

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee A

Date: Thursday, 28th July, 2022

Place: Committee Room 1 - Civic Suite

Present: Councillor M Berry (Chair)
Councillors N Folkard and C Walker

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

Start/End Time: 10.00 am - 11.40 am

213 Apologies for Absence

There were no apologies for absence.

214 Declarations of Interest

No interests were declared at the meeting.

215 Application for grant of Premises Licence - The Artisan Market, 198-200 Leigh Road, Leigh on Sea, SS9 1BS

The sub-committee received a report of the Executive Director (Neighbourhoods and the Environment) concerning an application by Mr. Sam Giles for the grant of a premises licence at Artisan Market, 198-200 Leigh Road Leigh-on-Sea SS9 1BS.

The application was presented by Mr P Richards (21st Century Licensing), the applicants Licensing Consultant. Mr Troy Giles and Mr Sam Giles (Owners and applicants) were also in attendance and gave evidence.

The sub-committee noted that no letters of objections 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 submitted report of the Council's Executive Director (Neighbourhoods and Environment).

Three (3) representations had, however, been received from local residents and one (1) from a local Ward Councillor objecting to the application. One of the residents subsequently withdrew their objections following dialogue with the applicant's agent. None of the objectors attended the meeting. Copies of all the remaining valid representations were provided to the sub-committee. The objections/representations essentially related to all four of the licensing objectives.

The sub-committee heard that premises was currently licensed for off sales only and that the purpose of the application was to become a restaurant/market/community event venue. Drinks would be served by waiter/waitress service to guests seated at tables.

The sub-committee also heard that the restaurant had been operating under temporary event notices on Fridays, Saturdays and Sundays over the past 12 weeks without any incident or complaint. The issues raised by the objectors could not therefore be attributed to this premises. The applicant was an experienced licence holder with other premises in the area. Mr Giles explained that he wanted to work with the community and be a good neighbour.

The applicant confirmed that there would be no use of the outside area to the rear of the premises in relation to any licensable activities at this premises. Smokers would be permitted to use the outside area to the front of the premises and, following negotiation with the Licensing Authority, the maximum number permitted to use this area would be 6 at any one time. A risk assessment for public nuisance had been submitted with the application which included signage to be displayed at the premises. The applicant explained he would operate a "one warning" scheme in respect of any nuisance that may be caused. He also mentioned that a contact number could be provided to residents to call if they had any concerns or issues to report about the premises.

It was acknowledged that an application had been made to the Highway Authority for a pavement licence for the use of the outside area on the footway which had been included in the licensed area. The use of this area would therefore be dependent on the granting of that licence.

In determining the application, the sub-committee listened to all the evidence and submissions and read all the documents. 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 application be granted subject to:

- (i) The Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Neighbourhoods and Environment);
- (ii) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority and Environmental Health, as set out in Appendix 2 to the submitted

report of the Executive Director (Neighbourhoods and Environment), subject to the following amendments:

Condition 1 to now read:

“1. 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.”

Condition 2 to now read:

“2. All sales of alcohol shall be by table service only. All sales of alcohol for consumption off the premises shall be in sealed containers. There shall be no vertical drinking.”

Condition 10 to now read:

“10. No open vessels shall be permitted to be taken from the premises.”

Condition 11 to now read:

“11. No open drinking vessel of any kind shall be allowed outside the premises between 21:00 and 08:00 the following day.”

Condition 15 to now read:

“15. No deliveries or refuse collections shall take place between 21.00 and 09.00hrs the following day.”

3. The following additional conditions:

“There shall be no use of the outside area to the rear of the premises for or in relation to any licensable activities at the premises.”

“Signs shall be clearly displayed asking patrons to be respectful of the neighbouring residents and to keep conversation at reasonable level while using the outside area in accordance with the risk assessment submitted by the applicant.”

It is anticipated that the applicant will surrender the current licence for the premises following the granting of this application.

Chairman: _____