



Rochford
Application for a permit to place tables and chairs
on the pavement or road
Business and Planning Act 2020

For help contact
licensing@rochford.gov.uk
 Telephone: 01702 318148

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? ☒ Yes ☐ No

* Registration number

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 9

TYPE OF APPLICATION

Type of application : ☒ New ☐ Renewal

Section 3 of 9

PREMISES FOR WHICH PERMISSION IS REQUIRED

* Name of premises/
trading name

Premises Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

* Main telephone number

Other telephone number

Further Details

* Type of business (e.g. pub, restaurant, café)

Section 4 of 9

OWNERSHIP OF THE PREMISES

* In what capacity do you occupy the premises?

- ☐ Freehold
☐ Leasehold
☒ Tenant
☐ Other

* Give details of the lease, tenancy or other arrangement

Give Details Of The (Freehold) Owner Of The Premises

* Name of owner

Owner's Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Contact Details

E-mail	<input type="text" value="HRoddiss@lcpproperties.co.uk"/>
* Main telephone number	<input type="text" value="020706302722"/>
Other telephone number	<input type="text"/>

Further Details

* Has the owner given consent for this application? ☒ Yes ☐ No

Section 5 of 9

OCCUPATION OF THE PAVEMENT / FOOTWAY

* Describe the area where you wish to place tables and chairs (a detailed plan must be attached with your application)

Directly in front of the premises. In addition there will be a 1m depth area at the rear of the premises dedicated to a smoking area.

Give the dimensions of the area you wish to occupy in metres

* Length	<input type="text" value="5m"/>
* Width	<input type="text" value="1.75m"/>
* Give the total width of the pavement or footway at this location	<input type="text" value="3.7m reducing to 3.1m"/>

OPENING TIMES

State the days and times you propose to place tables and chairs on the pavement

* Day or days	<input type="text" value="Monday to Sunday"/>
* From	<input type="text" value="11:00am"/>
* To	<input type="text" value="11:30pm"/>

* Do you plan to place tables and chairs on the pavement all year round? ☒ Yes ☐ No

Section 6 of 9

DETAILS OF FURNITURE

Provide details of all the furniture and other equipment you propose to place on the pavement. Check for local guidance notes and conditions - your responses may have to provide very specific information and you may be required to attach drawings or photographs with your application

Tables

* Number

5.9

* Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

Continued from previous page...

Wooden tables 50cm x 50cm designed and manufactured by ourselves.

Chairs

* Number

12

* Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

Ashtray for use ONLY when extinguishing a cigarette before entering the premises as the front area will be a no smoking area. The seating will be low level wooden stools or small chairs with dimensions of no greater than 40cm x 40cm.

Litter Bins

Number

0

Parasols/Umbrellas

Number

0

Planters

Number

0

Space Heaters

Number

0

Lighting

Number

0

Barriers/Balustrades

Number

0

Other furniture or equipment

Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

Although none specified we are happy to include such barriers if deemed appropriate.

Further Details

* Where will these items be stored when not in use?

Inside the premises

* Arrangements for clearing and cleaning the pavement at the end of the day

Staff will ensure that the pavement is clear of all rubbish and is clean at end of business.

Section 7 of 9

PUBLIC LIABILITY INSURANCE

You must have a suitable level of public liability insurance to cover this activity – check local requirements.

* Do you have public liability insurance?

Continued from previous page...

* State what steps you are taking to obtain such insurance

Once the licences are in place the correct insurance will be obtained prior to opening.

Section 8 of 9

ADDITIONAL DETAILS

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

Please note that smoking will only be permitted outside at the rear of the premises to avoid any unsightly views from the pavement with ample ashtray's provided.

