



Southend on Sea Borough Council

**Agenda
Item**

**Report of Director of Technical and Environmental Services
to
Licensing Committee
On
26TH July 2002**

Report prepared by : D R Krieger

**The White Horse Public House, Southchurch Boulevard, Southend
Application for Provisional Grant of Public Entertainment Licence**

(Part 1 – Public Agenda Item)

1. Purpose of Report

- 1.1 This report considers an application (originally submitted by Ms. K. Lorriman, the former licensee) for the grant of a new Provisional Public Entertainment Licence for these premises.

2. Recommendations

- 2.1 **On the basis of the information presently available, it is recommended that the application be refused on the grounds of potential noise nuisance and adverse environmental impact.**
- 2.2 **Should Members be minded to approve the application, it is requested that such approval be limited to a provisional grant only and subject to:**
- a) **The submission to and approval by the Group Manager – Environmental Health of a scheme of acoustic insulation and sound control measures, and**
 - 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) **A scheme of conditions, following further consultation with the Police Licensing Unit.**
- 2.3 **Any provisional licence granted should be of no effect until declared final by the Group Manager – Environmental Health following satisfactory completion of an agreed scheme of construction works in accordance with approved drawings.**

3. Background

- 3.1 The White Horse is a substantial, old-established public house, situated at the junction of Southchurch Boulevard and Lifstan Way. The site includes a large car park and garden.
- 3.2 In 1991 and 1995 approval was given under delegated authority for occasional public entertainment to take place (on 7 and 12 days per year, respectively). These approvals were subject to a terminal hour of 11.00 p.m. No subsequent applications were made, but premises with a Justices Licence may provide limited musical activities without a Public Entertainment Licence.

4. Proposals

- 4.1 The application is for the provisional grant of a new Public Entertainment Licence, to cover the existing liquor licensed area.
- 4.2 The original applicant was Ms. K. Lorriman, the former holder of the Justices Licence. The new proposed licensees are Mark and Julie Punter, who were granted transfer of the Justices' Licence on 10th June 2002. The premises are operated by Scottish and Newcastle Retail. The terminal hours sought are:
- | | | |
|----------------------------------|---|---|
| Mondays, Tuesdays and Wednesdays | - | 12.00 Midnight |
| Thursdays, Fridays and Saturdays | - | 1.00 a.m. on the following morning |
| Sundays | - | 12.00 Midnight (and 1.00 a.m. on the following morning on Sundays preceeding Bank Holidays) |
- 4.3 The applicant seeks a maximum permitted capacity of approximately 400 persons.

5. The Liquor Licensing Position

- 5.1 The premises have the benefit of a Justices On-Licence, for the sale of intoxicating liquor. They also have the benefit of a Supper Hour Certificate covering the dining area, which allows for the sale of intoxicating liquor with table meals up to 12.00 Midnight on Mondays to Saturdays and 11.30 p.m. Sundays (plus 30 minutes drinking up time in each case).
- 5.2 On 4th March 2002, an application was made to the Licensing Justices for consent to alterations. The works proposed included re-fitting of the premises, with a re-shaped bar servery, and removal of partition work to create one bar where two presently exist. The drawings submitted also showed a dance floor and disc jockey point, together with an enlarged entrance lobby from the car park. That application was approved. It should be noted that the Justices' decision in this matter related solely to the acceptability of the layout in liquor licensing terms, and should not be seen as a judgement on the matters presently before this Committee.
- 5.3 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 the extension of 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 The internal alterations approved by the Justices do not require planning consent, but a planning application was lodged and approved for the new entrance lobby (together with other minor works).

7. Consultation with Surrounding Occupiers

- 7.1 A consultation letter was delivered by hand to approximately 93 properties in the surrounding area, seeking comments on the application. In addition, the applicant was required to display a public notice at the premises.
- 7.2 At the time of preparing this report, 57 written responses had been received from surrounding occupiers.
- 7.3 13 responses were received by or on behalf of the residents of Trevitt House, a Council run sheltered housing unit of recent construction immediately to the south of the application site. The responses stressed that this is an area occupied by elderly residents in close proximity to the public house garden. The residents point to existing problems of noise and disturbance in

the area and express the fear that this would be worsened, with problems from vehicle movements, late night revellers and unruly behaviour.

