

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee B

Date: Friday, 14th October, 2016

Place: Committee Room 1 - Civic Suite

Present: Councillor R Hadley (Chairman)
Councillors D McGlone (Vice-Chair) and D Jarvis

In Attendance: Councillor Mulroney
Mr R Harris, Mr P Tremayne and Mr M Newton and Mr R Layzell

Start/End Time: 9.30 am - 1.30 pm

376 Apologies for Absence

There were no apologies for absence at this meeting.

377 Declarations of Interest

There were no declarations of interest at this meeting.

378 The Vine 149 Leigh Road, Leigh-on-Sea, SS9 1JF - Application for the Variation of Premises Licence

The Sub Committee received a report by the Corporate Director for Place regarding an application by Mr Andreas Artemi for the grant of a variation of a Premises Licence in respect of The Vine, 149 Leigh Road, Leigh-on-Sea, Essex, SS9 1JF.

The application was presented by Mr P West, the Applicant's Licensing Consultant. The Applicant, Mr A Artemi, also attended the meeting. At the outset Mr West challenged the admission of a number of the representations which had been made in so far as they related to the planning application for these premises.

The Sub Committee, after due consideration, decided that the representations should be admitted to the extent that they related to the licensing objectives and were submitted to the Licensing Authority. The Committee was also mindful of clause 9.9 of the Guidance where borderline cases the benefit of doubt about any aspect of a representation should be given to the person making that representation.

The applicant offered an additional condition that the external refuse and bottle bins would not be emptied between the hours of 22.00 to 07.00.

The Sub-Committee noted that no objections to the application had been received from any of the Responsible Authorities. However, a number of revised conditions have been proposed in consultation with Essex Police and the Licensing Authority, attached at Appendix 2 to the report of the Corporate Director for Place.

Objections had however, been received from 9 residents. 2 of the objectors attending the hearing and made their representations. The objections generally related to two of the licensing objectives, namely the prevention of public nuisance and the prevention of crime and disorder.

The Sub Committee considered all the evidence and submissions that had been made at the meeting and the written documentation that had been presented prior to the meeting. The Sub Committee also had regard to the National Guidelines and the Borough Council's Statement of Licensing Policy and considered the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, as they related to this application.

After consideration of the objections and on the basis of the evidence presented to them, the sub-committee did not consider the promotion of the licensing objectives would be undermined by the granting of this application.

The Sub Committee therefore:

Resolved:

That the application be granted subject to:

1. The mandatory conditions set out in Appendix 1 to the report of the Corporate Director for Place;
2. The revised conditions set out in Appendix 2 to the report of the Corporate Director for Place, subject to the following amendment to Condition 15 to read:

'A notice shall be prominently displayed advising departing customers to leave the premises quietly and to close their car doors quietly.'

3. The following additional conditions:

(a) The premises licence holder shall ensure that no external bottle and refuse bins will be emptied between the hours of 21.00 to 09.00 hours daily;

(b) Seating for a minimum of 50 persons to be set out in the ground floor 'bar' area at all times;

(c) The tables and chairs to be removed from the external area by 22.30 hours daily until the commencement of licensing hours the following day;

(d) All amplified music shall be played through a sound limiting device set at a level so as not to cause disturbance to nearby residents, the level to be determined by an acoustic consultant or suitably qualified sound engineer in consultation with the Council's Environmental Protection Team.

Chairman: _____