

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

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

**Date: Tuesday, 26th October, 2021**

**Place: Virtual Meeting via MS Teams**

**Present:** Councillor K Mitchell (Chair)  
Councillors S Buckley and N Folkard

**In Attendance:** Tim Row and A Penn

**Start/End Time:** 10.30 am - 10.40 am

### **450 Apologies for Absence**

There were no apologies for absence.

### **451 Declarations of Interest**

No interests were declared at the meeting.

### **452 Application for Variation of Premises Licence - Fellini's 34-36 Elm Road Leigh-on-Sea, Essex SS9 1SN - Consent Order**

Further to Minute 189 of its meeting on 13<sup>th</sup> July 2021, the sub-committee was informed that the applicant had submitted an appeal to the Magistrates Court in respect of the above-mentioned application regarding the numbers permitted on the external terrace area.

At the appeal hearing, all parties had agreed that an acceptable maximum capacity on the external terrace could be increased to a maximum capacity of 36 (thirty-six) persons until 9.00 p.m. rather than the limit of 30 persons as determined by the sub-committee at its meeting on 13<sup>th</sup> July 2021.

The Magistrates Court allowed the appeal on the basis of mutual consent and, on the basis that the Court exercise its powers under Section 181(2)(c) of the Licensing Act 2003, had remitted the application back to the Licensing Authority to grant the variation of the licence, as follows:

(i) Annex 3 - Conditions attached after a hearing by the Licensing Authority shall be amended to read:

(1) The external terrace area shall be limited to a maximum of 36 patrons only until 21.00 hrs. From 21:00 hrs until 22.00 hrs the maximum capacity shall not exceed 16 (sixteen) patrons only. The last booking for the use of the terrace shall be 19.00 hrs. For clarity, customers will be seated at tables with waiter/waitress service and the sale of alcohol for consumption on the terrace shall be linked to the purchase of a substantial meal.

(2) All other conditions on the licence shall remain unchanged.



A copy of the Magistrates Court Consent Order was circulated to the sub-committee prior to the meeting.

Resolved:-

That the Magistrates Court's direction be noted and the variation to the licence as set out in the Consent Order be approved.

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