Section 9 of 9

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I am aware of the provisions of The Business and Planning Act 2020 conditions and requirements. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/ability-to-place-tables-and-chairs-in-the-road/rochford/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



**Assistant Director
People & Communities**
Louisa Moss

Ask for: Licensing
Ext: 3214
Direct Dial: 01702 318148
Email: licensing@rochford.gov.uk

My Ref: 2020/1136/PP-BPA
Your Ref:

Steven Pegg
COUNTY ALES LIMITED
Unit 20 Muggeridge Farm
Maltings Road
Battlesbridge
Essex. SS11 7RF
(countyalesltd@gmail.com)

Date: 09/02/2021

Dear Sir

BUSINESS AND PLANNING ACT 2020 – PAVEMENT PREMISSION APPLICATION
16 GOLDEN CROSS PARADE, ROCHFORD, ESSEX. SS4 1UB

I am writing in reference to your recent application for pavement permission at the above address under the Business and Planning Act 2020.

The Licensing team have consulted with statutory partners such as Essex Highways, Essex Police, Rochford District Council Environmental Health and Planning Department.

We have reviewed our Standard conditions and the National Conditions in relation to your recent application.

Standard and National Pavement Licence Conditions

<https://www.rochford.gov.uk/standard-pavement-licence-conditions>

Condition 10 of the Rochford District Council Pavement Licence Conditions states:

Whatever method is agreed a 2-metre clear walkway must be maintained for the use of pedestrians between the road and the licensed area.

This is also supported in the National No Obstruction Condition outlined in section 3(6) of the 2020 Act.

After careful consideration and looking at your application **we have refused your application on the following grounds:**

- Insufficient space to accommodate the tables and chairs whilst maintaining the 2 metre gap between the tables and the road and compliance with section 3(6) of the Act.

Council Offices, South Street, Rochford, Essex SS4 1BW
Phone: 01702 546366 Fax: 01702 545737 DX: 39751Rochford
Website: www.rochford.gov.uk

Can I appeal the decision

Under the Business and Planning Act, there is no statutory appeal process for these decisions, however, Rochford District Council will be permitting appeals to the Licensing and Appeals Committee.

There is no timescale set within the legislation for the period of time between receiving the appeal request and the date of a hearing.

If you wish to appeal, please do not hesitate in contacting me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Greener'.

Steven Greener
Principal Licensing Officer
Licensing Team

FAO – Steven Greener
Principal Licensing Officer,
People & Communities Services
Rochford District Council

Ask for: Mrs Talent Masuku
Ext: 3404
Direct Dial: 01702 318042
Email: talent.masuku@rochford.gov.uk

Sent via email

Your ref: 2020/1136/PP-BPA

12th February 2021

**Re: PAVEMENT PREMISSION APPLICATION 16 GOLDEN CROSS PARADE,
ROCHFORD, ESSEX. SS4 1UB**

I write in reference to the pavement permission application.

The Council as the Local Planning Authority is in the process of determining a planning application, ref 21/00054/FUL decision due on the 30th of March 2021. This application seeks permission for a '*change of use from A1 (Retail) to Sui Generis Use as a Micro Pub*'. Whilst this planning application is independent of the licence application process, the comments to the licence application are without prejudice nor do they predetermine the outcome of the planning application.

The outside seating given the size of the pavement appears not to allow for sufficient space to accommodate outside seating without causing an obstruction on the pavement. There does not appear to be sufficient room to accommodate the proposed seating and other pavement users thereby posing a safety risk. Therefore, the recommendation is to await the outcome of the planning application thereafter revisit the application for the pavement licence.

Yours sincerely



Talent Masuku
Team Leader - Planning Enforcement & PBC Technicians

Steven Greener

From: Licensing Rochford and Castle Point
<licensing.rochford.and.castle.point@essex.police.uk>
Sent: 05 February 2021 11:55
To: Licensing; Steven Greener
Subject: FW: ROC - FW: Pavement permission application form - Two Green Bottles - Golden Cross Parade
Attachments: 1Rochford_Application_for_a_permit_to_place_tables_and_chairs_on_the_pavement_or_road.pdf; 16 Golden Cross plan.pdf; 16-Golden-Cross-Parade-Rochford-Essex-SS4-1UB overview plan.pdf

Good Morning

Essex Police objects to this application.

