

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Friday, 1st March, 2019

Place: Committee Room 4 - Civic Suite

Present: Councillor D McGlone (Chair)
Councillors K Buck and N Folkard

In Attendance: Mr R Harris, Mr A Brown, Mr M Newton and Mr A Penn

Start/End Time: 9.45 am - 3.35 pm

746 Apologies for Absence

There were no apologies for absence at this meeting.

747 Declarations of Interest

There were no declarations of interest at this meeting.

748 69 Broadway, Leigh-on-Sea, Essex, SS9 1PE - Application for the Grant of Premises Licence

The Sub-Committee considered a report of the Deputy Chief Executive (Place) concerning an application by Mr D. Mead and Mr A. Oukili for the grant of a Premises Licence at 69 Broadway, Leigh-on-Sea, Essex, SS9 1PE.

The application was presented by Mr M Bell (Licensing Consultant). Mr Oukili was in attendance at the meeting.

During the presentation the applicants' withdrew the application for 'non-standard' timings/hours relating to the following days: 24th to 26th December; Maundy Thursday; Friday, Saturday and Sunday prior to Bank Holiday Mondays; St Valentine's; St. George's, St Patrick's, St David's and St Andrew's days; Burns Night; 29th February, Halloween and New Year's Eve.

The Sub-Committee noted that two letters of objection to this application had been received from two of the Responsible Authorities, namely, the Council's Environmental Protection Team and the Licensing Authority. However, measures had been agreed between the Council's Environmental Protection Team and the Licensing Authority and the Applicants' which addressed their objections, as set out in Appendix 3 to the report of the Deputy Chief Executive (Place).

Six representations had however been received from local residents. Two of the objector's attended the hearing and gave evidence. Councillor Arscott was also in attendance representing one of the objectors who was unable to attend.

The residents' concerns mainly related to concerns of noise, public nuisance and public safety as the premises were located in a residential area.

The sub-committee listened to all the evidence and submissions, and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. The sub-committee further 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 felt that the conditions proposed would be sufficient to address the objectors' concerns. On the basis of the evidence presented to it, the sub-committee did not consider that the promotion of the licensing objectives would be undermined by the granting of this application. It was therefore:

Resolved:

That the application for a premises licence in respect of 69 Broadway, Leigh-on-Sea, Essex SS9 1PE be granted, subject to:

(i) The Mandatory Conditions set out in Appendix 1 to the report of the Deputy Chief Executive (Place);

(ii) The conditions agreed between the Council's Environmental Protection Team and the Licensing Authority and the Applicants' set out in Appendix 3 to the report;

(iii) The conditions set out on the Applicants' proposed conditions submitted at the hearing which replace the conditions set out in the Operating Schedule in Appendix 2 to the report, subject to the deletion of Conditions 18 and 20 and changes to Conditions 15, 21 and 22, as set out below:

1. There shall be a minimum of 28 covers set out for service at all times.

2. The supply of alcohol will be by waiter/waitress.

3. No alcohol will be served without accompanying food consisting of either a substantial table meal or a sample platter of items from the menu.

4. The premises shall not be let out to external promoters so that the Licence Holder retains complete managerial control.

5. Off sales of alcohol shall only consist of sealed bottles of wine.

6. The Licensee shall ensure that a 'Challenge 25' scheme is operated, whereby any person who appears to be under 25 years of age is required to produce means of identification proving they are over 18 years of age. The only authorised means of identification shall be passport, UK photo driving licence, UK military ID or 'PASS' accredited card.

7. The Licensee shall ensure that signage is displayed advising customers that a 'Challenge 25' policy is in force.

8. *The Licensee shall ensure that all staff engaged in the sale of alcohol receive sufficient training. Refresher training shall take place at least six monthly. Written training records shall be kept on the premises and made available to any officer authorised under the Licensing Act 2003. Those holding an appropriate licensing qualification and/or a Personal Licence shall be exempt from this requirement.*

9. *The Licensee shall ensure that a refusal book is maintained at the premises to record any refusals of alcohol. The refusals book shall be made available to the Police/Licensing Authority upon request.*

10. *The Licensee shall ensure that an incident log is maintained on the premises to record any incidents or occurrences relating to crime or disorder issues. The incident book shall be made available for inspection to Police upon request. The log shall record the following:*

- All crimes reported to the venue*
- All ejections of patrons*
- Any complaints received concerning crime and disorder*
- Any incidents of disorder*
- All seizures of drugs or offensive weapons*
- Any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.*

11. *The Licensee shall ensure that a written record is kept on the premises of all persons authorised by the DPS or a personal licence holder to sell or supply alcohol in their name. Such records shall be made available to the Police/Licensing Authority upon request.*

12. *Power supplies to all sound amplification equipment shall be solely via suitable sound level limiting device(s). The limiting device(s) shall be set by an appropriately qualified acoustician / competent sound engineer having particular experience in audio control work, at such a level as to prevent statutory noise nuisance affecting the occupants of any noise sensitive premises, having regard to minimum background and ambient levels throughout the licensed periods.*

The devices shall thereafter be maintained at the levels set and shall be accessible only to the Licensee or his/her representative for maintenance purposes and to prevent unauthorised access to and tampering with the controls. Original records of all data obtained, certified by the acoustician/sound engineer , together with the settings of the devices determined as being appropriate, shall be retained and available for inspection by any Officer authorised pursuant to the provisions of the Licensing Act 2003.

13. *No doors or windows shall be opened after 21.00 hours except for access and egress and the Licence Holder shall ensure that doors and any adjoining lobbies are optimised to minimise noise nuisance.*

14. *No rubbish or bottles will be disposed of outside the building between 21.00 and 08.00 the following day.*

15. There shall be no deliveries or refuse collections between 21.00 and 08.00 Monday – Friday and 21.00 and 09.00 Bank Holidays and Weekends.

16. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) The system which at all times complies with the below requirements:

- a) CCTV shall be provided in the form a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
- b) CCTV cameras shall cover all public areas including all entrances and exits;
- c) Equipment shall be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;
- d) At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the Police or Licensing Authority staff upon reasonable request;
- e) The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
- f) An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failings these are to be recorded immediately.

17. Signs shall be displayed at all entrances (and exits) advising customers that CCTV is operating at the premises.

18. DELETED

19. The Licensee shall ensure that signage is displayed advising customers to leave the premises in a respectful manner.

20. DELETED

21. No open drinking vessel of any kind shall be allowed outside after 21:00 hours.

22. There shall be no use of any external area by patrons (other than access or egress) between 21:00 and 10:00 save that the forecourt may be used as a smoking area for a maximum of 6 people.

23. There shall be no audio speakers in any external area.

Chairman: _____