Hadley (Chairman)  
Councillors D McGlone and S Buckley

**In Attendance:** A Brown, T Row, M Newton and T Byrne

**Start/End Time:** 9.30 am - 12.20 pm

#### **63 Apologies for Absence**

There were no apologies for absence.

#### **64 Declarations of Interest**

No interests were declared at the meeting.

#### **65 136 Broadway, Leigh-on-Sea, SS9 1AA - Application for the Variation of Premises Licence**

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by Navana Ltd for the variation of a Premises Licence in respect of Navana, 136 Broadway, Leigh-on-Sea, SS9 1AA. The variation sought by the applicant included:

(a) The sale of alcohol on and off the premises and the provision of regulated entertainment comprising recorded music on Monday to Thursdays from 08:00 to 23:00. Sundays from 09:00 to 23:00. All other hours and activities remain unchanged;

(b) To be open to the public on Mondays to Thursdays from 08:00 to 23:30. Sundays from 09:00 to 23:30. All other opening times remain unchanged; and

(c) To remove all existing non-mandatory licence conditions and replace them with a revised set. These are set out in Appendix 2. This includes a reduction in the permitted capacity of the premises to a minimum of 66 covers laid out at all times as follows: Internally 38, externally 9 (when the external area is trading), 20 to the side aspect and 8 to the front. At the hearing, it was confirmed that the capacity of 68 people would remain at all times, even when the external area was not in use.

The application was presented by Mr West, the applicant's representative. Mr Walsh, the manager and designated premises supervisor, was also in attendance.

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities although amendment to existing

conditions and the introduction of additional measures had been agreed between the applicant and Essex Police, the Licensing Authority and the Council's Environmental Protection Team as set out in Appendix 3 to the report of the Deputy Chief Executive (Place) should the application be granted.

Representations had however, been received from three residents and one of the owners of the flats above the premises. Three of those, namely Ms Fitzgerald, Ms Bailey and Mr Thomason attended the hearing and gave evidence.

The residents' concerns related to two of the licensing objectives, the prevention of public nuisance and public safety. The issues of concern included noise nuisance from patrons leaving the premises, music emanating from the premises above ambient levels, noise from refuse collections and smells from refuse in the bins located in the car park area. These were particularly problematic as the premises is located in a residential area with residential flats above.

The sub-committee noted that a "communication group" had been established between the manager and the residents above, to report and negotiate any issues that may have arisen as a result of the operation of the premises. Some, but not all, of the issues raised by the residents have been addressed by the management of the premises.

At the hearing, the licensing consultant, on behalf of the applicant, offered an additional condition restricting the collection of refuse from the premises between 08.00 hrs to 21.00 hrs to satisfy the residents' concerns.

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.

The sub-committee felt that the conditions proposed would be sufficient to address the majority of the residents' concerns. However, the sub-committee felt that the noise of patrons leaving the premises at the terminal hour sought would not be acceptable.

On the basis of the evidence presented to it, the sub-committee therefore:

Resolved:

That the application for the variation of the premises licence should be granted as follows:

(a) the sale of alcohol on and off the premises and the provision of regulated entertainment comprising recorded music on Monday to Thursdays from 08:00 to 22:30. Sundays from 09:00 to 22:30. All other hours and activities remain unchanged.

(b) To be open to the public on Mondays to Thursdays from 08:00 to 23:00. Sundays from 09:00 to 23:00. All other opening times remain unchanged.

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

(d) The revised conditions set out in Appendix 2 to the report of the Deputy Chief Executive (Place).

(e) The following additional condition:

“No refuse collection shall take place from the premises between the hours of 21.00 and 08.00 (the following morning) on any day.”

**Chairman:** \_\_\_\_\_

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