

# SOUTHEND-ON-SEA BOROUGH COUNCIL

## Meeting of Licensing Sub-Committee A

**Date:** Friday, 24th July, 2015

**Place:** Civic Centre, Civic Suite, Committee Room 4a

**Present:** Councillor C Mulroney (Chairman)  
Councillors R Hadley and D G Kenyon

**In Attendance:** Mr R Harris, Ms T O'Connell and Mr A Smith (External Legal Advisor)

**Start/End Time:** 09.30am/11.45am  
adjourned at 11.45 and reconvened at 14.00/17.45

\*\*\*\* **Part I**

**188 Apologies and substitutions.**

There were no apologies for absence at this meeting.

**189 Declarations of interest.**

The following Members declared interests as indicated:

(a) Councillor Hadley - Agenda Item 3 (Oyster Creek) - Non-pecuniary interest - applicant's mother is known to him as a former Councillor;

(b) Councillor J Garston - Agenda Item 3 (Oyster Creek) - Non-pecuniary interest - applicant's mother is known to him as a former Councillor;

(c) Councillor Kenyon - Agenda Item 3 (Oyster Creek) - applicant's mother is known to him as a former Councillor in his former role as an officer of the Council.

**190 Oyster Creek, The Leas Shelter, Southend-on-Sea, Essex - Application for the Grant of Premises Licence**

The sub-committee received a report of the Corporate Director for Place concerning an application that had been made by Ms Antonia Waite for the grant of a Premises Licence at Oyster Creek, The Leas Shelter, Southend-on-Sea, Essex.

The application was presented by Mr Paul West, the applicant's Licensing Consultant. The Applicant, Ms Waite, was also in attendance at the meeting.

The sub-committee noted that no objections to the application had been received from any of the Responsible Authorities. 13 representations had however, been received from local residents, 2 of which were in favour of the application. Mr J Garston spoke on behalf of himself and 1 other objector who was unable to attend. The objectors' concerns essentially related to two of the licensing objectives, namely the prevention of public nuisance and the prevention of crime and disorder.

The Sub Committee considered all the evidence and submissions that had been made at the meeting and the written documentation that had been presented prior to the hearing. The Sub Committee also had regard to the National Guidelines and the Borough Council's Statement of Licensing Policy and 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, as they related to this application.

Whilst the sub-committee was mindful of the residents' concerns, no objections had been received from any of the Responsible Authorities.

It was noted that the Applicant had been granted a number of Temporary Event Notices in the current year and no complaints had been received from residents or the Responsible Authorities.

The sub-committee felt that the conditions attached to the report of the Corporate Director for Place would be sufficient to address the concerns of the residents.

In view of this and on the basis of the evidence presented to them, the sub-committee did not consider the promotion of the licensing objectives would be undermined by the granting of this application.

It was therefore:-

Resolved:

That the application for the grant of a premises licence in respect of Oyster Creek, The Leas Shelter, Southend-on-Sea, Essex, be granted, subject to:-

1. The Mandatory Conditions set out in Appendix 1 to the report of the Corporate Director for Place;
2. The Conditions drawn from the Operating Schedule set out in Appendix 2 to the report of the Corporate Director for Place, with the following amendments:
  - (i) Condition 10 is deleted;
  - (ii) Condition 11 be amended to refer to Condition 18 not 15;
  - (iii) Condition 23 be amended to 'The maximum capacity of the external area is limited to 35 persons.'

**191 Temporary Event Notice Subject to Objection Notice from the Responsible Authorities - Southend On Sea Beach (East of Sealife Centre), Eastern Esplanade, Southend-On-Sea, Essex, SS1 2ER**

The sub-committee received a report of the Corporate Director for Place concerning an application that had been made by Mr Michael Mansaray for the grant of a Temporary Event Notice (TEN) made under Section 100 of the Licensing Act 2003 in respect of Southend-on-Sea Beach (East of the Sealife Centre), Eastern Esplanade, Southend-on-Sea, Essex.

The application was presented by Mr Mansaray (Event organiser) who was supported by Mr Soloman. The applicant sought the TEN for the following:

- a) An event held on the beach located eastwards of the Sea Life Centre on Eastern Esplanade;
- b) The licensable activity applied for is regulated entertainment from 10:00 hours to 19:00 hours Saturday 1st August 2015;
- c) The maximum number of people listed as attending the event is to be 400.

The Sub-Committee noted that objections had been received from two of the Responsible Authorities, namely Essex Police and Southend Council's Environmental Protection Team. Their concerns related to public nuisance and

public safety.

The Sub Committee considered all the evidence and submissions that had been made at the meeting and the written documentation that had been presented prior to the hearing. The Sub Committee also had regard to the National Guidelines and the Borough Council's Statement of Licensing Policy and 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, as they related to this application.

In view of this and on the basis of the evidence presented to them, the sub-committee considered that the applicant had failed to address the licensing objectives of public safety and public nuisance, for the following reasons:

- a) Inadequate planning for the event;
- b) Lack of an effective management plan;
- c) The number of people attending the event are likely to exceed the maximum numbers permitted for a TEN (499);
- d) Lack of effective stewarding for the event;
- e) Uncertainty as to the location of the event with no defined area specified;
- f) Potential noise nuisance;

It was therefore:-

Resolved:

That the application for a Temporary Event Notice made by Mr Mansaray for Southend-on-Sea Beach, East of Sealife Centre, Eastern Esplande, Southend-on-Sea, Essex, be refused, and a Counter Notice be issued to prevent the temporary event taking place.

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

