

Southend-on-Sea Borough Council

**Agenda
Item**

Report of Director of Technical & Environmental Services

to

Licensing Committee

On

14th April 2003

Report prepared by : David Krieger

The Basement, Maitland House, Chichester Road, Southend-on-Sea, Essex
Application for Variation of Provisional Public Entertainment Licence
Part 1 – Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by Mr I Samuels for the variation of the existing provisional Public Entertainment licence covering this building. Briefly, the applicant seeks to relocate the licensed area from the ground floor to the basement.

2. Recommendations

2.1 There is no objection to the 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.**

- 2.2 It is requested that any approval given by Members be restricted to agreement in principle, as detailed internal layout drawings have yet to be produced. This would enable a formal variation of the existing provisional Public Entertainment licence to be granted under delegated authority, once such detailed drawings had been agreed by all relevant authorities.**

3. Background

- 3.1 On 24th April 2002, the Licensing Committee granted a provisional Public Entertainment licence for the ground floor rear part of the building, which has a main frontage onto Chichester Road. This followed a full public consultation exercise with surrounding occupiers, elected Members, the Police and the Fire Authority.
- 3.2 The provisional licence at that time specified a terminal hour of 2 am on the mornings following Mondays to Saturdays and half past midnight on the mornings following Sundays (extending to 2 am on Bank Holiday Sundays). The customer capacity finally agreed was 895 persons.
- 3.3 The level of public response to the consultation exercise was relatively low, 10 responses having been received following delivery of over 350 consultation letters.
- 3.4 A provisional Justices On Licence was granted the previous month, when there were no objections from surrounding occupiers. The provisional Justices Licence contained a number of conditions, which had been agreed jointly with the applicants, this Department, and the Police. These conditions were mirrored in the provisional Public Entertainment licence.

4. Subsequent Developments

- 4.1 At the time of the original application, the applicant had obtained a lease of the ground floor only. He went on to obtain a provisional Special Hours certificate from the Licensing Justices, to allow for extended drinking hours within the proposed licensed area.
- 4.2 The approvals obtained were not taken up, and subsequently the applicant obtained the freehold of the whole of the Maitland House building, comprising all parts of the former department store fronting onto Chichester Road, together with the adjoining office block. As a result of this, it was necessary for his company to undertake a complete review of the use of the structure, and to formulate revised proposals for licensing.
- 4.3 On 7th October 2002, the present applicant submitted proposals to the Licensing Justices for three separate units on the ground and first floor and was successful in obtaining new provisional Justices On Licences for these units.
- 4.4 On 3rd March 2003, the applicant sought and obtained a new provisional Justices licence for the basement.

4. The Present Proposal

- 5.1 Mr Samuels seeks the Committee's approval for the variation of the provisional Public Entertainment licence which originally related to the ground floor proposal. If granted, the effect of the variation would be to move the Entertainment licensing approval from the ground floor to the basement. Such approval would be subject to the same conditions as presently apply, ie the same terminal hours and customer capacity, together with the scheme of licence conditions already in place.
- 5.2 No detailed drawings have yet been submitted, as these have yet to be finalised. Nevertheless, the concept of utilising the basement instead of the ground floor is acceptable from the Environmental Health standpoint. Indeed, it could allow for a greater level of sound insulation than the presently approved proposals.

5. Consultation Procedures

- 6.1 Consultation has taken place with the Police and Fire Authorities, who have no objection in principle. The Police seek the re-imposition of the existing conditions.
- 6.2 No additional consultation has taken place with surrounding occupiers nor with elected Members, as such consultations are normally reserved for new licences. This course of action was agreed, following consultation with the Chairman of the Licensing Committee. Nevertheless, in view of the prominence of the building complex in the town centre, and as a background to possible future proposals, it was felt appropriate that the present application should be brought to the Committee for decision.

6. Future Proposals

- 7.1 For the future, Mr Samuels' company will act as the landlord for the complex, and future tenants would be the eventual holders of any licences, once they reach the final grant stage. Should Members be minded to grant the present application, the Public Entertainment licence approval for the ground floor would effectively be lost. Should future tenants of the ground floor units seek grant of Public Entertainment licences (perhaps as a legal prerequisite to the approval of extended Liquor licensing hours), they would need to make their own applications at the appropriate time. Such applications would need to be decided upon their own merits, following the normal full consultation procedures.

7. The Town Planning Position

- 8.1 Planning consent was granted on 24th May 1996 to use the four storey building for leisure and restaurant purposes, and this was renewed on 10th May 2001. Further Planning consent would be required for the currently proposed use of the basement: the necessary application has been submitted, and is scheduled for consideration at the end of May 2003. The application also includes proposals for other works, including a hotel development.

8. Background Papers

9.1 No background papers were used in the preparation of the report.

9. Appendices

10.1 There are no appendices with this report