

## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Licensing Sub-Committee B**

**Date: Tuesday, 1st August, 2023**

**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor A Dear (Chair)  
Councillors M Berry and D Richardson

**In Attendance:** E Anakwue, T Row, M Newton and T Bahannack

**Start/End Time:** 10.00 am - 2.20 pm

#### **4 Apologies for Absence**

There were no apologies for absence.

#### **5 Declarations of Interest**

No interests were declared at the meeting.

#### **6 Zinnia Restaurant, Clifftown Shore, Western Esplanade, SS1 1FU - Application for Grant of Premises Licence**

The sub-committee received a report of the Executive Director (Environment and Place) concerning an application by Adams Leisure Ltd. for the grant of a Premises Licence at Zinnia Restaurant, Clifftown Shore, Western Esplanade, SS1 1FU.

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 A Afzalnia (Designated Premises Supervisor) 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 additional and amended conditions had been agreed with the Essex Police and the Licensing 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 (Environment and Place). Eight (8) representations had, however, been received from local residents, objecting to the application. Five (5) residents, namely Mr Barham, Mr Kessels, Mr Coupe and Mr Pitt attended the hearing and gave evidence. Ms P Storey attended the hearing on behalf of Mrs Pitt to give evidence. Copies of their written representations were provided to the sub-committee in advance of the hearing.

During the course of the hearing, and following questions from the Licensing Authority, the applicant amended the application removing the provision for take-aways/deliveries. This had been sought to enable deliveries to the residents in the

flats above the premises and for any patrons to take home any part consumed meals. The hours the premises were open to the public and licensable activities were also amended as follows:

- The supply of alcohol for consumption on and off the premises:

Daily from 08:00 to 00:00 (midnight)

Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 08:00 to 02:00

- The provision of late-night refreshments – Indoors only with the exception of part-consumed meals:

Daily from 23:00 to 00:30

Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday: 23:00 to 02:00

- The provision of regulated entertainment comprising films, performance of dance, live and recorded music:

Daily from 08:00 to 00:00 (midnight)

Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday: 08:00 to 02:00

- Hours of opening for the premises:

Daily from 08:00 to 00:30

Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday: 08:00 to 02:00

The location of the smoking area was also clarified at the meeting. A revised map illustrating this area and the location of the CCTV camera points would be provided to the Licensing Authority to be appended to the Licence should it be granted. It was also clarified that the term "young children" in respect of the proposed condition 24 agreed following consultation with Essex Police and the Licensing Authority would be defined as anyone under the age of 18 years. As regards proposed condition 17, the Applicant agreed to amend the wording to now read:

17. Amplified sound shall not be audible at any noise sensitive premises.

The sub-committee concluded that, on the basis of the evidence presented to it in respect of this application, the promotion of the licensing objectives would not be undermined by the granting of the application with a slight amendment, to the hours sought on Mondays to Thursdays limiting licensable activities to 23:00 hrs but allowing an additional 30 minutes for patrons to finish their meal and drinks before closing, subject to the amendment and imposition of appropriate conditions. It therefore:

Resolved:-

That the application be granted as follows:

- (i) The hours the premises were open to the public:

Mondays to Thursdays from 08:00 to 23:30

Fridays to Sundays from 08:00 to 00:30 (the following day)

Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 08:00 to 02:00

(ii) The supply of alcohol for consumption on and off the premises:

Mondays to Thursdays from 08:00 to 23:00

Fridays to Sundays from 08:00 to 00:00 (midnight)

Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday: 08:00 to 02:00

(iii) The provision of late-night refreshments – Indoors only with the exception of part-consumed meals which may be taken off the premises:

Fridays to Sundays from 08:00 to 00:00 (midnight)

Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday: 23:00 to 02:00.

(iv) The provision of regulated entertainment comprising films, performance of dance, live and recorded music:

Mondays to Thursdays from 08:00 to 23:00

Fridays to Sundays from 08:00 to 00:00 (midnight)

Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday: 08:00 to 02:00

(v) The Mandatory Conditions set out in Appendix 1 to the report of the Executive Director (Environment and Place); and

(vi) The conditions drawn from the Operating Schedule, agreed with Essex Police, the Licensing Authority and the Environment Protection Team as set out in Appendix 2 to the submitted report of the Executive Director (Neighbourhoods and Environment) with the following amendments

Condition 6 to now read:

6. The company shall operate the premises in line with a strict Licensing Operating Schedule (LOS) to highlight and train all its staff and management in the importance and promotion of the four licensing objectives.

Condition 17 to now read:

17. Amplified sound shall not be audible at any noise sensitive premises.

Condition 24 to now read:

24. Children under the age of 18 years shall be accompanied by an adult at all times.

(vii) The following additional condition:

A revised plan of the premises clearly indicating the location of the smoking area and the position of the CCTV cameras to be submitted to the Licensing Authority to be attached to the premises licence.

**Chair:** \_\_\_\_\_