

# Southend on Sea Borough Council

## Agenda Item

**Report of Director of Technical and Environmental Services  
to  
Licensing Committee  
On  
24<sup>th</sup> April 2002**

Report prepared by : D R Krieger

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**The Piazza, Ground Floor, Maitland House, Chichester Road, Southend-on-Sea  
Application for Provisional Grant of Public Entertainment Licence**

***(Part 1 – Public Agenda Item)***

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## **1. Purpose of Report**

- 1.1 This report considers an application by Mr. I. Samuels for the grant of a new Provisional Public Entertainment Licence for these premises.

## **2. Recommendations**

### **2.1 There is no objection to the present application, subject to:**

- a) **The submission to and approval by the Group Manager – Environmental Health of a scheme of acoustic insulation and sound control measures.**
- b) **The submission to and approval by the Group Manager – Environmental Health of a scheme of managerial measures, designed to minimise disturbance to surrounding occupiers.**
- c) **The imposition of additional conditions, based upon those outlined by the Police Licensing Unit.**

### **2.2 Any provisional licence granted to be of no effect until declared final by the Group Manager – Environmental Health following satisfactory completion of all relevant works.**

## **3. Background**

- 3.1 This part of the former Keddies Department Store building has been vacant for a number of years. In 1997, an application was made by First Leisure plc., for the development of a “Brannigans” public entertainment licensed venue, with a capacity of 1000 persons and a closing time of 1.00 a.m. That application was subsequently withdrawn.

- 3.2 In May 2000, an application was made by Kingfisher Leisure plc., to develop a “McClusky’s” brand premises at the site, with a capacity of approximately 1000 persons, and a terminal hour of 2.00 a.m. That application did not proceed.

## **4. Proposals**

- 4.1 The application is for the provisional grant of a new Public Entertainment Licence. The proposed new premises are intended to comprise the ground floor rear part of the building having a main frontage onto Chichester Road and incorporating a mezzanine floor.

- 4.2 The applicant is Mr. I. Samuels, formerly co-proprietor of Churchills Public House, Tylers Avenue. The terminal hours sought are:

Mondays to Saturdays - 02.00 a.m. the following morning

Sundays - 00.30 a.m. the following morning (and 02.00 a.m. the following morning on Sundays preceding Bank Holidays)

4.3 The applicant envisages a customer capacity of just under 900 persons.

## **5. The Liquor Licensing Position**

5.1 On 4<sup>th</sup> March 2002, the premises gained the benefit of a Provisional Justices On-Licence. There were no objections from surrounding occupiers. Prior to the hearing, discussions took place with the applicants, the Police Licensing Unit, and this Department. As a result, certain conditions were agreed, and these were imposed upon the Justices Licence.

5.2 The Public Entertainment Licence now sought is a legal pre-requisite to the grant by the Licensing Justices of a Special Hours Certificate. Such a certificate allows for extension of the permitted hours for the sale and consumption of intoxicating liquor. If this were subsequently to be granted, it would be subject to the same terminal hour as specified in the Public Entertainment Licence, together with a 30 minute drinking up time at the end of each trading period.

## **6. The Town Planning Position**

6.1 Planning consent was granted on 24<sup>th</sup> May 1996 to use the four-storey building (of which the present application site is a part) for leisure and restaurant purposes, and to lay out car parking at basement level. Permission was renewed on 10<sup>th</sup> May 2001. The approvals contained a number of conditions and those most relevant are as follows:

- i) The use shall not commence until the building has been insulated in accordance with a scheme which shall have been submitted to and approved by the local Planning Authority. The noise prevention measures as installed shall be retained at all times thereafter.
- ii) The use shall not commence until extract ventilation, filtration and deodorising equipment have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, and of discharge points, which shall have been submitted to and approved by the local Planning Authority. The equipment as installed shall be retained in good working order at all times thereafter.
- iii) No air conditioning, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the local Planning Authority.

6.2 It is likely that a further application will be required to deal with proposed changes to the existing shop front, and related matters.

## **7. Consultation with Surrounding Occupiers**

7.1 A consultation letter was delivered by hand to 351 properties in the surrounding area seeking comments on the application. In addition, the applicants were required to display a public notice at the premises.

