

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee A

Date: Wednesday, 7th September, 2022

Place: Committee Room 4a - Civic Suite

Present: Councillor M Berry (Chair)
Councillors S Buckley and M Borton

In Attendance: E Anakwue, T Row, A Byrne and B Dowsett

Start/End Time: 10.00 am - 12.30 pm

290 Apologies for Absence

There were no apologies for absence.

291 Declarations of Interest

No interests were declared at the meeting.

292 Mad Dogs & Englishmen - Application for Variation of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Mad Dogs & Englishmen Interiors Ltd. for the grant of a premises licence at Mad Dogs & Englishmen Interiors Ltd, 1349-1353 London Road, Leigh-on-Sea, Essex SS9 2AB. The application sought the following:

- (a) To extend the area used for licensable activities to include a roof terrace;
- (b) The supply of alcohol for consumption on the roof terrace:
Sundays to Thursdays: 12:00hrs – 18:00hrs;
Fridays and Saturdays: 12:00hrs – 22:00hrs
- (c) The opening times of the roof terrace to the public:
Sundays to Thursdays: 12:00hrs – 18:00hrs;
Fridays and Saturdays: 12:00hrs – 22:00hrs.

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

The sub-committee noted that representations had been received from the Licensing Authority, acting as a Responsible Authority, Leigh Town Council and six (6) from local residents, objecting to the application. Prior to the commencement of the hearing, however, conditions had subsequently been agreed between the applicant and the Licensing Authority, should the application be granted. These conditions were tabled at the meeting to all parties present. The effect of one of these conditions amended the application thereby reducing the hours the terrace would be open to the public and the sale of alcohol to:

Sundays to Thursdays: 12:00hrs – 18:00hrs
Fridays and Saturdays: 12:00hrs – 20:00hrs.

On this basis, the representation by the Licensing Authority was withdrawn.

One of the objectors, namely Ms H Symmons, attended the meeting and gave evidence on behalf of Leigh Town Council. Copies of all the valid written representations were provided to the sub-committee in advance of the hearing.

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 concerns of noise, disturbance and public nuisance were matters for the Police and Environmental Health Service, who 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. The application had been amended reducing the use of the terrace to a reasonable terminal hour that would not cause disturbance or nuisance to residential properties late into the evening or disturb children at night. The conditions agreed between the applicant and the Licensing Authority would address the concerns expressed in the representations received 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, subject to the imposition of appropriate conditions. It therefore:-

Resolved:-

That the application by Mad Dogs & Englishmen Interiors Ltd., as amended, for a premises licence at Mad Dogs & Englishmen Interiors Ltd, 1349-1353 London Road, Leigh-on-Sea, Essex SS9 2AB 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 amendment:

Condition 3 to now read:

"3. No use shall be made of the roof terrace until an assessment has been undertaken by an external independent specialist in relation to noise and a noise management plan has been prepared on the basis of the assessment and submitted to and agreed in writing by the Licensing Authority. The assessment and management plan shall be made available at all times to local authority and

Essex Police Officers upon demand. The plan shall contain how noise from the premises shall be managed in a proactive manner to minimise noise nuisance to neighbours and include how non-compliance will be handled.”

(iii) The following additional conditions:

- “The roof terrace shall be open to the public and the sale of alcohol permitted only between the following hours:

Sundays to Thursdays: 12:00hrs – 18:00hrs
Fridays and Saturdays: 12:00hrs – 20:00hrs.”

- “The external terraced areas shall be surrounded by a professionally installed acoustic fence to the approval of the local authority and shall be not less than 1.8m high on all sides.
- “Clearly visible signs shall be displayed in the roof terrace reminding customers to be quiet.”
- “A log book shall be made available at all time to the Licensing Authority and Essex Police Officers that contains details of any noise complaints received and records how they were dealt with.”
- “No use shall be made of the roof terrace until such time as the recommendations of the fire risk assessment ref: NJP/630/22 have been completed. These are detailed on pages 8 & 40 of the assessment.”
- “Outside of the hours hereby permitted on the roof terrace (on Sundays to Thursdays from 12:00hrs to 18:00hrs and on Fridays and Saturdays from 12:00hrs to 20:00hrs) smokers shall only be permitted to use the area at the front of the premises in London Road and shall be limited to a maximum of six (6) persons at any one time.”
- “No more than thirty patrons shall be permitted to use the roof terrace at any one time.”
- “At least one member of staff shall be present on the terrace at all times the terrace is open to the public.”
- “No speakers shall be permitted in any external area, including the roof terrace.”
- “Any movement of alcohol between the licensed areas of the premises shall only be undertaken by a member of staff.”

(iv) The existing conditions of the current licence shall remain in full force and effect, subject to the deletion of Condition 4 of Annex 3.

Chair: _____

