

Southend-on-Sea Borough Council

Report of Director of Technical & Environmental Services
to

Licensing Sub-Committee (C)

on

1st February 2005

Report prepared by: Philippa Bradwell

Agenda
Item No.

**Seymours,
2-4 Warrior Square, Southend-on-Sea, Essex**
Application for the Variation of Public Entertainment Licence

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by Mr. D. De Vigne, the new occupier of these premises, for the Variation of the existing Public Entertainment licence.

2. Recommendation

2.1 That the Sub-Committee decide the application.

- 2.2 Should the Sub-Committee be minded to approve the application, it is requested that the following additional conditions should be applied to the varied licence:-

- a) The acoustic assessment required as part of the presently approved consent to alterations shall be required to take into account the extended operating hours now put forward, and
- b) The conditions drawn from the proposals contained in Appendix 1, together with any additional conditions which are put forward by the Police and approved. (It is requested that the final wording of such conditions be delegated to the Director of Technical and Environmental Services, following consultation with the Police).

3 Background

- 3.1 The premises comprise an established entertainment venue with catering element. The operating hours presently permitted are those requested in the original application by the former operators, Luminar Leisure, at the time of the original approval. The premises originally traded as the Chicago Rock Café.

4 Proposals

- 4.1 The application is for the variation of the existing Public Entertainment Licence, so as to increase the terminal hours on Monday to Saturday from 1.00 a.m. to 2.00 a.m. the following morning. The application also seeks to increase the terminal hour on Sunday from 10.30 p.m. to 12.30 a.m. (extending to 2.00 a.m. on Bank Holiday Sundays, excluding Easter Sunday).

5 The Liquor Licensing Position

- 5.1 The premises have the benefit of a full Justices On-Licence and Special Hours Certificate. Should the current application be successful, the licensee would be able to seek an extension to the permitted hours, by way of a revised Special Hours Certificate.
- 5.2 The licensee recently obtained the Justices' consent to alterations, involving a refit to the licensed area, and a revised shopfront. These works have yet to commence, and the shopfront alterations will require Town Planning consent.

6 Consultation with Surrounding Occupiers

- 6.1 A consultation letter was delivered by hand to 184 properties in the surrounding area, seeking comments on the application.
- 6.2 At the time of preparing this report five letters had been received from residents. One resident had sent in two letters.
- 6.3 The resident from Whitegate Road, expressed concern that the noise from drunks on Thursday, Friday and Saturday nights would be extended with the increase in licensing hours. In addition, the objector stated that a side gate has had to be put on the side of the house to prevent drunks urinating and having sex in the alleyway. It was considered that extending the licensing hours would make life more intolerable than it is presently.
- 6.4 A resident from Warrior Square expressed concern that the character of the Victorian residential square would not be preserved if more and more of the night-time was disrupted by noise, car doors slamming, and rowdy behaviour.
- 6.5 Another resident from Warrior Square sent in two letters of objection. One was a copy of a letter previously sent in relation to the increasing capacity for the basement, Maitland House and the proposed Units 1 and 2 within that building. This made reference to intolerable noise, drunks, druggies and vagrants. The second letter advises that the objection still stood unless Seymours were prepared to contribute to the fencing off the Warrior Square gardens.
- 6.6 A resident of Tolhurst House, who did not specify their exact address, complained of the persistent vomiting and urination on and around Seymours and Tolhurst House, and was concerned that this would be made worse by the extension in licensing hours. The objector recommended that Seymours made payment in order to clean up the area after the weekend periods.

7 Consultation with the Police

- 7.1 The Police lodged formal objection on the grounds that the application could lead to an increase in levels of crime and disorder, and add to the adverse cumulative impact upon public services, arising from the operation of the night-time economy of Southend. In this connection, the Police have previously submitted evidence as part of their submission in relation to the Council's statement of Licensing Policy, under the Licensing Act 2003.
- 7.2 Discussions have taken place with the applicant, his legal adviser and the Police Licensing Unit, facilitated by this Department's Safety and Licensing Service. The Police are presently considering a range of managerial control measures which have been discussed with the applicant, and which are reproduced in the **Appendix 1** to this report. The Police Licensing Unit has been asked to attend the hearing, and to confirm whether the measures put forward are sufficient to resolve the concerns which they have raised.

8 Control of Noise and Disturbance

- 8.1 The premises are located close to the High Street and adjacent to Maitland House which has recently been granted two provisional Public Entertainment Licences for Ground Floor Units 1 and 2 (overall capacity 990 persons), and variation to the basement to increase the previously approved capacity from 895 to 1,095 persons. (In each case, the approvals were subject to a range of conditions). It is also close to residential accommodation. A number of flats are located within Tolhurst House above Seymours. In addition, Warrior Square and Whitegate Road are predominantly in residential use.
- 8.2 The question of disturbance to surrounding residents from patrons departing from the premises is an important consideration. Residential properties overlook several of the areas where patrons may park i.e. Warrior Square and the adjoining car park. In addition there are a number of taxi ranks on Chichester Road near to residential accommodation in Warrior Square. The minimisation of disturbance and other adverse effects once patrons have left the licensed establishment are difficult matters for licensees to control. For this reason, it is felt that the Sub-Committee would wish to hear from the applicant about the managerial measures proposed to be put in place in an effort to minimise such adverse effects.