7.2 At the time of preparing this report, 10 responses had been received. 5 of these came from residents living in Tolhurst House, which is a block of flats above the nearby Chicago Rock Café. 3 responses came from residents in Warrior Square, together with 1 from Whitegate Road and one from a commercial premises in Chichester Road.

7.3 The residents from Tolhurst House expressed a number of concerns. These included the growing number of public houses and bars in the surrounding area, and the consequent impact upon Police resources. It was stated that the location was not suitable for the proposed development due to the presence of residential property. There were said to be existing problems of noise and disturbance such as screaming and shouting, unruly and anti-social behaviour, as well as noise from car alarms and emergency vehicle sirens. There was also concern about problems of litter, broken bottles and glasses and other fouling of the pathways, as well as criminal damage and graffiti. It was thought that the area had declined, and was unsafe due to the nature of persons frequenting it. Residents pointed to existing problems of

noise and disturbance emanating from the use of the Chicago Rock premises, and felt that this situation would be exacerbated by the present proposals.

- 7.4 The residents of Warrior Square expressed similar concerns in relation to existing problems with late night revellers and excessive provision of late night venues. Currently there was said to be disturbance from rowdy and drunken behaviour in the Warrior Square gardens, which were not provided with gates or adequate lighting. There was concern that the existing problems would be made worse.
- 7.5 The commercial establishment in Chichester Road drew attention to existing problems of litter and anti-social behaviour, lack of need for the proposed premises, and called for the provision of more good quality shops.
- 7.6 The residential occupier in Whitegate Road pointed to existing problems of sleep disturbance from drunken youths on their way home from town centre establishments. It was stated that patrons would use their road whilst most residents were asleep. It was further noted that the adjoining car park has an exit opposite their property and that the car park itself gives rise to disturbance from vehicles skidding and doing wheel spins.

## **8. Consultation with Elected Members**

- 8.1 In accordance with current procedures, all elected Members were notified by letter of the present application, and comments sought. At the time of preparing this report, no written response had been received.

## **9. Consultation with the Police**

- 9.1 The Police Licensing Unit has been involved with the proposal from the date of the initial application to the Justices. The Police do not raise any objection to the current application, but seek the imposition of conditions similar to those which were imposed upon the Justices Licence, as set out in Appendix 1.
- 9.2 In view of the scale of the proposed development, the Police have been asked to attend the meeting.

## **10. Control of Noise and Disturbance**

- 10.1 The premises are located on the busy Chichester Road, where traffic noise is significant. There is no residential accommodation within the former Keddies building, and the nearest residential units appear to be within Tolhurst House, above the Chicago Rock Café.
- 10.2 The applicant has, at this Department's suggestion, employed an acoustic consultant to undertake an assessment of the proposals, and to put forward recommendations. At the time of preparing this report, the consultant's report had yet to be submitted. The applicants have been advised that their scheme of acoustic measures should be designed to ensure that sound from within their building is not audible at the façade of any surrounding residential property, and does not give rise to nuisance within any other part of the building complex in separate occupation.
- 10.3 The question of disturbance to surrounding residents from patrons departing from the premises, particularly at closing time, is another important consideration. Although this is a town centre location, residential properties overlook several of the areas where patrons may park. i.e. Warrior Square and the adjoining car park. The minimisation of disturbance and other adverse effects once patrons have left the licensed establishment is a difficult matter for licensees to control, and it is felt that Members would wish to hear from the applicant in his presentation about the managerial measures proposed to be put in place in an effort to minimise such adverse effects. Relevant factors will include the nature of the proposed entertainment, the style and standard of the proposed premises, as well as levels of supervision.
- 10.4 The applicant has already indicated his willingness to work with the Council on crime and disorder reduction issues, including support for the town centre's CCTV system.

**11. Fire Safety and Related Technical Requirements**

11.1 The plans showing the proposed layout have been examined and advice has been given concerning technical requirements. The layout is considered to be broadly satisfactory, although some detailed layout changes may be required, and these are the subject of ongoing discussions with the applicants architect.

**12. Background Papers**

Letters from surrounding occupiers.

Consultation letter to surrounding residents.

**13. Appendices**

Schedule of conditions requested by the Police for imposition on Justices' provisional On-Licence.