

Southend-on-Sea Borough Council

*Agenda
Item*

**Report of Director of Technical & Environmental Services
to
Licensing Committee
on**

Report prepared by : David Krieger

**Zanzibar, Basement of 33/35 Alexandra Street, Southend-on-Sea, Essex
Application for the Provisional Grant of a Public Entertainment Licence
(Part I – Public Agenda Item)**

1. Purpose of Report

- 1.1. This report considers an application by the owners of the Zanzibar for the grant of a new Provisional Public Entertainment Licence for the basement.

2. Recommendations

- 2.1 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, and**

- 2.2 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 premises comprise a currently vacant basement area and existing ground floor restaurant with offices above. The application relates solely to the basement area. The premises are situated in the commercial part of Alexandra Street in the vicinity of three late night venues, one restaurant operating to midnight and two bars with normal liquor licensing hours. It is also situated within approximately 150 metres of residential areas.
- 3.2 No Public Entertainment Licence has previously been held for the basement area, however previous records show that in 1985 a Public Entertainment Licence was granted for the Ground Floor Restaurant with permitted hours of 12.00 Midnight Mondays to Saturdays and a capacity of 100 persons. The hours were increased to 1.00 a.m. Monday to Saturday from 1986 to 1990. In 1991 the then new owners of a restaurant were granted an Occasional Public Entertainment Licence to 12.00 Midnight Monday to Saturday on seven occasions in the year on the Ground Floor. This Licence lapsed in 1992.

4. Proposals

- 4.1 The application is for the provisional grant of a new Public Entertainment Licence to cover the basement area only.

- 4.2 The terminal hours sought are Mondays to Saturdays 2.00 a.m. the following morning and Sundays 00.30 a.m. the following morning extending to 2.00 a.m. the following morning on Bank Holiday Sundays (other than Easter Sunday).
- 4.3 The applicant seeks a maximum capacity of 400 persons.

5 The Liquor Licensing Position

- 5.1 The Ground Floor of the premises has the benefit of a Justices On-Licence in the bar area, for the sale of intoxicating liquor. They also have the benefit of a Supper Hours 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 The basement area does not currently have the benefit of a liquor licence. 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 Town Planning

- 6.1 A Certificate of Lawful Use has been granted for the basement by Technical Services. This specifies:
- "Use basement as licensed restaurant ancillary to Ground Floor A3 use".
- 6.2 A Town Planning application will need to be submitted for the alteration of the shop front to install additional fire doors serving the basement area. Such an application may be needed for a wider use of the basement.

7. Consultation with Surrounding Occupiers

- 5.2 A consultation letter was delivered by hand to 142 properties within the surrounding area seeking comments on the application. In addition, the applicant was required to display a public notice on the premises.
- 5.3 At the time of preparing this report, nineteen objections had been received as a result of the consultation exercise.
- 5.4 Ten responses were received from residents of the surrounding area. One of the objectors made comments on behalf of The Southend Society and a neighbour. The letters highlighted a wide range of existing problems allegedly caused by the existing late night venues. The majority of residents made reference to anti-social behaviour in the early hours causing sleep disturbance, including shouting, swearing, banging of car doors, screaming, fighting, vomiting on doorsteps, urination, beer cans/bottles left in doorways etc. In addition, a number of respondents referred to vandalism in the form of graffiti, damage to cars, homes, gardens and the bowling green.
- 5.5 One resident of Royal Terrace complained of existing problems with disturbance from the heavy bass beat from the basement of Bakers Bar.
- 5.6 Two objections received were from commercial premises in the surrounding area. One made reference to existing persistent problems of having to clean up vomit on the front doorstep, blood on windows, graffiti on walls and general detritus found on Sunday or Monday mornings.
- 5.7 Three anonymous complaints were received which reflected similar concerns to those of other objectors.
- 5.8 One objector was concerned that the application could cause noise and disturbance at a late hour to future residents of the proposed eight house development, which will be situated to the rear of Zanzibar.

6 Consultation with Elected Members

- 6.1 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, two letters of objection were received from local Ward Councillors concerned at the impact on local residents in the early hours due to the close proximity of Zanzibar to residential areas.
- 6.2 A letter has been received from Sir Teddy Taylor MP. This drew attention to concerns from a resident of Cashiobury Terrace, who has also written directly as part of the consultation exercise.

7 Consultation with the Police

- 7.1 The Police do not raise objection, but seek the imposition of a number of conditions, designed to enhance the management's control and mode of operation of the proposed venue.

8 Control of Noise and Disturbance

- 8.1 The applicant has provided written confirmation that the proposed use would take the form of operation similar to the "Jongleurs" clubs. It would comprise a mix of live entertainment often featuring comedy or specialist musicians and themed nights based occasionally on different types of music, e.g. jazz, country and western with late night dancing afterwards. Persons having a meal in the Ground Floor restaurant would be allowed free entry to the basement for the entertainment. Patrons will also be able to eat downstairs or just attend for the entertainment. The basement would have its own entrance with no internal access from the restaurant
- 8.2 The premises is located within approximately 150metres of the residential properties within the Conservation area to the West. There are also residential properties in Royal Terrace to the South. Due to the close proximity of residential areas and the likelihood of a percentage of departing patrons walking through these areas in the early hours of the morning there is a potential for disturbance to residents. This Department's letter of 26th February 2003 alerted the applicant that residents in the Conservation Area surrounding Alexandra Road were likely to have concerns in relation to any perceived intensification of late night activities associated with liquor licensed premises in the area. This is due to problems with patrons departing from late night venues and the unruly behaviour, disturbance and criminal activity that has taken place.
- 8.3 This Department is still awaiting confirmation of the measures that would be taken to avoid or reduce the problems typically associated with late night venues.
- 8.4 The minimization 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 minimize such adverse effects. Whilst licences have been granted for other late night venues in the area (notably the Alex Public House), it is recognized that residents have genuine concerns in relation to the growth of late night licensed venues in proximity to the Conservation Area.
- 8.5 The application premises lend themselves to acoustic separation in that it is a basement area, and the main entrance to the basement is via a long internal lobbied corridor. There is, however, a potential for noise transmission from the premises through the ventilation system and/or through any poorly insulated parts of the structure. It is not considered that there are likely to be insurmountable problems in preventing noise transmission. The applicant has been asked to submit an acoustic assessment including details of the sound insulation to the ventilation system, any noise limiting devices to be installed and an assessment of transmission of noise through the structure.

9 Fire Safety and Related Technical Requirements

- 9.1 A detailed specification of technical fire safety and related works has been sent in a letter of 29th July 2002. The drawing submitted by the applicant appears to be broadly acceptable.

10 Background Papers

- 10.1 Consultation letter to surrounding occupiers.
- 12.2 Letters from surrounding occupiers.

11 Appendices

11.1 There are no appendices with this report.