Essex Police in commenting upon this application has considered not only its duty to prevent crime (including the wilful obstruction of the highway: S137 Highways Act 1980 and S28 Town Police Clauses Act 1847) and disorder, but also its public sector equality duty under the Equality Act 2010. The existing footway area is already small and is a location of high footfall and as such the tables and chairs will block a considerable portion of the footway and will be an unnecessary and dangerous obstruction of the highway. This is especially true given the proximity of the lamp post. This is likely therefore to raise the risk of pedestrians having to walk very close to the kerb, representing a risk of them being struck by vehicles, especially where that pedestrian is elderly or infirm.

In addition, those with mobility issues (especially those in wheelchairs or mobility scooters) will be hindered in passing the location (and with pedestrians potentially having to move into the roadway to give them free passage) as will the blind and partially sighted. Persons with pushchairs will also be significantly disadvantaged. The proximity of the lamp post aggravates the danger and inconvenience.

In short, it is the view of Essex Police that there is insufficient available footway for the placing of tables or chairs without an unnecessary and potentially dangerous obstruction being caused and one that would disproportionately affect persons with protected characteristics (e.g. age and disability).

Furthermore, the proposed hours of operation are very likely to lead to public nuisance and potential disorder given the area is one of residential premises with flats immediately above and to each side of the premises in question. Essex Police is currently considering the concurrent application under the Licensing Act 2003 for the premises to sell alcohol and provide live and regulated entertainment and has concerns that the premises is going to be primarily operated as a bar. The placing outside of tables and chairs outside a bar has proven in the past to create noise and disorder problems and this would be another reason that Essex Police would consider the application as unsuitable, especially if permission was granted for tables and chairs to be outside after 2000 hours. The placement of chairs outside a bar encourages persons to remain outside as their level of intoxication rises, invariably increasing the noise and profanities of customers. If permission was granted there would be a need for a condition to be attached for the tables and chairs to be removed from the footway etc. at the end of each day at the time any authorisation lapsed.

Kind Regards
Keeley

Licensing Officer
Southend and Rochford

Internal Extension: 42079008
Direct Dial: 01702 423167
Mobile (answered on duty): 07973880871

Email: licensing.southend@essex.police.uk, licensing.rochford.and.castle.point@essex.police.uk

Essex Police | Southend Police Station | Victoria Avenue | Southend-on-Sea | SS2 6ES

Alcohol (and gambling) licensing applications/enquiries should be sent to: licensing.applications@essex.police.uk

General alcohol and gambling licensing enquiries can be made by phoning 01245 452035



From: Steven Greener <Steven.Greener@Rochford.gov.uk>

Sent: 04 February 2021 08:55

To: Andy Parkman <Andy.Parkman@Rochford.gov.uk>; Cathy Calder INSP 42003114 <Cathy.Calder@essex.police.uk>; Rochford <clerk@rochfordparishcouncil.gov.uk>; Data Scanning <Data.Scanning@Rochford.gov.uk>; Environmental Health <EnvironmentalHealth@Rochford.gov.uk>; Licensing Applications Essex <licensing.applications@essex.police.uk>; Marcus Hotten <Marcus.Hotten@Rochford.gov.uk>; Olive.porter@essex.gov.uk; Planning <planning@rochford.gov.uk>; southeastgroupSDP@essex-fire.gov.uk <southeastgroupSDP@essex-fire.gov.uk>; Talent Masuku <talent.masuku@rochford.gov.uk>; Tony Thomas PC 42003642 <Tony.Thomas@essex.police.uk>; Traffic Management Essex <traffic.management@essex.police.uk>; Yvonne Dunn <Yvonne.Dunn@Rochford.gov.uk>; Keeley Drain 42079008 <Keeley.Drain1@essex.police.uk>; Jane Spink <Jane.Spink@Rochford.gov.uk>

Cc: Licensing <Licensing@Rochford.gov.uk>

Subject: Pavement permission application form - Two Green Bottles - Golden Cross Parade

Please find attached a Pavement Permission application under the Business and Planning Act. We have 5 days to consult on this application – 10 days for decision.