9 Fire Safety and Related Technical Requirements

- 9.1 In December 2004, this Department gave formal consent to the alterations mentioned in Paragraph 5.2. This consent mirrored that given by the Justices, but was subject to a substantial list of technical requirements. No change in the customer capacity was sought as part of the proposed works. The permitted capacity stands at 390 persons. Importantly, the consent required that an acoustic assessment be submitted, having regard to the potential for greater sound transmission from the proposed new shopfront design.

10 Background Papers

- 10.1 Consultation letter to surrounding residents.
- 10.2 Letters from surrounding occupiers.

11 Appendices

- 11.1 Appendix 1 – Scheme of measures drafted by the applicant, as the basis of proposed additional conditions.

PROPOSALS IN RESPECT OF

SEYMOUR'S, 2-4 WARRIOR SQUARE, SOUTHEND-ON-SEA, ESSEX

IN RELATION TO THE CONTINUED AND FUTURE AVOIDANCE OF ANY PROBLEMS ARISING FROM THE PREMISES RELATING TO NUISANCE, DISORDER AND PUBLIC SAFETY

1. Security staff at the venue already regularly patrol the service road to the front of the premises (which is already covered by the premises' CCTV system) and the service road behind Seymour's during the evening and late night hours when the premises are trading. It is therefore proposed: -

"Security staff will regularly patrol the service road in front of Seymour's, the rear service road behind Seymour's and the western side of Chichester Road (incorporating the entrance to the flats above Seymour's) between the hours of 9.30 p.m. and 2.30 a.m. on the nights when the premises operate. Patrolling staff will be in constant radio contact with the premises and the existing town link radio system. Use of the town link radio system via the premises will be maintained and upgraded/updated as appropriate and as agreed between the parties from time to time."

2. **Proposal: -**

"All supervisory staff will undertake appropriate additional training in first aid and conflict management skills. Such training will be reviewed periodically (not less than six month intervals) to ensure that all supervisory staff are kept up to date with current best practice in these areas."

3. **Proposal: -**

"All staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. New staff will be trained before commencing their duties. All established staff will be subject to periodic refresher training (not normally less than six monthly intervals)."

4. **Proposal: -**

"Records will be kept of all training and refresher training."

5. The premises currently enjoy an excellent relationship with local taxi operators, being one of the few premises at which taxis will call to deliver or collect passengers. It is intended to build upon this relationship.

Proposal: -

“The premises will install a direct line to a local taxi company for the use of patrons to order taxis and the reception staff will assist patrons as appropriate by contacting other or alternative taxi firms free of charge where the existing local company is unable to cope with demand. A system will be agreed with the taxi/hire care operators to avoid pre-booked taxis being “hijacked” by persons who have not booked them. Patrons awaiting taxis will be allowed to wait inside the reception area until their taxi arrives. Security staff will, as appropriate, assist patrons to their taxis with a view to avoiding “queue jumping” and minimising any potential noise or disturbance.”

6. The premises already maintain and apply the “Challenge 21” policy, whereby anyone not appearing to be 21 years of age will be challenged to prove that they are 18. This currently works very successfully.

Proposal: -

“In addition to maintaining the current “Challenge 21” policy, the premises will actively consider the viability of an “unrestricted membership system” incorporating Photo ID’s similar to those previously operated by the proprietors at other premises as an additional measure of management of patrons.

7. **Proposal: -**

“The Licensees will participate in and cooperate with schemes operated by the local police or other authorities in relation to the search for and seizure of unlawful items and substances. The Licensees will liaise with the local police/ appropriate authorities with a view to arranging appropriate training by them of the security staff at Seymour’s.”

8. Comprehensive CCTV is already installed and operating both within and without the premises.

Proposal: -

“The Licensees will periodically review the existing comprehensive CCTV coverage at the premises with the police and any other appropriate local authority. The Licensees will take all reasonable steps to ensure that the system is maintained in a good and efficient working condition at all times when the premises are operational.”

9. The Licensees already endeavour to avoid the litter and waste associated with the premises from affecting the surrounding area.

Proposal: -

“The Licensees will arrange to instruct their cleaners that on arrival early each morning they should patrol the perimeter of the premises and clear any relevant waste/ litter.”

10. The premises already ensure that any drink promotions are of a modest and responsible kind.

Proposal: -

“The Licensees will continue only to promote responsible drink promotions. In the event that any drink promotion, however modest, is shown to contribute to problems within the vicinity, the Licensees would withdraw such promotion upon the appropriate representations from the relevant authorities.”

11. **Proposal: -**

“The Licensees will ensure that patrons queuing to enter the premises are properly supervised by the Licensees’ own security staff.”

12. **Proposal: -**

“Any promotion of the business by means of posters and leaflet distribution will be undertaken responsibly and in accordance with all legal requirements, by-laws etc. The Licensees will use their best endeavours to prevent any third party promoter from breaching this provision. In the event of it being shown that any promoter has distributed posters or leaflets in an unlawful manner in breach of their instructions, the Licensees will not normally allow such promoter to operate in respect of these premises again.