

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Monday, 13th December, 2021

Place: Virtual Meeting via MS Teams

Present: Councillor K Mitchell (Chair)
Councillors M Berry and I Shead

In Attendance: A Brown, T Row, A Penn and P Richards

Start/End Time: 10.00 am - 1.45 pm

746 Apologies for Absence

There were no apologies for absence.

747 Declarations of Interest

No interests were declared at the meeting.

748 Mad Dogs & Englishmen Interior Ltd, 1349-1353 London Road, Leigh-on-Sea, Essex SS9 2AB - Application to Vary a Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Mad Dog & Englishmen Interiors Ltd for the variation of a Premises Licence at Mad Dogs & Englishmen Interiors Ltd, 1349-1353 London Road, Leigh-on-Sea, Essex SS9 2AB. The variation sought to amend the existing Premises Licence by extending the permitted hours for recorded music, late night refreshment and the supply of alcohol for consumption on the premises on Fridays and Saturdays from 22:00hrs to 24:00hrs. All other times and conditions on the licence would remain unchanged.

The application was presented by the Applicant, Ms Gill Hazell (Director) and Mr Justin Hazell (Designated Premises Supervisor).

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities, although an amendment to an existing condition had been agreed between the Applicant and Essex Police should the application be granted. This related to the retention of the records when SIA door staff would be required at the premises for 3 months rather than the existing requirement of 31 days.

A letter of representation had been received from Leigh Town Council and Thirteen (13) representations had been received from local residents, objecting to the application. Councillor Cracknell attended the meeting and gave evidence on behalf of Leigh Town Council. One (1) of the residents, namely Mr Haden also attended the hearing and gave evidence.

The objections/representations related to all four of the licensing objectives. In particular, these can be summarised as follows: the potential increase for noise

and disturbance to residents in the residential streets behind the premises and in the vicinity later into the night; parking by patrons in residential streets; the potential for noise, litter and anti-social behaviour by intoxicated persons and the exposure of this to children and disturbance to their sleep; the attraction of underage teenagers to the anti-social behaviour by late-night activities; there are no other licensed premises open to midnight in the area and this is unacceptable in a residential area causing disturbance to children and families by people leaving the premises; the creation of more rubbish left to the side of the premises; patrons from the premises drinking in the residential streets; noise generated by clearing up and using the bins later into the evening; potential confrontation between patrons of the premises and residents over noise, nuisance and poor parking could lead to violence and upset; concerns of the premises becoming a cocktail bar by stealth.

Other issues included the current application is out of keeping with the current establishment and business model and is not necessary; the application is inconsistent with planning permission for the premises and a change of planning permission should be required; cars parking on double yellow lines causing a hazard and inconsiderate parking in the neighbouring residential street by patrons and staff; increased pressure on existing parking pressures; breaches of planning regulations regarding the siting of steel haulage containers.

The sub-committee listened to all the evidence and submissions and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. It also 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. Each contested application is decided on its merits.

The need for licensed premises is not a matter for the sub-committee to consider. Neither are the issues relating to planning such as the breach of planning regulations or any requirement for the change of permitted use of the premises. These are matters for the local planning authority. Issues relating to the parking problems, inconsiderate or hazardous parking are matters for the highway authority. In accordance with the guidance issued under the Licensing Act 2003, the premises are not responsible for the management of the behaviour of customers once they are beyond the direct management of the licence holder and their staff. The behaviour is the responsibility of the individuals themselves under the law. An individual who engages in antisocial behaviour is accountable in their own right. They are therefore not matters that the sub-committee can take into account in respect of this application.

The sub-committee noted that the premises was located in a busy commercial road with residential streets to the rear. There were several other licensed premises in the vicinity in proximity to the schools in the area with longer operating hours. There was a local supermarket on the opposite corner permitted to sell alcohol until 11.00 p.m.

The sub-committee noted that there had been no complaints of noise, disturbance, public nuisance or anti-social behaviour made to any of the Responsible Authorities nor the premises themselves since the granting of the previous application in April this year. No complaints had been received from the neighbours immediately adjacent to the premises. Temporary event notices had been used on six separate occasions since the granting of the licence extending

the terminal hour for the sale of alcohol etc in line with the hours now sought under this application and no complaints of the problems alleged by the residents has been reported.

The sub-committee also heard that patrons were not permitted to take drinks or any drinking vessels outside the premises. A maximum of six people were permitted to smoke at the front of the premises in London Road, although there were never usually more than three at any one time. A concierge/front of house reception/booking service managed this inside at the front of the premises. They also provided a taxi-management/marshalling service by keeping customers waiting for a taxi within the premises. There was no intention to change the business to a bar/club. The proposal was to provide sharing platters of cheese, meats and vegetarian dishes wine, prosecco or cocktails later into the evening in line with the afternoon tea business already permitted. Live performances of jazz would continue to be provided on occasion but would finish by 22.00 – 22.30 hrs at the latest. Alcohol could only be consumed on the premises to patrons who were seated and would be supplied by waiter/waitress service.

The sub-committee also heard that the use of the bins was not permitted between the hours of 8.00 p.m. until 9.00 a.m. the following morning and that the refuse collection company had rescheduled the collection round to accommodate the requirements of the premises to minimise any disruption to residents. The applicant explained that the bins had been vandalised on numerous occasions and were subject to fly-tipping by other parties.

The sub-committee concluded that, on the basis of the evidence presented to it, the problems of noise, disturbance and anti-social behaviour, glasses and bottles in the street and drinking in the residential streets could not be attributed to the premises. The Police and Environmental Health Service were both experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the amended application. 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 therefore did not believe that the promotion of the licensing objectives would be undermined by the granting of the application, subject to the imposition of appropriate conditions. It therefore:

Resolved:-

That the amended application be granted subject to:

- (i) The Mandatory Conditions set out in Appendix 1 to the report of the Executive Director (Neighbourhoods and Environment); and
- (ii) The conditions drawn from the Operating Schedule as set out in Appendix 2 to the report of the Executive Director (Neighbourhoods and Environment), subject to the amendment of Condition 10 (as reflected in Appendix of the report) to now read:

“Condition 10

During the hours where licensable activity takes place, the provision of SIA licensed door staff shall be provided on a risk assessment basis in order to ensure

the safety and security of patrons. Where SIA licensed door supervisors are used at the premises a record shall be maintained on the premises during the event and for 3 months thereafter which is legible and details:

- The day and date when the door supervisors were deployed
- The name and SIA registration number of each door supervisor on duty at the premises; and
- The duty start and end time for each door supervisor.

This record shall be made available to authorised representatives of the Police or Local Authority staff upon reasonable request.”

Chairman: _____