

## Licensing & Appeals Sub-Committee – 27 April 2022

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Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **27 April 2022** when there were present:-

Chairman: Cllr Mrs J E McPherson

Cllr L J Newport

Cllr Mrs L Shaw

### OFFICERS PRESENT

S Worthington	- Principal Democratic and Corporate Services Officer
C Irwin	- Solicitor
C Brook	- Licensing Officer
W Szyszka	- Democratic Services Officer

### APPLICANT

S Reynolds	
P Richards	- 21 <sup>st</sup> Century Licensing

### ALSO PRESENT

R Brown

### 1 PROCEDURE DOCUMENT

The Sub-Committee noted the procedure to be followed in hearing the appeal.

### 2 LICENSING ACT 2003 – LICENSING APPLICATION

The Sub-Committee considered the report of the Assistant Director, People & Communities asking Members to determine an application for a Premises Licence made under Section 17 of the Licensing Act 2003 with respect to 96 High Street, Rayleigh.

In support of the application, the applicant stated that with over a decade of managing pubs and breweries across London, Southend, and Rayleigh, he was seeking to convert the former toilets into a designated craft beer micropub that was predominantly aimed at mature and affluent clientele. The applicant advised Members that he already owned and managed Craftwerk bar in Southend for 3 years with no issues. It was also brought to Members' attention that the Southend premises faced no difficulties or complaints and were fully compliant with regulations, in particular during the Covid-19 outbreak, that was evidenced through various inspections carried out by the licensing authority. The applicant also advised Members that alcohol supplied by the premises would be craft beer alongside artisan wines and spirits, that would reflect a higher price-point to attract the appropriate clientele to enjoy a drink within a quieter space in the area. The applicant reaffirmed that licensing objectives would be met and complied with through the statutory conditions alongside the

conditions agreed by Essex Police. The applicant advised Members that his current establishment in Southend were also on a busy road with a number of residential premises above the pub, and that during the time that the Southend premises had been operating for, there were no complaints received regarding noise or public nuisance or mismanagement. The applicant also advised Members that music would be played at minimal noise levels to act as background ambient noise and would ensure that noise would not travel beyond the perimeters of the premises through regular monitoring checks.

Members were advised that music would not be audible from beyond the boundaries of the premises and would act merely as background ambient noise. This would be monitored by staff by regular outdoor checks and patrols. Littering would not be deemed an issue as the applicant would install ashtrays on the outside tables and the area would be swept and cleaned on a regular basis during the opening hours and routinely every morning.

The applicant argued in favour of the application that the premises would provide local residents within the area with an alternative venue to enjoy alcoholic beverages within a quiet space.

Member of the Licensing & Appeals Sub-Committee queried how many tables and chairs will the premises hold at the front of the building with the applicant advising that four sets of table and chairs would be ideal. It was further queried by Members regarding condition 6 on page 4.27 of the Report and questioned how the applicant would prevent patrons from smoking in front of the premises. Members were advised that the applicant would discourage patrons from smoking in close proximity to the premises, unless they were in the outdoor smoking area or within the boundaries at the front of the building. The applicant would also strongly prohibit patrons from drinking beyond the premises. Patrons would be asked to vacate the outdoor areas from 2300 with only smokers being permitted to re-enter, mindful of the surrounding residential buildings.

A Member asked the applicant where the outdoor seating would be stored during closing times. The applicant advised that the smaller tables and chairs would be stored away at the back of the beer garden and locked away. The picnic benches would be padlocked and chained to the ground.

Members queried the type of food that would be provided to patrons. The applicant advised that he would be offering toasted sandwiches from 1200 until 2100 every day.

The applicant advised Members in response to their question that CCTV would also be installed monitoring the outside premises as well as inside. The applicant offered to liaise with the Police to obtain guidance on CCTV provisions.

Another Member queried whether it would be advisable for the premises to employ doorman staff on Friday and Saturday evenings in light of the fact that nearby licensed premises utilised this service during busy weekend times. The

applicant advised that due to the size of the premises, a doorman would not be deemed necessary. The applicant advised that this being a new premises, it was hard to predict what exactly was required; however, employing doorman staff was something that would be considered on a risk basis. The applicant advised Members that he held a Designated Premises Supervisor (DPS) Licence and highlighted that during the application process, the Police did not request for the premises to employ doorman staff.

A Member questioned the type of alcohol that would be sold within the premises. The applicant advised that craft beer would be sold predominantly on draught and in bottles/cans alongside a small selection of artisan wines and spirits.

A Member made a reference to page 4.11 of the Report and the extension of the provision of recorded music on Fridays and Saturdays from 2300 to 0000 and asked the applicant whether they would consider suspending playing recorded music at 2330 instead. The applicant was happy to accommodate this from 2330.