Please can you let me know if you wish to make representations against this application. I look forward to hearing from you by 11th February 2021

Steven Greener,
Principal Licensing Officer,
People & Communities Services
Rochford District Council

www.rochford.gov.uk | t +44 (0) 1702 546366 ext 3214 | DDI: 01702 318148 | Mobile: 07971 181394

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Steven Greener

From: Gordon Ashford 42076878 <Gordon.Ashford@essex.police.uk>
Sent: 10 February 2021 12:18
To: Steven Greener
Cc: Keeley Drain 42079008
Subject: Two Green Bottles - pavement licence

Good afternoon Mr Greener

The Chief Officer of Police remains concerned regarding the above application; in particular that it appears the sole reason given for the council's refusal of the application is one of non-compliance with dimensions set out within the Business and Planning Act 2020 and that an appeal of those grounds for refusal is now under consideration. The Business and Planning Act 2020 does not appear to have any such dimensions but, in terms of obstruction, refers to the need to take into account the needs of disabled persons and recommended distances set out within guidance.

The Chief Officer of Police again restates his earlier objection to the application and in particular his observations regarding crime and disorder and public nuisance. You will of course be aware that Section 17 of the Crime and Disorder Act 1998 states that all relevant authorities – which includes district, town and parish councils – have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area.

The previous submission on behalf of the Chief Officer of Police included:

Furthermore, the proposed hours of operation are very likely to lead to public nuisance and potential disorder given the area is one of residential premises with flats immediately above and to each side of the premises in question. Essex Police is currently considering the concurrent application under the Licensing Act 2003 for the premises to sell alcohol and provide live and regulated entertainment and has concerns that the premises is going to be primarily operated as a bar. The placing outside of tables and chairs outside a bar has proven in the past to create noise and disorder problems and this would be another reason that Essex Police would consider the application as unsuitable, especially if permission was granted for tables and chairs to be outside after 2000 hours. The placement of chairs outside a bar encourages persons to remain outside as their level of intoxication rises, invariably increasing the noise and profanities of customers. If permission was granted there would be a need for a condition to be attached for the tables and chairs to be removed from the footway etc. at the end of each day at the time any authorisation lapsed.

The objection based on crime and disorder and public nuisance would apply to the provision of any outdoor seating provided by the applicant given the premises residential location and intended use as a bar.

My regards

Gordon Ashford MLOL

Licensing Manager
Essex Police

Direct Dial: 01245 452036
Internal Ext: 406361

Licensing Department (Alcohol & Gambling)
Essex Police
Blyth's Meadow
Braintree
Essex
CM7 3DJ

Alcohol (and gambling) licensing applications/enquiries should be sent to: licensing.applications@essex.police.uk

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Steven Greener

From: Olive Porter <Olive.Porter@essexhighways.org>
Sent: 05 February 2021 12:59
To: Steven Greener; Jane Spink
Cc: Licensing Police Officer (keeley.drain1@essex.police.uk)
Subject: RE: ROC - FW: Pavement permission application form - Two Green Bottles - Golden Cross Parade

Good afternoon

I would consider 2 tables and 4 chairs only out the front, one each side of the doorway.
Small tables and small chairs
However, where I am concerned is, will this create an overspill on the public highway of others gathering outside?
Or using this area as the smoking area
Will it/could it be seen to other pedestrians as threatening?

I would not agree to the footway at this moment in time being reduced due to social distancing

Regards

**Olive Porter CIHT, IHE | Network Assurance Officer
Highways**



SAFER / GREENER / HEALTHIER

T: 01245 342895
Olive.Porter@essexhighways.org
[Chat with me on Teams](#)
www.essex.gov.uk/highways



From: Steven Greener <Steven.Greener@Rochford.gov.uk>
Sent: 05 February 2021 11:58
To: Olive Porter <Olive.Porter@essexhighways.org>; Jane Spink <Jane.Spink@Rochford.gov.uk>
Cc: Licensing Police Officer (keeley.drain1@essex.police.uk) <keeley.drain1@essex.police.uk>
Subject: FW: ROC - FW: Pavement permission application form - Two Green Bottles - Golden Cross Parade

Hello both of you, do you have any views on this application?

