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Southend-on-Sea Borough Council

Legal & Democratic Services

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14 June 2021

Dear Councillor

LICENSING SUB-COMMITTEE A - WEDNESDAY, 16TH JUNE, 2021

I refer to the Agenda for the meeting of the Licensing Sub-Committee A taking place on Wednesday, 16th June, 2021 and in particular, the conditions set out in Appendix 2 of the report. Unfortunately, the wrong conditions were included in the report and these should be disregarded.

A revised set of conditions are attached, together with a copy of some additional conditions agreed that have been agreed with the responsible authorities should the application be granted.

Tim Row
Principal Democratic Services Officer

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Cornichon Schedule of proposed conditions

- 1 The Licensee shall ensure that a 'Challenge 25' scheme is operated, whereby any person who appears to be under 25 years of age is required to produce means of identification proving they are over 18 years of age. The only authorised means of identification shall be passport, UK photo driving licence or 'PASS' accredited card
- 2 Clear and legible signs shall be displayed advising patrons who appear to be under 25 years of age that they shall be required to prove they are at least 18 years of age
- 3 The Licensee shall ensure that all employees receive training on preventing sales of alcohol to underage and drunken persons and on the operating schedule/policies adopted by the premises. Training records shall be maintained by the Licensee and shall be available for inspection by the Police of Licensing Authority upon request
- 4 The Licensee shall ensure that a refusal book is maintained at the premises to record any refusals of alcohol. The refusals book shall be made available to the Police/Local Authority upon request.
- 5 The Licensee shall ensure that an incident log is maintained on the premises to record any incidents or occurrences relating to crime or disorder issues. The incident book shall be made available for inspection to Police/Local Authority Officers upon request
- 6 A sound level regulatory device ("noise limiter") shall be connected to any music or public address system. The limiter shall be set by a competent person who shall be taken to be a member of the Institute of Acoustics of the Association of Noise Consultants (or who can prove to the Licensing Authority that their qualification is acceptable to either of these bodies to ensure that amplified music or speech is inaudible at one metre from the façade of the nearest noise sensitive property at any time. The device shall be maintained to ensure inaudibility, and kept in proper working order (The term "inaudible" is considered to be when the noise source is at a low enough level such as to be unrecognisable as emanating from the environment that would prevail in the absence of the source. Reference taken from the Institute of Acoustics 2003 Good Practice on the Control of Noise from Pubs and Clubs)
- 7 Signs shall be displayed at the exit of the premises requesting that customers leave the premises quietly and with consideration so as not to disturb nearby residents
- 8 The Exterior seating shall be removed by 22:00 each day. When the external area is in use it shall be delineated by barriers or similar method in such a way as to be obvious that it is not part of the public highway.
- 9 The Premises Licence Holder and Designated Premises Supervisor shall ensure that

- a No drinking vessel of any kind save for and only bona fide off sales of factory sealed goods are taken beyond the Licensed Area marked on the approved plans
- 10 All persons under 16 years of age permitted on the premises shall be accompanied by an adult, and supervised by that adult whilst on the premises
- 11 No less than 40 covers shall be provided to the internal licensed areas
- 12 In the event that any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children are provided these shall be limited to such times when customers under 18 years of age are not present.
- 13 The Licensee shall install and maintain a closed-circuit television surveillance (CCTV) system to the reasonable satisfaction of Essex Police. The system shall record in real time and images shall be retained for a minimum of 30 days and made available to Essex Police on request. A member of staff shall always be on call during opening times that is able to download and burn off images from the CCTV system upon a request from the Police or Licensing Authority.
- 14 The Licensee shall ensure that a suitably worded sign of a sufficient size and clarity is displayed at the entrance to the premises and in the area of the alcohol display advising customers that CCTV is operating at the premises.

FRANKS (formerly known as Cornichon)

Schedule of further Conditions agreed with responsible authorities.

- 1 That the premises shall trade primarily as a Restaurant
2. That the amended proposed hours for licensable activities be

Sunday to Thursday inclusive 10 00 hours – 00:00 hours
Friday and Saturday inclusive 10 00 hours – 01 00 hours
- 3 On any occasion where the premises conducts or intends to conduct licensable activities past 23 00 hours on a Friday or Saturday, at least 2 SIA licensed door supervisors must be on duty from 20.00 hours until at least 30 minutes after the premises closes. On all other occasions where licensable activity takes place after 23 00 hours, the provision of SIA door staff shall be provided on a risk assessment basis
- 4 That there be a zero tolerance of the possession or supply of illicit drugs on the premises and that:
 - (a) staff be trained in the awareness of misuse of drugs,
 - (b) that regular checks will be undertaken of the toilet facilities and external areas of the premises to deter such conduct,
 - (c) any illicit substances discovered by staff will be retained in a secure safe in the office at the premises and passed to the police at the earliest opportunity
- 5 There shall be no use of the external area between 22:00 and 08:00 the following day save as a smoking area. During those times the maximum capacity permitted within that area shall not exceed eight persons
- 6 All doors and windows to remain closed except for access and egress between 22.00 and 08.00 the following day to minimise noise breakout
7. No rubbish/bottle bins shall be emptied between 21.00 and 08:00 the following day
- 8 That a contact telephone number be provided to local residents for use during premises opening hours in the event of any concerns.

- 9 Any noise complaints will be logged and the incident and what was done to address it will be recorded. The log book shall be made available to police and local authority officers on request.