A Member made a reference to page 4.17 of the Report regarding the licensing objectives and asked the applicant whether they would participate in Rayleigh Pub Watch where if a patron had been banned from one premise, they would be banned from all. The applicant advised that he would join the Rayleigh Pub Watch to deliver the licensing objectives and promote public safety.

A Member queried whether the applicant would consider reducing the off-sales licence to 2100. The applicant advised that this would be considered; however, at that moment in time, reducing the off-sales licence would potentially be detrimental to the business. The applicant did propose a potential condition to prohibit off-sales to patrons who were not drinking within the premises after a certain time.

A Member made a reference to point 4 on page 4.27 of the Report and questioned how the applicant would enforce prevention of public nuisance and antisocial behaviour through various signs and notices in and around the premises. The applicant advised that the premises are small in size and would see a member of staff outside on a regular basis ensuring that outdoor patrons are complying with the guidelines set by the pub in terms of keeping their noise levels to a minimum and avoiding littering or causing nuisance. Should a patron be found not complying with the guidelines, they would be prohibited from entering the premises in the future.

A Member further queried point 9 on page 4.27 of the Report whether consideration would be given to Sundays to alter 0800 to 0930. The applicant advised that he would be happy to push this to 1100 in light of the fact that the premises would not open until 1200 on Sundays.

A Member queried the provision for deliveries given the fact that the premises were in close proximity to the high street. The applicant advised that the pub would receive small deliveries which would be dropped on the high street and

transported to the premises. Parking would not be viable outside of the premises. Breweries that supply the premises would be given clear delivery instructions, outlining the location that the premises were located at.

Speaking against the application, objectors raised concerns with regard to public nuisance due to the Crown being in close proximity to the proposed premises. The objectors also argued that due to narrow paths, patrons were more likely to congregate causing a potential health and safety hazard being close to the busy road. Opposing the application, it was argued that the premises license would permit the applicant to serve any type of alcohol, thus altering the stock should the response to craft beer be relatively low that could potentially cause further antisocial behaviour as the atmosphere of the premises would also alter. Concerns were also raised regarding noise from the premises and the patrons considering that the majority of the seating was outside.

The applicant advised that the fencing would be comprised of 4 ft metal bars that would surround the premises. Their height would not permit for individuals to step over it to get to or from the boundaries of the premises.

The Sub-Committee retired from the hearing with the Legal and Democratic Services officers to consider the decision and returned for its announcement.

The Committee had considered all the written evidence and the representations made at the hearing.

The Committee carefully considered the concerns raised by the interested parties relating to the licensing objectives of prevention of public nuisance and public safety. However, the Committee was mindful of the fact that no representations had been made by Essex Police and Environmental Health and that there was no evidence that granting this application would compromise the licensing objectives. Whilst the Committee was sympathetic to the concerns raised by the interested parties, the application was considered in accordance with the requirements of the Licensing Act 2003.

The Committee had taken into consideration the applicant's verbal representations and the fact that there were conditions agreed with the Police and Environmental Health which it considered would promote the licensing objectives.

The Committee had noted that the applicant had indicated that he is willing to join the Pubwatch Scheme within Rayleigh and feel that this would further serve to promote the licensing objectives. In addition, the Committee had noted the applicant's willingness to have CCTV placed in the external areas within the curtilage of the premises, and his willingness to liaise with the Police on a suitable placement.

The Committee had resolved to grant the premises licence, subject to the usual mandatory conditions and operating schedule conditions and the additional

conditions agreed with the Police and Environmental Health in appendix C and subject to: -

- The applicant joining Rayleigh Pubwatch
- CCTV being provide outside the premises, in agreement with the Police.

Although the Committee was aware that the applicant indicated a willingness to consider the following: -

- Music being stopped at 2330 on Fridays and Saturdays
- Off-sale alcohol not being provided to walk in customers not already within the premises

there was no evidence provided at the hearing to justify including these issues as conditions to the licence. No evidence was presented that linked exiting issues within the high street to this particular premises.

During the hearing, reference was made to deliveries for the premises but the applicant made it clear that delivered would be made via the high street. In any event, it was important to emphasise that this fell outside of the Licensing Act 2003. Similarly, safety concerns raised during the hearing relating to the proximity of the premises to the public highway and zebra crossing fell outside of the remit of this Committee.

### **Resolved**

That the new premises licence be granted, subject to the usual mandatory conditions and operating schedule conditions and the additional conditions agreed with the Police and Environmental Health in appendix C and subject to: -

- The applicant joining Rayleigh Pubwatch
- CCTV being provide outside the premises, in agreement with the Police.

The meeting commenced at 1.30 pm and closed at 4.31 pm.

Chairman .....

Date .....

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