**Steven Greener,
Principal Licensing Officer,
People & Communities Services
Rochford District Council**

www.rochford.gov.uk | t +44 (0) 1702 546366 ext 3214 | DDI: 01702 318148 | Mobile: 07971 181394

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From: Licensing Rochford and Castle Point <licensing.rochford.and.castle.point@essex.police.uk>
Sent: 05 February 2021 11:55
To: Licensing <Licensing@Rochford.gov.uk>; Steven Greener <Steven.Greener@Rochford.gov.uk>
Subject: FW: ROC - FW: Pavement permission application form - Two Green Bottles - Golden Cross Parade

Good Morning

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In addition, those with mobility issues (especially those in wheelchairs or mobility scooters) will be hindered in passing the location (and with pedestrians potentially having to move into the roadway to give them free passage) as will the blind and partially sighted. Persons with pushchairs will also be significantly disadvantaged. The proximity of the lamp post aggravates the danger and inconvenience.

In short, it is the view of Essex Police that there is insufficient available footway for the placing of tables or chairs without an unnecessary and potentially dangerous obstruction being caused and one that would disproportionately affect persons with protected characteristics (e.g. age and disability).

Furthermore, the proposed hours of operation are very likely to lead to public nuisance and potential disorder given the area is one of residential premises with flats immediately above and to each side of the premises in question. Essex Police is currently considering the concurrent application under the Licensing Act 2003 for the premises to sell alcohol and provide live and regulated entertainment and has concerns that the premises is going to be primarily operated as a bar. The placing outside of tables and chairs outside a bar has proven in the past to create noise and disorder problems and this would be another reason that Essex Police would consider the application as unsuitable, especially if permission was granted for tables and chairs to be outside after 2000 hours. The placement of chairs outside a bar encourages persons to remain outside as their level of intoxication rises, invariably increasing the noise and profanities of customers. If permission was granted there would be a need for a condition to be attached for the tables and chairs to be removed from the footway etc. at the end of each day at the time any authorisation lapsed.

Kind Regards

Keeley

Licensing Officer
Southend and Rochford

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From: Steven Greener <Steven.Greener@Rochford.gov.uk>

Sent: 04 February 2021 08:55

To: Andy Parkman <Andy.Parkman@Rochford.gov.uk>; Cathy Calder INSP 42003114 <Cathy.Calder@essex.police.uk>; Rochford <clerk@rochfordparishcouncil.gov.uk>; Data Scanning <Data.Scanning@Rochford.gov.uk>; Environmental Health <EnvironmentalHealth@Rochford.gov.uk>; Licensing Applications Essex <licensing.applications@essex.police.uk>; Marcus Hotten <Marcus.Hotten@Rochford.gov.uk>; Olive.porter@essex.gov.uk; Planning <planning@rochford.gov.uk>; southeastgroupSDP@essex-fire.gov.uk <southeastgroupSDP@essex-fire.gov.uk>; Talent Masuku <talent.masuku@rochford.gov.uk>; Tony Thomas PC 42003642 <Tony.Thomas@essex.police.uk>; Traffic Management Essex <traffic.management@essex.police.uk>; Yvonne Dunn <Yvonne.Dunn@Rochford.gov.uk>; Keeley Drain 42079008 <Keeley.Drain1@essex.police.uk>; Jane Spink <Jane.Spink@Rochford.gov.uk>

Cc: Licensing <Licensing@Rochford.gov.uk>

Subject: Pavement permission application form - Two Green Bottles - Golden Cross Parade

Please find attached a Pavement Permission application under the Business and Planning Act. We have 5 days to consult on this application – 10 days for decision.

