

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee A

Date: Monday, 27th June, 2022

Place: Committee Room 1 - Civic Suite

Present: Councillor M Berry (Chair)
Councillors N Folkard and A Jones

In Attendance: E Anakwue, T Row, Bahannack and A Byrne

Start/End Time: 10.30 am - 12.15 pm

57 Apologies for Absence

There were no apologies for absence.

58 Declarations of Interest

No interests were declared at the meeting.

59 Application for Grant of Premises Licence - Picante, 55 Broadway, Leigh on Sea, Essex SS9 1PE

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Picante Ltd. for the grant of a Premises Licence at Picante, 55 Broadway, Leigh-on-Sea, SS9 1PE.

The application was presented by the Mr Paul Richards (21st Century Licensing), the Applicants' Licensing Consultant. Mr Ahmed (the Director) was also in attendance and gave evidence.

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities, although conditions had been agreed with the Licensing Authority and Environmental Health, both acting as a Responsible Authority during the consultation period, should the application be granted. These conditions were set out in Appendix 2 to the report of the Council's Executive Director (Neighbourhoods and Environment).

Eighteen (18) representations had, however, been received from local residents and Leigh Town Council objecting to the application. Leigh Town Council and two of the residents subsequently withdrew their objections following dialogue with the applicant's agent.

A further resident also withdrew their objections following dialogue with the applicant's agent and an agreement to amend the hours sought for licensable activities and the premises were open the public.

Copies of all the remaining valid representations were provided to the sub-committee.

Two of the objectors, namely Mr Lindop and Ms Weight attended the meeting and gave evidence.

The objections/representations essentially related to all four of the licensing objectives.

To alleviate some of the concerns raised at the hearing, the applicant amended the application as follows:

Hours open to the public;
Mondays to Saturdays inclusive: 08.00 to 00.00
Sundays 08.00 to 23.00

Hours for the sale of alcohol on and off the premises:
Mondays to Saturdays inclusive: 11.00 to 00.00
Sundays 08.00 to 23.00

Hours for late night refreshment:
Mondays to Saturdays inclusive: 08.00 to 00.00

Condition 1 to now read:

The premises shall operate as a restaurant. This shall mean that, at all times, alcohol shall not be made available to customers unless they are engaged in waiting to consume, consuming or have consumed a meal at the premises.

In determining the application, the sub-committee 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.

The sub-committee concluded that, on the basis of the evidence presented to it, the problems of noise, disturbance and anti-social behaviour could not be attributed to the premises. The Police and Environmental Health Service were both experts in their respective fields (paragraph 9.12 of the Revised Guidance issued under section 182 of the Licensing Act 2003 refers) and neither had objected to the application. 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 therefore did not consider that the promotion of the licensing objectives would be undermined by the granting of the application, as amended at the hearing, subject to the imposition of appropriate conditions. It therefore:-

Resolved:

That the amended application for Premises Licence at Picante, 55 Broadway, Leigh on Sea SS9 1PE be granted subject to:

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

(ii) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority, as set out in Appendix 2 to the report of the Executive Director (Neighbourhoods and Environment), subject to the amendment of Condition 1 (as reflected in Appendix of the report) to now read:

Condition 1 to now read:

The premises shall operate as a restaurant. This shall mean that, at all times, alcohol shall not be made available to customers unless they are engaged in waiting to consume, consuming or have consumed a meal at the premises.

For clarity the licensable hours are: Hours open to the public;
Mondays to Saturdays inclusive: 08.00 to 00.00
Sundays 08.00 to 23.00

Hours for the sale of alcohol:
Mondays to Saturdays inclusive: 11.00 to 00.00
Sundays 08.00 to 23.00

Hours for late night refreshment:
Mondays to Saturdays inclusive: 08.00 to 00.00

Chair: _____