

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee B

Date: Thursday, 11th August, 2022

Place: Helliwell & Deeping Rooms, The Forum, Elmer Square

Present: Councillor A Thompson (Chair)
Councillors M Borton and A Dear

In Attendance: A Brown, T Row, A Byrne, T Bahannack, K Ramkhelawon, R Pennington, S Wheeler and W, Reece.

Start/End Time: 10.00 am - 11.55 am

216 Apologies for Absence

There were no apologies for absence.

217 Declarations of Interest

The Councillors on the sub-committee declared an interest on the basis that the application had been submitted by the Council and the staff in attendance to present the application were known to them.

218 East Beach, Shoeburyness, SS3 9SG - Application for Grant of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Mr. Lee Sturgeon, on behalf of Southend-on-Sea City Council for the grant of a premises licence at East Beach, Shoeburyness, SS3 9SG.

At the outset of the meeting, the sub-committee was asked to disregard paragraph 4.3 of the submitted report of the Council's Executive Director (Neighbourhoods & Environment) regarding the Deregulation Act 2015 as this related to premises with a capacity of 500 or less. The sub-committee was also advised that should the capacity of the premises exceed 5000 persons a higher fee would be payable.

The application was presented by Mrs R Pennington on behalf of the applicants. Mr K Ramkhelawon was also in attendance and gave evidence.

The sub-committee noted that no letters of objections to this application had been received from any of the Responsible Authorities, although conditions had been agreed with the Licensing Authority and Essex Police, 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).

Twenty-four (24) representations had, however, been received from local residents. One of the residents subsequently withdrew their objection following dialogue with the applicant. A number of the objectors attended the meeting, but

only two of them addressed the sub-committee and gave evidence. Copies of all the remaining valid representations were provided to the sub-committee.

The objections/representations related to all four of the licensing objectives. In particular, the concerns related to the potential of additional noise, litter, anti-social behaviour and vandalism in an area of special scientific interest in close proximity to residential properties, many of which were occupied by elderly residents, and the beach which was often used by families. This would be exacerbated by people attending and leaving the event fuelled by alcohol, which would be available from 10.00 hrs to 22.00 hrs. This could also lead to verbal and physical abuse towards local residents by drunken persons attending an event. The application, if granted, would attract a significant number of people to the area and increase in traffic without adequate parking which would also cause major disruption to the residential streets. Any events held at this location would be difficult to police and there was no enforcement of the current problems endured caused by trippers to the area. There was also the risk of fire caused by discarded cigarettes on the dry grass and gorse hedges, adjacent to the residential properties. Broken glass could be left by patrons of the premises. The event should not therefore be held at this location and should be moved to another area such as Garon Park, away from residential properties and already established as an outdoor event venue. Concerns were also expressed as the urgency to determine this application to enable an event to take place, arrangements for which were in the process of being set up on site and were well advanced.

The sub-committee heard that, as a result of the representations received, the application had been amended during the consultation period reducing the number of events from five (5) events per year to one (1) event per year. The event organisers for the event already proposed at the premises to take place over the forthcoming weekend should the application be granted, were well experienced in staging such events across the country and that the event proposed was similar to other events held across the city. This event was not a commercial enterprise but a community event for all ages to celebrate Southend's City status and cultural community. It would be based on the Caribbean beach party theme. Although alcohol would be available, it was not the focus of the event. An event management plan had been submitted with the application addressing the issues raised in the representations received to the application.

The event organiser explained that, whilst the hours sought for the premises were 10.00hrs-22:00 hrs, this event would more than likely commence at 11.00 hrs on both days and finish at 21:00hrs on Saturday and 20:00 on Sunday. This would allow appropriate dispersal of attendees. The premises was well served by public transport and there was parking available. The event would be for the local community so local people would be able to attend. There would be traffic control measures in place to assist residents access their properties. The event management plan would set out how waste would be managed that the site for the event and how the site would be cleared to its original condition prior to the event. A noise management plan had also been submitted ensuring the sound would be more than 65db to the nearest property. This would be monitored by marshals. CCTV would be in operation 24 hours daily, to ensure security and there would be SIA trained staff, community safety officers and marshals on site for the event. Glass bottles would not be permitted to be taken into the premises. Any patron attempting to bring their own alcohol to the premises/event would result in the

alcohol being seized and held by staff until the event had finished. It would then be returned to them. Glass bottles would only be permitted in the VIP area and would be controlled by trained staff. An updated plan for the event proposal was circulated at the meeting. It was acknowledged that the communication of the event and application could have been managed more effectively and that the application for the premises license had been delayed. Although the event was being set up in advance of any grant of the application, this was being undertaken at the organiser's own risk and would be removed should the application be refused. None of the Responsible Authorities had objected to the application. If the sub-committee was minded, it was within its gift to grant the licence for one year only. Even if the application was granted, the event would still not be able to take place should the Safety Advisory Group deem it unsafe or unacceptable to proceed following their site visit the day before the event taking place.

