

Report of Director of Technical & Environmental Services

to

Licensing Committee

on

22nd and 23rd October 2003

Report prepared by : Philippa Bradwell

The Royal Cellar (Basement), The Royal Hotel, 1 High Street, Southend-on-Sea, Essex Application for the 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 Royal Hotel for the grant of an annual Public Entertainment Licence, in replacement of an existing Occasional Licence.

2. Recommendations

- 2.1 **The committee will wish to give careful consideration to the objections of the Police.**

- 2.2 **Separately, from the Environmental Health standpoint, the Committee will wish to be satisfied (having regard to the proximity of residential accommodation particularly in Royal Terrace) that the activities at the premises can be so conducted as to minimise the potential for disturbance in the area.**

- 2.3 Should Members be minded to approve the application, it is requested that such approval be subject to additional conditions being attached to the Public Entertainment Licence as follows:

- a) 'The licensee shall take all reasonable steps to ensure that no bottles or drinking vessels are taken off the site by departing patrons. 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.
- b) Before any licence is granted, the licensee shall put in place appropriate managerial measures designed to reduce so far as is reasonably practicable disturbance to residential occupiers, in accordance with a scheme to be submitted to and approved by the Group Manager – Environmental Health. (In the absence of such approval, the matter to be referred back to the Licensing Committee for decision).'

3. Background

- 3.1 The basement part of the premises has had the benefit of an Occasional Public Entertainment Licence since July 2002. The licence allows for one event per week with a terminal hour Mondays to Saturdays of 2.00 a.m. the following morning and 10.30pm on Sundays and a maximum capacity of 100 persons. This occasional licence was originally granted under delegated authority, at a time when the basement was operating under restrictive conditions which required the maintenance of 48 covers at all times and that the sale of alcohol was to be ancillary to the provision of meals. Subsequently, a new full On-licence was granted on 7th April 2003, without such restrictions.

3.2 The customer space within the basement has been expanded sufficiently to allow for a capacity increase from 100 to 150 persons. The applicant has previously been advised of the fire safety measures necessary to achieve a capacity of 150 persons for the existing Occasional Public Entertainment Licence. That advice was given, and the necessary works completed, before the applicant submitted a formal application for variation of that licence. It had been envisaged that the capacity increase of 50 persons for an Occasional Licence would have been dealt with under delegated authority. At the time that these works were being actioned, neither the applicant nor officers of this Department were aware of the stance to be taken by the Police in respect of the full annual licence application. The actual formal application form for variation of the Occasional Licence was not received until 22nd August 2003. In view of this, this particular increase has not yet been actioned. Nevertheless, in fairness to the applicant, it is felt (irrespective of the outcome of the matter presently before the Committee) that the increase in numbers related solely to the occasional use should not be opposed.

3.3 The premises are situated opposite the Royals Shopping Centre and to the south of other commercial premises on the High Street. It is the corner property at the Eastern end of Royal Terrace. There are a number of residential premises in close proximity along Royal Terrace.

3.4 The structure is a listed building within a Conservation area.

4. Proposals

4.1 Consideration of this application has been delayed whilst joint discussions have taken place with the applicant's legal representative, the Police and Officers of this Department.

4.2 The application is for the grant of an Annual Public Entertainment Licence. This would potentially have the effect of increasing the number of events from once a week to seven days a week. Part of the full annual licence application is a proposal to extend the terminal hour on Sundays from 10.30pm to 00:30 am on the following mornings (extending to 2am on bank holidays). The applicant seeks a maximum capacity of 150 persons.

4.3 The basement premises currently have a Justices On licence allowing the sale and consumption of alcohol to 11pm (with 20 minutes drinking up time). It is a legal pre-requisite that a full annual Public Entertainment licence is obtained before a successful application can be made to the Licensing Justices for a Special Hours Certificate. (Such a certificate allows for the late sale and consumption of alcohol up to 2am on Mondays to Saturdays, with a further 30 minutes drinking up time. The terminal hour on Sundays would generally be 00:30am plus 30 minutes drinking up time.). It is expected that the applicant will apply for such a certificate if the annual Public Entertainment licence is granted.

5 Consultation with Surrounding Occupiers

5.1 A consultation letter was delivered by hand to 79 premises within the surrounding area seeking comments on the application.

5.2 Ten letters of objection were received as a result of the consultation exercise.

5.3 Eight letters of these were from residential properties in Royal Terrace, one of which was from a Residents Association on behalf of eight separate flat occupiers.

5.4 The letters highlight a wide range of existing problems including disturbance from loud singing, shouting, swearing, banging car doors, car radios, intimidating behaviour etc into the early hours of the morning leading to sleep disturbance and anxiety. A number also make reference to damage to property and gardens in the early hours of the morning. The concern is that these problems will be made worse by increasing the number of days that the premises can operate and increasing the occupancy levels.

5.5 Two letters were received from commercial premises concerned at existing problems of vandalism, noise and general rowdiness.

5.6 One letter has been received from a commercial premises giving positive support for the application.

6 Consultation with Elected Members

- 6.1 All elected Members were notified by letter of the application and comments sought. Two letters of objection were received from local Ward Councillors objecting on the basis of nuisance to residents in the early hours of the morning, anti-social behaviour and limited street parking.

7 Consultation with Police

- 7.1 The Police object to the application on the basis that the proposed additional trading hours and the intended style of business are likely to lead to:

- a) An increase in Crime and Disorder at, or in the vicinity of, the premises.
- b) The Police resources available for policing crime and disorder being further stretched to an unacceptable level.
- c) An adverse impact on the social and environmental wellbeing of the local community

The Police have submitted a quantity of documentation in support of their objection, and this has been copied to the applicant's legal advisor. Some of this material has been passed to Committee Members in advance of the hearing. The Police will attend in order to present their objection.

8 Noise and Disturbance

- 8.1 The application relates only to the basement of the Royal Hotel. The basement premises have been operating under the Occasional Public Entertainment Licence for over eighteen months having Public Entertainment events one day a week plus a number of private events. Occasional complaints have been received during that time in respect of alleged excessive sound emission from the building. Some of these complaints may be attributable to use of parts of the building other than the basement. To date, this Department has not linked noise transmission from the premises specifically to the operation of the basement. No further acoustic insulation works have been required as part of this application.

- 8.2 It should be noted that other musical events may legitimately be provided within the premises, without the need for a Public Entertainments Licence. These would include private events, and functions utilising up to two musicians (or recorded music). The licensees have also, from time to time, obtained Special Orders of Exemption from the Justices, enabling the premises to operate with extended liquor licensing hours on specific occasions.

- 8.3 Of concern, however, is the allegation of disturbance, damage to property and other adverse effects experienced by residents in the nearby Royal Terrace. Members will wish to hear in detail from the applicant about the managerial measures proposed to be put in place to reduce such effects, so far as is reasonably practicable.

9 Fire Safety and Related Technical Requirements

- 9.1 A detailed specification of technical fire safety and related works has previously been sent to applicants, and these works have been completed.

10 Background Papers

- 10.1 Consultation letter to surrounding occupiers.
- 10.2 Letters from surrounding occupiers.
- 10.3 Documentation from Police

11. Appendices

- 11.1 There are no appendices to this report.