

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Friday, 28th June, 2019

Place: Committee Room 4a - Civic Suite

Present: Councillor B Ayling (Chair)
Councillors D Cowan and D McGlone

In Attendance: A Brown, T Row, A Penn and M Newton

Start/End Time: 11.00 am - 2.45 pm

115 Apologies for Absence

There were no apologies for absence.

116 Declarations of Interest

No interests were declared at the meeting.

117 Application for the Grant of a Premises Licence - 69 High Street, Southend-on-Sea, Essex, SS1 1HZ

The sub-committee considered a report of the Deputy Chief Executive (Place) regarding an application by Ms Priya Mathew for the grant of a Premises Licence at 69 High Street, Southend-on-Sea, Essex, SS1 1HZ.

The application was presented by the Applicant's Solicitor, Mr Murrell. Ms Priya Mathew (Applicant) was also in attendance at the hearing and gave evidence.

The sub-committee noted that letters of objection had been received from the Licensing Authority, in its capacity as a responsible authority, and from Essex Police. Mr D Colewell and Ms K Drain of the Essex Police Licensing Unit attended the hearing and gave evidence. The Licensing Authority had subsequently withdrawn its objection following an amendment to the application by the Applicant which reduce the hours the premises were open to public and the hours when the sale of alcohol would be permitted.

The sub-committee also noted that amendments to the proposed conditions drawn from the operating schedule had been agreed between Essex Police and the Applicant should the application be granted. Two conditions that had been proposed by the Police were however, not agreed by the Applicant. These related to the proposed prohibition on the sale of beers and ciders with an alcohol by volume content above 6.5% and for all beer and ciders in cans (500ml or less) to be sold in a minimum pack of 4.

The Applicant's Solicitor contested that these two conditions were disproportionate, unfair and overly burdensome and that there was no evidence presented by the Police to support the need for these conditions in relation to this

application. He also stated that there were other premises in close proximity that had longer and later licensed hours and did not have these restrictions.

The Police Licensing Unit stated that these premises are located within a Designated Public Place Order (DPPO) prohibiting consumption of alcohol in this area, where there were prolific offences of anti-social behaviour and street drinking. There were two large retailers in close proximity to the Applicant's premises who had voluntarily accepted these conditions in an attempt to reduce such problems.

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.

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 also accepted the evidence submitted by the Police Licensing Unit that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. The sub-committee therefore:-

Resolved:-

That the application for the grant of a premises licence at at 69 High Street, Southend-on-Sea, Essex, SS1 1HZ be granted, subject to:

1. The Mandatory Conditions set out in Appendix 1 to the report of the Deputy Chief Executive (Place).
2. The conditions drawn from the Operating Schedule set out in Appendix 2 to the report of the Deputy Chief Executive (Place), subject to the following amendments:

Condition 3 shall now read:

3. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including underage sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records to be kept on the premises (or otherwise accessible on the premises) for a minimum of 12 months and made available to the police, trading standards or licensing authority staff upon reasonable request.

Condition 4 to now read:

4. A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to the police, trading standards or licensing authority staff upon reasonable request. The refusals record shall either

be electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.

Condition 5 to now read:

5. An incident log shall be kept at the premises and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as possible and within any case 4 hours of the occurrence and shall record the following:

- (a) All crimes reported to the venue;
- (b) All ejections of patrons;
- (c) Any complaints received concerning crime and disorder;
- (d) Any incidents of disorder; and
- (e) Any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.

The incident log shall be either electronic or maintained in a bound document within individually numbered pages and be retained for at least 12 months from the date of the last entry.

Condition 6 to now read:

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

- i. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality particularly facial recognition;
- ii. CCTV cameras shall cover all entrances and the areas where alcohol sales take place;
- iii. Equipment must be maintained kept 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. Upon reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided

3. The following additional conditions:

(i) Other than wine or spirits, no alcohol with an alcohol by volume content above 6.5% will be sold or offered for sale.

(ii) All beer and cider in cans (500ml or less) will be sold in a minimum pack of 4.

4. The hours the premises shall be open to the public are 08:00 to 23:00 daily

5. The hours for the sale of alcohol shall be 08:00 to 23:00 daily.

Chair: _____