

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee B

Date: Wednesday, 24th August, 2022

Place: Committee Room 4a - Civic Suite

Present: Councillor M Berry (Chair)
Councillors I Shead and C Walker

In Attendance: A Brown, T Row and A Byrne and B Dowsett

Start/End Time: 10.10 am - 11.40 am

229 Apologies for Absence

There were no apologies for absence.

230 Declarations of Interest

No interests were declared at the meeting.

231 Eggbro's, 194 Leigh Road Leigh-on-Sea SS9 1BS - Application for Grant of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Eggbro's Ltd. for the grant of a premises licence at Eggbro's, 194 Leigh Road Leigh-on-Sea SS9 1BS.

The application sought the following:

(a) The supply of alcohol for consumption on & off the premises, daily from 08:00 to 19:00, and

(b) Hours the premises are open to the Public, daily from 08:00 to 20:00.

The application was presented by Mr Paul Richards (21st Century Licensing), the Applicant's Licensing Consultant. Ms J Ralph (Share Director of Eggbro's Ltd) was 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).

Four (4) representations had, however, been received objecting to the application during the consultation period. Two (2) were from local residents and two (2) from Limited Companies having an interest in neighbouring properties, although these representations were sent by persons with the same surname which appears to be the company officer making these representations via two separate companies.

One of the objectors attended the meeting and gave evidence. Copies of all the valid written representations were provided to the sub-committee. The objections/representations essentially related to all four of the licensing objectives.

The sub-committee heard that the premises had recently changed hands and that the new business was to be managed as café/restaurant, serving breakfast/brunch lunches with a glass of beer, wine or prosecco only with the food. The premises had been operating without serving alcohol but, as a result of enquiries from patrons to the premises, the intention was now to offer such refreshments with the food. Food would be supplied to the visitors of the soft play facility upstairs, which was provided by a completely separate company and not connected to the business in any other way. It was anticipated that the premises would open from 9.00 hrs. daily and would in most instances probably close at between 14.00 to 17.00 hrs depending on the day, with the flexibility of closing at 20.00 hrs should there be a children's party and the applicant offered to amend the application accordingly. There was currently no intention to sell spirits or to provide late night refreshment and alcohol late in the evening. Drinks would also be served by waiter/waitress service to guests seated at tables and no open drinking vessels containing alcohol would be permitted to be taken outside or anywhere off the premises to be licensed. The applicant offered to erect appropriate signage informing patrons of this restriction and to include a note of this on the menu. Smokers would be directed outside to the front of the premises for smoking and the applicant offered to provide ashtrays and to monitor the area to prevent issues arising from cigarette ends and litter. Any noise or anti-social behaviour from smokers was generally experienced late at night rather than at 19.00 hrs.

The sub-committee noted that the premises currently had the benefit of a premises licence granted to the previous owner(s). This licence has been suspended due to non-payment of the annual licence fee and had not been given to the applicants when the property was acquired. There was no intention of seeking to acquire the existing licence.

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 was mindful that whilst children would be using the soft play area upstairs, this area was not included within the application to be licensed. Furthermore, whilst food would be served to the families visiting the soft play area, this was not a licensable activity and neither was the consumption of alcohol. Adults attending the facility with children could take their own alcohol without restriction. Should the license be granted, no-one would be permitted to take open containers containing alcohol upstairs. Sealed containers could, however, be purchased downstairs and taken up with their food order and this could be managed and monitored. Signage could be erected informing patrons not to take glasses containing alcohol off the premises at each entry/egress point, which would include the stairway to the upstairs soft play facility. The sub-committee felt that this would be the most effective way in managing responsibilities to protect children from harm.

The sub-committee concluded that, on the basis of the evidence presented to it, the problems alleged by the objectors 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, as amended, be granted subject to:

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

(2) 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 amendment:

Condition 10 to now read:

“10. No open vessels containing alcohol shall be permitted to be taken from the premises and signage informing patrons of this restriction shall be clearly displayed at exits to the premises including the by stairway to the soft play area.”

3. The following additional conditions:

“The applicant shall provide ashtrays in the outside area and monitor the area regularly to ensure it is clear of litter at all times.”

“The hours the premises are open to the public shall be 09.00 to 20.00 daily.”

“The supply of alcohol for consumption on and off the premises shall be permitted daily from 09.00 to 19.00 daily.”

“The licence hereby granted shall not be effective until the designated premises supervisor has been appointed at the premises.”

Chair: _____