

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Wednesday, 16th June, 2021

Place: Virtual Meeting via MS Teams

Present: Councillor K Mitchell (Chair)
Councillors A Dear and D McGlone

In Attendance: E Anakwue, T. Row, A Penn, P Richards and C Woodcraft

Start/End Time: 10.00 am - 11.50 am

81 Apologies for Absence

There were no apologies for absence.

82 Declarations of Interest

No interests were declared at the meeting.

83 Cornichon, 109 - 111 The Broadway, Leigh-on-Sea, SS9 1AD - Application for a Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Hook & Partners Solicitors, acting on behalf of Regis Entertainment No. 2 Ltd, trading as Cornichon, for the grant of a Premises Licence at 109–111 The Broadway, Leigh-on-Sea, SS9 1AD.

The application was presented by Mr Hook, the Applicant's Solicitor. At the outset of the meeting, the Applicant's Solicitor confirmed that the name of the premises had changed from "Cornichon" to "Franks".

The sub-committee noted that representations to this application had been received from Essex Police and the Council's Environmental Health Team, but these representations were subsequently withdrawn following discussions with the Applicants and the imposition of appropriate measures should the application be granted. These were included in a supplementary pack which had been circulated prior to the meeting taking place. This included the amendment by the Applicant, so as to reduce the terminal hours originally sought on Thursdays by one hour. For clarity, the amended application is as follows:

(a) The supply of alcohol for consumption on and off the premises:
Sundays to Thursdays from 10:00hrs to 00:00hrs.
Friday and Saturday from 10:00hrs to 01:00hrs

(b) The Provisions of or Live & Recorded Music
Sundays to Thursdays from 10:00hrs to 00:00hrs.
Friday and Saturday from 10:00hrs to 01:00hrs

(c) To provide the Provision of Late-Night Refreshment:
Sunday to Thursdays from 23:00hrs to 00:00hrs
Friday and Saturday from 23:00hrs to 01:00hrs.

(d) Hours the premises are open to the Public:
Sunday to Thursdays from 07:00hrs to 00:30hrs.
Friday and Saturday from 07:00hrs to 01:30hrs

Thirteen (13) representations were received from local residents objecting to the application. One (1) of those objectors subsequently withdrew their representation following communication with the Applicant's Solicitor. Four (4) of the objectors, namely Mr Day, Mr Monk, Mrs Milton and Mr Nicholls attended the meeting and gave evidence. Their objections/representations related to all four of the licensing objectives.

The objectors' concerns are summarised as primarily being the potential for crime and disorder and anti-social behaviour from intoxicated persons, including drugs, vomit on the pavement, people urinating on garden walls and sex acts in alleyways; noise, nuisance and disturbance from loud music emanating from and patrons attending the premises which were located in a dense residential area with young families late at night; of anti-social behaviour from intoxicated persons; bottles, glasses and rubbish discarded by people visiting the premises; the belief that the premises may become a bar/club and not a restaurant; noise from taxis and cars parking in the street and parking congestion and traffic and highways safety issues; and the need for such hours late at night. These concerns were essentially based on the experiences of the previous management of the premises. The eligibility of the application was also questioned on the basis that the post code for the premises as shown on the statutory notices was also incorrect.

At the meeting, concerns were also expressed at the control of smokers outside of the premises and the potential for discarded cigarette ends on the highway. The Applicant's Solicitor assured the sub-committee that the premises would be operated primarily as a restaurant, with at least 40 covers being set out at all times the premises was open. (Covers means a place set at a table with a seat, cutlery, plate(s) and glass(es).) He also explained that good management required maintaining the cleanliness of the premises outside and gave assurances that the outside area would be monitored and that it would be in the best interests of the new licence holder to ensure that areas around the premises were kept clean at all times.

The need for a late-night licence and the rationale for making the application are not matters for the sub-committee to consider and the issues of highways and parking are essentially matters for planning. The concern relating to the possible procedural irregularities in respect of the accuracy of post code for the premises was considered by the sub-committee. It determined that, the address for the premises was clear for the purposes of the application and that the requirements of the Act had been complied and that the application had not been prejudiced.

The sub-committee acknowledged the issues of concern raised by the objectors. The sub-committee recognised that the problems alleged may have arisen from the premises under the control of the previous licence holder and therefore could not be attributed to the new Applicants. Additionally, each of the responsible

authority are experts in their respective field (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers). The Police and Environmental Health had withdrawn their representations on the basis that conditions agreed with the Applicants should the application be granted. 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 noted that the quality of the plan submitted with the application was unclear and felt that a revised plan should be provided clearly illustrating the extent of the licensed area, the location of the CCTV camera, the extent of the smoking area and the location of the toilets.

On the basis of the evidence presented to it and after considering all the relevant issues, the sub-committee concluded that the promotion of the licensing objectives would not be undermined by the granting of the amended application, subject to the imposition of appropriate conditions. The sub-committee 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 (Neighbourhoods and Environment);

(ii) The revised Conditions drawn from the Operating Schedule, together with the Conditions agreed between the Applicant and the Responsible Authorities, circulated in the supplementary pack subject to the following the amendment of Condition 7 on page 1 to now read:

Condition 7

“Signs shall be displayed at the exit(s) of the premises requesting customers leave the premises quietly, not to loiter and to vacate the vicinity with consideration so as not to disturb nearby residents.”

the amendment to Condition 5 on page 3 to now read:

Condition 5

“There shall be no use of the external area between the hours of 22.00 and 08:00 the following day save as a smoking area. During those times, the maximum permitted capacity within that area shall not exceed eight (8) persons. No drinking vessels of any kind shall be taken into the external smoking area during these times.”

(iii) The following additional condition:

Condition

Prior to commencement of the licence coming into force, the Licensee shall provide to the Licensing Authority a revised plan clearly illustrating the extent of the licensed area in red, the location of the CCTV camera, the extent of the smoking area and the location of the toilets.

Chair: _____