

DECISION NOTICE
Licensing Sub-Committee B
Held: Thursday, 8th October 2020
34-36 Elm Road, Leigh-on-Sea, SS9 1SN
Application for Grant of Premises Licence

(This meeting was held virtually using the MS Teams platform)

The sub-committee has before it an application by Rococo (Leigh) Ltd for the grant of a Premises Licence at Fellini, 34-36 Elm Road, Leigh-on-Sea, SS9 1SN.

We have listened to all the evidence and submissions and have read all the documents.

We have had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. We have 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 application was presented by Mr R Sutherland (Applicant's Agent) on behalf of the applicant. The applicant and owner of the premises, Mr M Hassan, was also in attendance.

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities, however, measures had been agreed between Essex Police, the Licensing Authority and the Applicant, should the application be granted. These were included in Appendix 2 to the report of the Executive Director (Neighbourhoods and Environment). One letter of representation had however, been received from Leigh Town Council. Councillor D Cracknell attended the meeting and gave evidence on behalf of Leigh Town Council.

The objections/representations related to concerns of public safety and public nuisance, particularly the increase in the number of patrons permitted at the premises resulting in overcrowding, noise of patrons attending and leaving the premises, notably when the doors at the premises were open and the disturbance caused by customers using the external areas, which would be detrimental to residents living in close proximity to the premises.

Prior to the hearing, the applicant's agent submitted some additional information to support the application. This comprised a report and findings from a noise impact assessment of patrons using the outside terrace dining area that had been produced by Richard Vivien, Principal Consultant at Big Sky Acoustic Ltd., together with letters from two taxi companies regarding the provision of pre-booking and priority venue services to and from the premises.

During the hearing, the applicant's agent explained that he had experienced difficulties in completing the online application form during the lockdown period. He had been unable to complete the form correctly when entering times after mid-night and that in some instances he had been unable to enter

numerical information so had had therefore only been able to enter the information in text. He explained that the information set out in the original application and report of the Executive Director (Neighbourhoods and Environment) may therefore be inaccurate. He confirmed that the applicant was not seeking any changes to the currently permitted hours for the opening of the premises nor the permitted hours for licensable activities for the premises, in this application. In the event that the application is granted, the applicant's agent confirmed that the current licence would be surrendered.

The applicant's agent also offered an additional condition, limiting the number of persons in the external terrace area to a maximum of 16 people at any one time, for the purposes of dining and drinking only, which may assist in addressing the concerns of the objector. Additionally, the applicant's agent agreed to remove condition 3 on Appendix 2 to the report of the Executive Director (Neighbourhoods and Environment) regarding the number of special days when tables and chairs could be removed for pre-booked events.

Whilst the sub-committee acknowledged the concerns expressed by the objector, it noted that there had been no incidents or complaints regarding the current operation of the premises nor had there been any representations received to the application from any neighbouring residents.

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 the application, subject to the conditions it could apply to the licence. The application is therefore granted subject to the following:

- (i) The permitted hours for opening and licensable activities being as follows:
 - (a) To provide the sale of alcohol on and off the premises on Mondays to Wednesdays from 09:00 to 23:30, Thursdays 09:00 until 00:00, Fridays and Saturdays 09:00 until 01:00 and Sundays 09:00 until 23:30. On New Year's Eve from 09:00 until the start of permitted hours the following day;
 - (b) To provide provision of Films, Recorded Music and Late-Night Refreshment on Mondays to Wednesdays from 23:00 to 23:30, Thursdays from 23:00 until 00:00, Fridays and Saturdays from 23:00 until 01:00 and Sundays 23:00 until 23:30. On New Year's Eve from 09:00 until the start of permitted hours the following day;
 - (c) The Provision of Live Music daily from 09:00 until 23:00. On New Year's Eve from 09:00 until the start of permitted hours the following day; and
 - (d) Hours of opening for the premises are Mondays to Wednesdays from 09:00 until 00:00, Thursdays 09:00 until 00:00, Fridays and Sunday 09:00 until 01:30 and Sundays 09:00 to 00:00. On New Year's Eve from 09:00 until the start of permitted hours the following day.
- (ii) The Mandatory Conditions set out in Appendix 1 to the amended report of the Executive Director (Neighbourhoods and Environment);

(iii) The conditions drawn from the Operating Schedule, together with the conditions agreed between the Essex Police, the Licensing Authority and the Applicant as set out in Appendix 2 to the amended report of the Executive Director (Neighbourhoods and Environment), subject to the removal of Condition 3 limiting the number of special days when tables and chairs could be removed for pre-booked events; and

(iv) The following additional condition:

“The external terrace area shall be limited to a maximum of 16 (sixteen) patrons only for the purposes of dining and drinking only”