

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Tuesday, 21st September, 2021

Place: Virtual Meeting vis MS Teams

Present: Councillor K Mitchell (Chair)
Councillors T Cowdrey and T Harp

In Attendance: A Brown, T Row, P Richards, M Newton, T Bahannack and E Cook

Start/End Time: 10.00 am - 11.45 am

349 Apologies for Absence

There were no apologies for absence.

350 Declarations of Interest

No interests were declared at the meeting.

351 Just A Bevy Ltd, 1745 London Road, Leigh-On-Sea, Essex, SS9 2SW - Application to Vary a Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Just A Bevy Ltd for the variation of the premises licence at Just A Bevy Ltd, 1745 London Road, Leigh-On-Sea, Essex, SS9 2SW. The application sought to vary the existing hours to permit the supply of alcohol from Mondays to Sundays (inclusive) 00:00 – 24:00 hrs (24 hours a day), 7 days a week.

The application was presented by Ms Gill Sherratt (Licensing Consultant). Ms Sue Ellis and Mr Amir Khan (Business Owners) were in attendance at the meeting and gave evidence.

At the outset of the meeting, the Council's Licensing Officer explained that there had been an amendment to the report of the Executive Director (Neighbourhoods and Environment). This related to the wording of one of the conditions set out in Appendix 3 of the submitted report and should have been removed following discussion with the Licensing Authority. The wording of the condition related to the sale of alcohol being by way of a pre-order delivery service only. This was an error as the application form clearly stated that the store would also be open for trade during that time as staff will be on duty in any event to satisfy the delivery orders. There had been no concerns or representations by any of the Responsible Authorities regarding this.

In response to the amendment, the Applicant suggested that the wording of the condition could be amended to read "All alcohol sold via the delivery service will be by pre-order only."

The sub-committee noted that representations to this application had been received from the Council's Environmental Health Team, but these representations were withdrawn following discussions with the Applicants and the imposition of appropriate measures should the application be granted. These were set out in Appendix 4 to the report of the Executive Director (Neighbourhoods and Environment).

4 (four) representations were received from local residents, objecting to the application. 2 (two) of the objectors, namely Mr Harvey and Ms Sivalingamrajah attended the meeting and gave evidence. Their objections/representations related to two of the licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance. The objectors' concerns are summarised as primarily being the potential for crime and disorder and anti-social behaviour from intoxicated persons, including drugs, congregating in the area at all hours, particularly in the church nearby and the car park in close proximity to the premises. The extension to the hours sought to sell alcohol would attract more undesirable people to the area and may encourage excessive drinking and the problem associated with it. The ability of the police to deal with such matters, whilst already being overstretched, was also raised.

Whilst acknowledging the concerns of the residents, the sub-committee noted that the premises had been operating as a convenience store 24 hours daily with a delivery service since March 2020, albeit with a restriction limiting the sale of alcohol off the premises to between 07:00 hrs to 23:00 hrs daily. There had been no reports of any such incidents nor complaints regarding the premises during this time. The sub-committee was also mindful that there had been no evidence submitted to support these concerns nor that any such incidents could be attributed to the premises. The sub-committee was informed that the owners of the business had extensive experience in managing other premises that were licensed to sell alcohol 24 hours daily and no complaints or concerns had been made against them. Additionally, each of the Responsible Authorities are experts in their respective field (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers). The Police had not raised any objection to the application and Environmental Health had withdrawn their representation on the basis that a condition had been agreed with the Applicants should the application be granted. Furthermore, a key protection for the community where problems associated with the licensing objectives occur, was the possibility of reviewing the licence.

The sub-committee noted the layout of the premises and how the orders for the delivery service would be collated for delivery. It was evident from the plan submitted with the application that the location of the office area and storeroom were not illustrated. The sub-committee therefore requested that a revised plan of the premises be submitted illustrating clearly the area to be licensed including the location of the CCTV cameras and fire extinguishers etc., any other rooms associated with the business and, in accordance with the Regulations made under the Licensing Act 2003, the following details:

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises; and
- (c) if different from (b) above, the location of escape routes from the premises.

On the basis of the evidence presented to it and after considering all the relevant issues, the sub-committee concluded that the promotion of the licensing objectives would not be undermined by the granting of the amended application, subject to the imposition of appropriate conditions.

The sub-committee therefore:

Resolved:-

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 current Conditions attached to the existing licence as set out in Appendix to the submitted report;

(iii) The Conditions drawn from the Operating Schedule set out in Appendix 3 to the report subject to the amendment of Condition 1 to now read:

“All alcohol sold via the delivery service will be by pre-order only.”;

(iv) The Conditions agreed between the Applicant and the Environmental Health as set out in Appendix 4 to the report; and

(v) The following additional Conditions:

- A revised plan to be submitted to the Licensing Authority within not more than 14 days from the receipt of this decision illustrating clearly the area to be licensed including the location of the CCTV cameras and fire extinguishers etc., any other rooms associated with the business and, in accordance with the Regulations made under the Licensing Act 2003, the following details:

(a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;

(b) the location of points of access to and egress from the premises; and

(c) if different from (b) above, the location of escape routes from the premises.

Chair: _____