- 7.4 7 responses were received from occupiers of Old Rectory Court, a recently constructed group of flats for elderly persons, situated off Southchurch Rectory Chase. They also stress that this is an area occupied by elderly residents, and expressed fears about potential problems from noise and disturbance, unruly behaviour and of the car park being of insufficient size leading to over-spill into residential streets. There are said to be existing problems with rubbish, graffiti and vandalism. One resident indicated that they would object if the entertainments are to be every night, and continuing beyond 12.00 Midnight.
- 7.5 Responses came from the four flats within Barclay Court, which adjoins the east side of the car park to the public house. The residents point to existing noise and disturbance at closing time, and expressed the fear that this would be exacerbated. It is stated that there are ample suitable premises elsewhere in the town, and that residents are already disturbed by the early morning start at the dairy depot opposite. One respondent indicated that activities on perhaps two nights during the week might be acceptable.
- 7.6 16 responses were received from residents in Castleton Road, which is north of Southchurch Boulevard. They point to existing problems of noise and disturbance, vandalism and litter in the area, and expressed the fear that this would be worsened. The fear is expressed that the car park would overflow into the surrounding residential streets, and that the proposal is an inappropriate development in a residential area. It is stated that the White Horse is presently a community public house, and that its nature would be changed to a style of premises for which there is adequate provision elsewhere in the town.
- 7.7 2 responses were received from occupiers in Southchurch Rectory Chase, pointing out that it is an area for elderly residents. It was indicated that the nature of the public house has changed over the years, and that the present proposal is an unsuitable development for this location. It was stated that there are existing problems of noise from the premises, causing loss of sleep, and the fear is expressed about intrusion from artificial lighting to the car park during extended operating hours.
- 7.8 8 responses came from occupiers in Southchurch Boulevard, who stressed that the development was unsuitable for this residential area. There was some support for the provision of a family orientated public house. Concern was expressed about existing problems of drunks and unruly behaviour in the early hours of the morning and existing problems of crime, including burglary, in the area, as well as limited Police resources to respond to incidents. Some of the respondents had young families, and it was stated that they presently experienced problems from sleep disturbance from rowdy groups making their way past their homes after closing time. There was some indication of sound emission from the building at the present time. Further comment was made about the adequacy of the car park and the danger of overspill into surrounding streets, leading to associated noise and disturbance. The fear was expressed that the proposals would bring a new and larger numbers of patrons to the area.
- 7.9 A commercial occupier in Southchurch Road expressed fears of vandalism, and indicated there was a lack of need for this development in what was held to be an inappropriate location.
- 7.10 A respondent in Hamstel Road pointed to existing disturbance from patrons leaving the premises after closing time, as well as the early morning start to the dairy depot.
- 7.11 An anonymous respondent from Dalmatia Road indicated the residential area was an inappropriate location, and that there were presently problems with shouting and vandalism, which would be made worse. At the present time, noise could be heard coming from the building.
- 7.12 A respondent in Vaughan Avenue expressed the fear that the use of the premises would intensify, leading to greater levels of disturbance from departing patrons, and young persons living in the surrounding area would be drawn to the premises.
- 7.13 2 respondents from the same address in Poynings Avenue stated that this was a quiet residential area, but that there were problems with drunken and unruly behaviour, together with vandalism and discarded bottles and cans. Sleep was said to be disturbed, particularly in the Summer months.

- 7.14 2 letters have been received from Sir Teddy Taylor MP. The first of these drew attention to concerns from a resident in Southchurch Rectory Chase, who has also written directly as part of the consultation exercise. The second letter drew attention to three approaches and one enquiry he had received in relation to the present application.
- 7.15 A letter was received from a resident of South Avenue, stating that the premises were the only local pub left in the area, and stating that the proposal would change the clientele with an attendant risk of vandalism. The car park was said to be inadequate, and attention was drawn to the proximity of sheltered accommodation to the site. Concerns were expressed about noise problems and the lack of need for the present proposal. The respondent enclosed a copy of a petition with 319 entries. The addresses given in the petition appeared to be from a very wide geographical area.

