

## **SOUTHEND-ON-SEA BOROUGH COUNCIL**

### **Meeting of Licensing Sub-Committee B**

**Date: Tuesday, 16th February, 2021**

**Place: Virtual Meeting via MS Teams**

**Present:** Councillor H McDonald (Chair)  
Councillors D Cowan and D McGlone

**In Attendance:** E Anakwue, T Row, A Penn and E Cook

**Start/End Time:** 10.00 am - 12.15 pm

#### **797 Apologies for Absence**

There were no apologies for absence.

#### **798 Declarations of Interest**

No interests were declared at the meeting.

#### **799 Birdwood, 125 Leigh Road, Leigh on Sea SS9 1JH - Application for Grant of Premises Licence**

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Jason Richard Rogers for the grant of a Premises Licence at Birdwood, 125 Leigh Road, Leigh-on-Sea, SS9 1JH.

The application was presented by Mr M Bell (21<sup>st</sup> Century Licensing) the applicants licensing consultant. Mr Rogers (applicant) was also in attendance and gave evidence.

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities, however, measures had been agreed between the Licensing Authority, Environmental Health and the Applicant, should the application be granted. These were included in Appendix 2 to the report of the Executive Director (Neighbourhoods and Environment).

Seven (7) representations were received from local residents, objecting to the application. Three (3) out of the seven residents withdrew their representation following communication with the applicants licensing consultant. Leigh-on-Sea Town Council had also submitted an objection to the application but also withdrew it after communication with the applicants licensing consultant. A further resident, Mr Ridgwell, also withdrew his representation after the publication of the Agenda. None of the objectors attended the meeting.

Their objections/representations related to concerns of noise and public nuisance, particularly the potential blocking of the footway by patrons using the outside area, the noise of patrons attending and leaving the premises, the disturbance caused by customers using the external areas, the nuisance caused by intoxicated

patrons and the potential for anti-social behaviour. The need for another licensed premises in the area was also questioned.

The need for licensed premises and the rationale for making the application are not matters for the sub-committee to consider. The sub-committee heard that there had been no record of incidents of crime and disorder at the premises over the last two years and that the police had not objected to the application. The sub-committee also heard that a revised plan illustrating the extent of the private outdoor space to the premises had been submitted to ensure consistency between licensing and planning consents. Furthermore, rope barriers would be installed to clearly mark the extent of the outside area and smokers would be encouraged to use the area fronting Leigh Road after 9.00 p.m.

On the basis of the evidence presented to it, the sub-committee did not consider that the promotion of the licensing objectives would be undermined by the granting of the application, subject to the imposition of conditions. The sub-committee therefore:

Resolved:-

1. That the application be granted subject to:  
(i) The Mandatory Conditions set out in Appendix 1 to the report of the Executive Director (Neighbourhoods and Environment).

(ii) The conditions drawn from the Operating Schedule, together with the conditions agreed between the Licensing Authority, Environmental Health and the Applicant as set out in Appendix 2 to the report of the Executive Director (Neighbourhoods and Environment), subject to the amendment of Conditions 4 and 5 to now read as follows:

Condition 4

"There shall be no use of the outside areas between 21:00 and 09:00 the following day except by customers smoking at the front of the premises (Leigh Road). During those times the maximum capacity permitted within that area shall not exceed six persons. Waste receptacles shall be made available for smokers to use and the area swept of associated litter at the end of each trading session. Rope barriers, clearly marking the extent of the outside area, shall be in situ at all times the area is in use"

Condition 5

"Furniture in the external area not permanently fixed and shall be stored in an area not accessible by the public and not be available for use between 21.00 and 09:00 the following day.

(iii) The following additional condition:

"Rope barriers, clearly marking the extent of the outside licensed areas, shall be in situ at all times the area is open for the provision of food and drink."

2. That applicant's intention to surrender the existing licence be noted.

**Chair:** \_\_\_\_\_