

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee B

Date: Monday, 11th July, 2022

Place: Committee Room 1 - Civic Suite

Present: Councillor A Thompson (Chair)
Councillors S Buckley and I Shead

In Attendance: Councillor N Folkard
A Brown, T Row, M Newton and B Dowsett

Start/End Time: 10.00 am - 12.20 pm

170 Apologies for Absence

There were no apologies for absence.

171 Declarations of Interest

No interests were declared at the meeting.

172 The Cork Dork, 86 The Ridgeway, Westcliff-on-Sea, SS0 8NU - Application for Grant of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Bumblebee Tuna Ltd. for the grant of a premises licence at The Cork Dork, 84-86 The Ridgeway, Westcliff-on-Sea, SS0 8NU.

The application was presented by Mr Benedict Hurley, on behalf of the applicants.

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities, although conditions had been agreed with the Licensing Authority and Environmental Health, both acting as a Responsible Authority during the consultation period, should the application be granted. These conditions were set out in Appendix 2 to the submitted report of the Council's Executive Director (Neighbourhoods and Environment).

Eleven (11) representations had, however, been received from local residents objecting to the application. Copies of all the valid representations were provided to the sub-committee.

One of the objectors, attended the meeting and gave evidence. Councillor Nigel Folkard also attended the meeting and gave evidence on behalf of another of the objectors.

The objections/representations essentially related to all four of the licensing objectives.

Following, concerns expressed during the consultation period, the applicant amended the application so as to remove the use of the outside area for licensable activities. The applicant anticipated that there would be no more than 12-13 people attending the premises at any one time. The sub-committee also heard that the outside area to the front of the premises would be used for smokers and that the applicant would also be willing to limit the smokers at any one time.

In response to a question regarding the hours the premises would open to the public and the proposed commencement of licensable activities, the applicant explained that he had originally thought of providing coffees etc from 7.00 a.m. as there was no such facility in the vicinity. In view of the concerns from residents, however, he offered to remove this proposal from the business plan and amend the hours the premises would be open to the public to 09.00 to 23.00 daily. This was accepted by the sub-committee.

In determining the application, listened to all the evidence and submissions and read all the documents. The sub-committee had regard to the Statutory Guidance Notes and Southend-on-Sea City Council's Statement of Licensing Policy. It 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.

The sub-committee concluded that, on the basis of the evidence presented to it, the problems of noise, disturbance and anti-social behaviour 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 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 consider that the promotion of the licensing objectives would be undermined by the granting of the application, as amended at the hearing, 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 submitted report of the Executive Director (Neighbourhoods and Environment); and
- (ii) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority, as set out in Appendix 2 to the submitted report of the Executive Director (Neighbourhoods and Environment), subject to the amendment of Condition 12 (as reflected in Appendix of the submitted report) to now read:

Condition 12 to now read:

(12) No person shall be allowed to leave the premises whilst in the possession of any open drinking vessel, whether empty or containing any beverage. Signage reminding patrons of this shall be clearly displayed in a prominent position by the premises exit.

- (iii) The following additional condition:

“Smokers using the outside area of the premises shall be limited to a maximum number of four 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.”

For clarity the licensable hours are:

Hours open to the public;
09.00 to 23.00 daily

Hours for the sale of alcohol for consumption off the premises:
09.00 to 23.00 daily

Hours for the sale of alcohol for consumption on the premises:
11.00 to 23.00 daily

Chair: _____