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, one written request has been received from a Ward Councillor to refer the application to the Licensing Committee for decision.

9. Consultation with the Police

- 9.1 The Police Licensing Unit has been consulted, and has lodged formal objection to the application. In their written reply, the Police Licensing Unit states "It is believed that the requested additional trading hours and style of business are likely to lead to an increase in crime and disorder in the premises/vicinity. Police are also aware that the proposed operation is likely to have an adverse impact on the social and environmental wellbeing of the local community".
- 9.2 The Police have been asked to attend the meeting.

10. Control of Noise and Disturbance

- 10.1 The premises are located at a busy road junction, beyond the Southchurch Road shopping area. The building has a large car park which is closely adjoined by residential property including a newly constructed residential block occupied by elderly persons. Further to the east, off Southchurch Rectory Chase is another elderly persons residential development. The company which operates the public house has, as suggested in this Section's in a letter of 12th March, employed an acoustic consultant to undertake an assessment of the proposals. A copy of the assessment was only received on 2nd July. The company was advised that the assessment should take into account all potential areas for excessive sound emission from the premises. They were informed that the assessment should give consideration to potential disturbance arising from the activities of patrons outside the premises, having particular regard to the predominantly residential nature of the surrounding properties, the ambient sound levels, as well as the proposed terminal hour for activities.
- 10.2 The letter of 12th March informed them that the application appeared to present considerable potential for noise and particularly general disturbance to surrounding residential occupiers, having regard to the proximity of that accommodation to the car park and garden perimeter. They were alerted to the fact that this concern would need to be reflected in the report now before Members.
- 10.3 The premises are characterised by large areas of glazing, together with a number of exits to the gardens and surrounding areas. The plans submitted show a substantial dance floor area with a DJ facility close to the entrance from the car park. The company was asked to provide details of the proposed nature of the operation and the types of entertainment intended to be provided, but no details were given until mid-July.

- 10.4 Based upon the information originally to hand, i.e. the drawings submitted, it is likely that significant sound emission from amplified music could arise, which may amount to statutory nuisance, unless effective sound insulation measures (possibly together with controls of the level of amplification) were applied.
- 10.5 The acoustic report subsequently submitted puts forward a number of proposals designed to prevent excessive emission of sound from the building and associated plant and equipment. Nevertheless the report leaves a number of questions unresolved, and the applicant's legal representative has advised that the acoustic consultant will expand upon his report at the hearing. The report does not address in detail the question of potential noise and disturbance from the movement of patrons and their vehicles.
- 10.6 The question of disturbance to surrounding residents from patrons departing from the premises, particularly at closing time, is an important consideration. 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 in detail from the applicant about the managerial measures proposed to be put in place in an effort to minimise such adverse effects.
- 10.7 Given the nature of the surrounding properties and their proximity to the site, together with the proposed increased operating hours, it is difficult to see how an unacceptable level of intrusion and increased environmental impact could be avoided.

11. Fire Safety and Related Technical Requirements

- 11.1 The plans showing the proposed layout have been examined, and advice has been given in a letter of 15th April concerning technical requirements. The drawing submitted appears to be broadly acceptable, subject to detailed technical requirements, but further details of the proposed furnishing layout during all modes of operation were requested, in order that a maximum customer capacity could be calculated. In the letter of 15th April, the opportunity was again taken to request further details concerning the proposed nature of operation and the types of entertainment intended, but these have yet to be submitted. Some information was, however, provided during a recent inspection.
- 11.2 The premises have been closed for some weeks, and conversion works are almost complete. The applicant's legal representative have been repeatedly advised that the works undertaken are at their own risk, and without prejudice to the decision of the Licensing Committee, and to the imposition of additional structural requirements.

12. Background Papers

- 12.1 Consultation letter to surrounding occupiers.
- 12.2 Letters from surrounding occupiers, together with a petition.

13. Appendices

None