

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee A

Date: Friday, 28th July, 2023

Place: Committee Room 4a - Civic Suite

- Present:** Councillor J Warren (Chair)
Councillors D Richardson* and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)
- In Attendance:** A Brown, T Row, M Newton, T Bahannack, A Penn and P Pearse
- Start/End Time:** 10.00 am - 2.20 pm

4 Apologies for Absence

Apologies for absence were received from Councillor Borton (substitute: Councillor Richardson).

5 Declarations of Interest

No interests were declared at the meeting.

6 Station Pizza and Wine Store, 226A Station Road, Westcliff-on-Sea, SS0 7SD - Application for Grant of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by S & J Food Beverage Ltd. for the grant of a Premises Licence at Station Pizza and Wine Store, 226A Station Road, Westcliff-on-Sea, SS0 7SD.

The sub-committee listened to all the evidence and submissions and have read all the documents. It 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 application was presented by Mr Sureshkumar Kanapathipillai (Applicant's Agent) on behalf of the applicants. Mr Sanjeev Kumar (owner and Designated Premises Supervisor) also attended the meeting and gave evidence.

The sub-committee noted that representations had been received from two (2) Responsible Authorities, namely the Licensing Authority and Environmental Protection, and six (6) representations had received from local residents objecting to the application. Conditions had also agreed with Essex Police 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 (Environment and Place). Copies of all the written representations and submissions were provided to the sub-committee. One of the residents, namely Mr Donnelly, attended the meeting, and gave evidence. Mr Penn attended the

meeting and gave evidence on behalf of the Licensing Authority. Mr Pearse attended the meeting and gave evidence on behalf Environment Protection.

Immediately prior to the commencement of the hearing, the Applicant agreed the majority of the conditions proposed by Licensing Authority, in an attempt to address their concerns. The Environment Protection's concerns and the objection by Mr Donnelly and the other objectors could not, however, be resolved.

At the meeting, the Applicant's Agent amended the application to try to address the representations by amending the hours for licensable activities. These were amended as follows:

- The supply of alcohol for consumption on and off the premises:
from Sundays to Thursdays from 12:00 - 23:00 (on and off the premises); and
on Fridays and Saturdays from 12:00 - 05:00 (off the premises - deliveries)
- The provision of late-night refreshment:
on Fridays and Saturdays from 23:00 - 05:00 (off the premises - deliveries)
- The conditions agreed prior to the hearing, should the application be granted, would be amended accordingly.

The sub-committee concluded that, on the basis of the evidence presented to it in respect of this application, the proposed measures and use of the premises in the early hours of the morning would not be sufficient in ensuring the licensing objective in relation the prevention of public nuisance would not be undermined should the application as amended be granted. It was unable to identify measures that would promote the licensing objectives in the form of clear and enforceable licence conditions for the hours sought. It therefore:

Resolved:-

That the application be granted as follows:

- (i) The supply of alcohol for consumption on and off the premises:
from Sundays to Thursdays from 12:00 - 23:00 (on and off the premises); and
on Fridays and Saturdays from 12:00 – 00.00 (off the premises - deliveries)
- (ii) The provision of late-night refreshment:
on Fridays and Saturdays from 23:00 - 00:00 (off the premises - deliveries)
- (iii) The imposition of the Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Environment and Place);
- (iv) The imposition of the conditions drawn from the Operating Schedule, agreed with Essex Police, as set out in Appendix 2 to the submitted report of the Executive Director (Neighbourhoods and Environment) subject to the following amendment to condition 18:

18) The store shall be closed for public access 23.00 to 00.00 hours and it shall only do delivery orders.
- (v) The following additional conditions:

- The premises shall operate solely as a restaurant/ takeaway food supplier. All sales of alcohol on the premises shall be restricted to patrons seated at tables and who are either about to consume food prepared on the premises, consuming food prepared on the premises or who have consumed food prepared on the premises.
- All sale of alcohol to patrons on the premises shall be by table service by staff.
- Doors and windows to the premises shall be closed between the hours of 22.00hrs hrs and 08.00hrs except for access and egress.
- There shall be no deliveries to or waste collection from the premises between the hours of 22.00hrs and 08.00hrs.the following day.
- The emptying of glass or other potentially noisy material into waste bins shall not take place between 22:00 and 08.00 the following day.
- All alcohol sold via the delivery service shall be by pre-order only.
- Prior to accepting an order for delivery, the customer shall be asked if they are over 18 years of age.
- At the time of the order the customer shall be informed that the person accepting the delivery shall need to provide an acceptable form of photographic ID proving that they are 18 years of age or over in line with the Challenge 25 requirements.
- Deliveries shall not be made to public places such as parks, roadsides or landmarks. Delivery shall only be made to a home or business address given at the time of the order.
- The person making the delivery shall make the appropriate identification checks at the door of the address under the Challenge 25 Scheme requirements.
- Any person responsible for delivering alcohol shall be fully trained in all elements of Challenge 25, acceptable identification & identifying people who are drunk. They shall also be trained in the process for refusing a delivery in the event of a person who cannot prove their age or who appears intoxicated.
- There shall be no use of the external area between the hours of 21.00hrs and 12.00hrs except as a smoking area. The number of people using the smoking area during these times shall be limited to no more than three at any one time.
- Tables and chairs within the external area of the premises shall be removed between the hours of 21.00hrs and 12.00hrs the following day.
- Waste receptacles shall be made available for smokers to use, and the area swept of associated litter at the end of each trading session.
- There shall be no audio speaker in any external area.
- A clear and legible notice shall be displayed at the exit requesting the public to respect the need of nearby residents and to leave the premises and area quietly.

- The Licence shall ensure that staff who arrive early morning or depart late at night do cause a nuisance and/or disturbance to nearby residents.
- The Licensee shall ensure that there is a written policy in relation to minimum staffing levels during the hours that licensable activities are taking place.
- No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children may be provided.

Chair: _____