

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee B

Date: Friday, 1st December, 2023

Place: Committee Room 5 - Civic Suite

Present: Councillor J Warren (Chair)
Councillors M Borton and N Folkard

In Attendance: A Brown, T Row and A Byrne

Start/End Time: 10.00 am - 11.10 am

7 Apologies for Absence

There were no apologies for absence.

8 Declarations of Interest

No interests were declared at the meeting.

9 Prologue Books Limited, 28 Broadway Leigh-on-Sea SS9 1AW - Application for New Premises Licence

The sub-committee received a report of the Executive Director (Environment & Place) concerning an application by Prologue Books Limited for the grant of a premises licence at Prologue Books Limited, 28 Broadway Leigh-on-Sea SS9 1AW.

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 Hurrell (the Applicant's Solicitor). Mr M Scettri attended the hearing and gave evidence on behalf of the Applicant.

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 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).

One (1) representation had, however, been received from a local business and one (1) representation had been received from Leigh Town Council, both objecting to the application. No objectors attended the hearing. Copies of their written representations were provided to the sub-committee in advance of the hearing.

The objection/representation essentially related to two of the licensing objectives namely, the prevention of public nuisance and the protection of children from harm. In particular, the concerns related to the potential of live music and films increasing the noise disturbance to the surrounding residents and the neighbouring business to the detriment of their customers and the age range of customers will vary given the supply of alcohol from morning to evening with children witnessing consumption of alcohol.

The Applicant's Solicitor explained that, following discussion with the neighbouring business which had objected to the application, it had been agreed that regulated entertainment would only usually take place after 6.00 pm, to avoid any possibility of disturbance to them and their customers. He also offered a condition to that effect, should the application be granted. The hours sought were significantly earlier than the other premises in the surrounding area.

The sub-committee was informed that the premises was primarily a book shop with alcohol being available at events such as book signings, new releases, discussions etc and could be sold as part of a gift with a book. Entry to events would be by ticket/invitation only. Some photographs of the style of the inside of the premises were circulated at the hearing, with the sub-committee's agreement. It was also clarified that the proposed alcohol drink dispenser was now prohibitively expensive and so alcohol would now be served by a staff member.

The sub-committee concluded that, on the basis of the evidence presented to it in respect of this application, there was insufficient evidence to substantiate that the concerns raised in the representation would occur, or that could not be addressed through the imposition of appropriate conditions. Additionally, the Police, Licensing Authority and Environmental Protection Team were all experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and none 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, subject to the imposition of appropriate conditions. It therefore:-

Resolved:-

That the application be granted subject to:

- (i) The Mandatory Conditions set out in Appendix 1 to the report of the Executive Director (Environment and Place);
- (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 (Environment & Place), subject to the following amendments:

Condition 1 to now read:

"1) The premises shall be operated primarily as a book shop. The sales of alcohol shall be secondary to the sales of books.

Condition 2 to now read:

“2) The alcohol that the Licensee shall primarily sell will be wine and beer.”

(iii) The following additional condition:

“Regulated entertainment shall mainly take place after 6.00 pm.”

Chair: _____