The sub-committee was advised that, whilst it had heard how the proposed forthcoming event would be managed, the application was in respect of the granting of a premises licence not the event itself. It therefore was required to consider whether the licensing objectives would be undermined by the granting of the premises licence.

The sub-committee was mindful that the need for licensed premises is not a matter for the sub-committee to consider. Additionally, 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. Additionally, the behaviour of such individuals and the issues raised by the objectors could not therefore be attributed to this premises as they are not trading yet. They are therefore not matters that the sub-committee can take into account in respect of this application.

In determining the application, 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 current problems of noise, disturbance, litter and anti-social behaviour in this area could not be attributed to the current proposed activities. The risk of fire was a matter for the Fire Service, as a Responsible Authority, and they had not objected to the application. The Police and Environmental Health Service were also 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 felt that the promotion of the licensing objectives would not be undermined by the granting of the application, as amended, subject to the imposition of appropriate conditions. It therefore:-

Resolved:-

That the application for a Premises Licence at East Beach, Shoeburyness be granted subject to:

(i) The Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Neighbourhoods and Environment);

(ii) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority and Environmental Health, as set out in Appendix 2 to the submitted report of the Executive Director (Neighbourhoods and Environment), subject to the following amendments:

Condition 1 to now read:

“1. The licence shall only be used for one weekend event per year, comprising 2 consecutive days. The date for the proposed event shall be notified to the Licensing Authority at least 3 months prior to the event, other than the 2022 event.”

Condition 3 to now read:

“3. The Event Management Plan and supporting documents shall contain full details of how the event shall be managed, operated, controlled and delivered in order to promote the Licensing Act 2003 objectives, shall specifically (but not exclusively) cover the following subjects and shall be agreed with the Police, Environmental Health Team and Licensing Authority no later than 3 months (with exception of the 2022 event) before the date of the event;

- i. General Event Safety including SIA Management
- ii. A Noise Management Plan
- iii. A Child Protection Policy
- iv. A Searching Policy
- v. A Drugs Policy
- vi. A Duty of Care Policy (for ejected/intoxicated persons)
- vii. Venue plan (identifying all site services i.e. medical location(s), toilets, missing persons and access points, location of event and areas that sell alcohol).
- viii. Management Structure (A contact sheet, including emergency contacts, on-duty staff etc.). The management structure shall include roles and responsibilities of each named individual and specific communications details during the entire event.
- ix. Nature and styles of the event (including crowd profile, capacity and expected attendance)
- x. Event program
- xi. Risk Assessments
- xii. Risk Assessment to assess the need for lifeguards
- xiii. Adverse Weather Plan
- xiv. Crowd Management Plan (including and ingress/egress plan)
- xv. Information for all Stages and Structures, including contractors, insurance, health and safety policy and method statement.
- xvi. Medical Management Plan
- xvii. Counter Terrorism Plan
- xviii. Waste Management Plan

The agreed Event Management Plan shall not be amended after this date without written agreement from the relevant bodies indicated in the Event Management Planning Schedule. If the licence holder and the appropriate authorities are unable to reach a mutual agreement on the final documentation, the licence holder shall take responsibility for the final decision on its contents and evidence their rationale why they have not taken the appropriate advice.

Note: The 'agreement' of the Event Management plan should not be taken as approval of any safety measures therein. Safety remains the ultimate responsibility of the Licensee."

3. The following additional conditions:

"21. The Designated Premises Supervisor shall ensure that no members of the public bring alcohol on to the licensed premises and appropriate measures, including relevant signage, shall be in place at all times that the event is in operation.

22. No more than 5000 people, including staff and performers, shall be present in the licensed area at any one time during the event weekend."

Chair: _____