

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

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

**Date: Monday, 29th July, 2024**

**Place: Committee Room 5 - Civic Suite**

**Present:** Councillor S Wakefield (Chair)  
Councillor D Richardson and M Sadza

**In Attendance:** A Brown, R Harris, B Dowsett and A Penn

**Start/End Time:** 10.00 am - 1.30 pm

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

There were no apologies for absence at this meeting.

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

There were no declarations of interest at this meeting.

#### **6 Application for a grant of a premises licence - 97-101 Shaftsbury Avenue, SS1 3AN**

The sub-committee received a report of the Executive Director (Environment & Place) concerning an application by A&J Southend Ltd for the grant of a premises licence at 97-101 Shaftsbury Avenue.

The application was presented by Mr Murrell, the applicant's licensing solicitor. Mr Patel was in attendance at the hearing. At the hearing the applicant amended the application in relation to the hours sought for the sale of alcohol for the consumption on the premises daily between the hours of 07.00hrs to 20.00 hrs to 06.00hrs to 18.00hrs.

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 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).

Fifteen (15) representations had, however, been received from local residents, objecting to the application and copies of their written representations were provided to the sub-committee in advance of the hearing. 7 of the objectors attended the hearing and gave evidence. Two (2) representations were also received from local Councillors.

The representations made essentially related to the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. In particular, the concerns related to the area being mostly residential, the potential for increased public nuisance, safety and noise and the proximity of the premises to a school.

The sub-committee carefully considered all the evidence submitted in writing and orally at the meeting. It listened to all the evidence and submissions and 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. Each contested application is decided on its merits.

The number of licensed premises or the question of whether another premises is needed are not matters for the sub-committee to consider. There is no cumulative impact policy for this area.

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 representations would occur or could be attributed to this premises, or that could not be addressed through the imposition of appropriate conditions.

The sub-committee noted that although this was a predominantly residential area there were a number of licensed premises in the vicinity, some of which had later hours than this application. 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 of such individuals is the responsibility of the individuals themselves under the law. An individual who engages in antisocial behaviour is accountable in their own right. 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 might 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:

1. That the application be granted subject to:

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

(iii) 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 changes:

- Sale of alcohol for consumption on the premises daily between the hours of 08.00 – 18.00
- Sale of alcohol will be restricted to the purchase of food.
- Condition 13 'External areas for disposal of waste and recycling and deliveries and collections shall not be used between the hours of 18.00 – 08.00.'

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