

Southend-on-Sea Borough Council

**Cabinet
Digest**

**Report of Director of Technical & Environmental Services
to
Licensing Committee
on
17th June 2003**

Proposal

Report prepared by : Philippa Bradwell

**Bellini's, 1008 London Road, Leigh-on-Sea, Essex
Application for the Variation 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 Bellini's for the variation to the existing Public Entertainment Licence for the premises, so as to allow for later operating hours on Sunday.

2. Recommendations

- 2.1 **The Committee will wish to be satisfied on the evidence presented that the application would not give rise to the likelihood of adverse environmental impact.**

- 2.2 **Should Members be minded to approve the application, it is requested that such approval be subject to:**

- a) **An additional condition being attached to the Public entertainment Licence as follows:**

'The licensee shall take all reasonable steps to ensure that no bottles or drinking vessels are taken from the premises. Patrons attempting to leave with such items will be asked to surrender them. Patrons refusing to surrender these items will be barred from the premises in the future and shall be told this fact at the time. To facilitate this process, the licensee shall provide conspicuous signage, visible to patrons on entry explaining this policy. The licensee shall provide a suitable bin at the exit(s) for the safe temporary storage of glassware/bottles surrendered. The type of bin and siting to be agreed by the Licensing Authority. The foregoing shall apply whenever doorstaff are on duty at the premises.'

- b) **The submission to and approval by the Group Manager - Environmental Health of a scheme of managerial measures, designed to prevent sound emission and to reduce disturbance to surrounding occupiers, so far as is reasonably practicable. (Such measures should include, in particular, control over the nature of the entertainments provided, the effective use of door supervisors, together with procedures to encourage considerate behaviour on the part of departing patrons)**

3. Background

- 3.1 The premises comprise a ground floor bar and restaurant with external seating to the front elevation. The venue is a corner property with mostly commercial premises adjacent and opposite on London Road, but highly residential areas in the surrounding streets. There are no comparable licensed premises in the near vicinity.

- 3.2 These premises have had a Public Entertainment Licence for a considerable number of years initially operating Fridays and Saturdays only up to 12.00 Midnight. In January 2001, approval was given to extending the licence to Wednesdays, but only until 11.00 p.m. In September 2001, approval was given for Public Entertainments to take place on Sundays with a terminal hour of

11.00 p.m. In February 2002 a three-month approval was given to extend the hours on Sundays to 11.30 p.m. In the absence of any complaints during this period, this increase in Sunday hours was made permanent in May 2002.

4. Proposals

- 4.1 The application is for a further increase to the terminal hour on Sundays to 12.00 Midnight, extending to 12.30 a.m. the following morning on Sundays immediately preceding Bank Holidays (Except Easter Sunday).

5 The Liquor Licensing Position

- 5.1 The premises have the benefit of a Special Hours Certificate from the Licensing Justices to allow drinking up to 11.30 p.m. in line with the existing Public Entertainment Licence. They also have the benefit of a Supper Hours Certificate issued by the Justices. This allows drinks to be provided in association with table meals until 11.30 p.m. (Plus 30 minutes drinking up time).

6 Consultation with Surrounding Occupiers

- 6.1 A consultation letter was delivered by hand to 116 properties within the surrounding area seeking comments on the application. In addition, the applicant was required to display a public notice on the premises.
- 6.2 Eleven letters of objection have been received, one letter being anonymous.
- 6.3 The letters received have all been from residents living down the residential side streets in close proximity to the application premises.
- 6.4 The majority of objections relate to existing problems with patrons leaving the premises and walking down residential roads at closing time leading to problems of disturbance as a result of shouting, swearing, slamming of car doors, parking on driveways and double yellow lines, littering gardens with rubbish, bottles, urination and vomiting. In addition some residents allege disturbance caused by loud beat music and the noise from patrons on the patio area outside transmitting from the premises to residential areas to late at night.

7 Consultation with the Police

- 7.1 At the time of writing this report the Police comments had yet to be finalised. The Police response will be included in the papers submitted prior to the hearing.

8 Control of Noise and Disturbance

- 8.1 The existing Public Entertainment Licence has specific conditions designed to reduce the level of noise and disturbance to surrounding residential areas. These are as follows:
- a) "No patrons shall be allowed to enter the premises or the outside drinking area after 10.45 p.m."
 - b) "No patrons shall be allowed to remain in the outside drinking area after 10.45 p.m."
 - c) "The entertainments for which this licence is required shall not be audible beyond the boundary of the licensed premises."
 - d) "No live music shall be provided on Fridays or Saturdays".
 - e) "No change shall be made to the level of provision or size of amplification equipment without the written consent of the Group Manager – Environmental Health."
- 8.2 Due to the close proximity of residential areas and the likelihood of a percentage of departing patrons walking through these areas to reach their cars or to walk home, there is a potential for increased disturbance to residents.
- 8.3 The letters from objectors make reference to existing problems with patrons leaving the premises and walking down the residential streets and accessing cars. It is felt that Members would wish to hear in detail from the applicant about the existing and proposed managerial measures in place to

minimize such adverse effects. It is recognized that residents have genuine concerns at the potential increase in noise and disturbance and other disruption further into the early hours of the morning on Sundays, which are considered to be a quieter evening than the rest of the week.

- 8.4 In relation to the allegations of bass beat transmission from the premises and patrons allowed to remain in the outside drinking area after 10.45 p.m, Members may wish to hear from the applicant of the managerial and other control measures in place to prevent this from occurring, to ensure full compliance with the existing licence conditions.

9 Background Papers

- 9.1 Consultation letter to surrounding occupiers.

- 9.2 Letters from surrounding occupiers.

10. Appendices

- 10.1 There are no appendices to this report.