Please can you let me know if you wish to make representations against this application. I look forward to hearing from you by 11th February 2021

Steven Greener,
Principal Licensing Officer,
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Steven Greener

Subject: RE: Application for a micro pub at 16 Golden Cross Parade

**Steven Greener,
Principal Licensing Officer,
People & Communities Services
Rochford District Council**

www.rochford.gov.uk | t +44 (0) 1702 546366 ext 3214 | DDI: 01702 318148 | Mobile: 07971 181394

For advice and guidance for current licence holders and new applicants on changes to our Licensing service, visit <https://www.rochford.gov.uk/business/licensing>

To book an appointment with us using our COVID SECURE measures, please click on the following link <http://www.rochford.gov.uk/LicensingSelfBooking>



From 14th October 2020, the Licensing Team will be moving offices to South Street, Rochford, Essex. SS4 1BW. All appointments from 14th October will be from South Street.

From:
Sent: 05 February 2021 13:54
To: Licensing
Subject: Application for a micro pub at 16 Golden Cross Parade

Dear Sirs

I am the owner resident of . I understand that a planning application has been made to change 16 Golden Cross Parade into a micro pub allowing live and recorded music to be played. The sign has appeared overnight and states we have until the 15th February to object to the application by County Ales Ltd trading as "Two Green Bottles".

I completely and utterly object to this application and believe it to be a completely inappropriate proposal. This is a built up residential area comprising of residential flats above the proposed site as well as houses surrounding the area. It is a quiet area outside of the main town which does not suit a rowdy pub. The transport links also aren't conducive to people wanting to travel to consume alcohol. There is absolutely no need for a drinking establishment here nor I am I aware that anyone would want this. Many of the surrounding houses are home to young children (myself included) and I do not wish them to be subjected to drunken behaviour and excessive noise from live or recorded music. There is not adequate parking for such an establishment and I do not wish people to park outside mine or my neighbours' homes and make

noise every night. I do not want an increase in rubbish from drunken people throwing cigarette butts and empty crisp packets around.

With Regards

The Chief Licensing Officer
Rochford District Council
South Street
Rochford
ESSEX
SS4 1BW

5th February 2021

Re Application for a Pavement Permission Licence at 16 Golden Cross Parade

Dear Sir,

With Reference to the Above application, I write in objection to the granting of this application reasons being:-

These premises are at the end of a retail parade situated directly beneath residential flats, next door to and surrounded by residential chalets and bungalows.

All of the shops presently on the northern side of Golden Cross Parade close at around 18,00. There are already issues with ASB on the stairs that lead to the flats above and the passage way at the side of these premises, should this application be permitted i feel that this would expatiate the issues.

Being that these premises are in a mainly residential area I feel that granting this application be wholly inappropriate due to noise and inconvenience that may be caused to residents, many elderly.

Many Thanks

Kind Regards



**Assistant Director
People & Communities**
Louisa Moss

Steven Pegg
COUNTY ALES LIMITED
Unit 20 Muggeridge Farm
Maltings Road
Battlesbridge
Essex. SS11 7RF
(countyalesltd@gmail.com)

Ask for: Licensing
Ext: 3214
Direct Dial: 01702 318148
Email: licensing@rochford.gov.uk

My Ref: 2020/1136/PP-BPA
Your Ref:

Date: 24/02/2021

Dear Sir

BUSINESS AND PLANNING ACT 2020 – PAVEMENT PREMISSION APPLICATION
16 GOLDEN CROSS PARADE, ROCHFORD, ESSEX. SS4 1UB

I am writing in reference to your recent application for pavement permission at the above address under the Business and Planning Act 2020.

The Licensing team have consulted with statutory partners such as Essex Highways, Essex Police, Rochford District Council Environmental Health and Planning Department.

The original application was refused on the basis of failure to comply with our Standard conditions and the National Conditions due to the limited space on the public highway.

Following my letter dated 9th February 2021 outlining the grounds for refusal, as requested the group have re-assessed your application based on the revised number of 4 chairs and 2 small tables.

Representations

Rochford District Council Licensing Team received two (2) formal representations from our partners in relation to your application and two (2) representations from local residents. The details of the representations are listed below:

Essex Police

The Chief Officer of Police remains concerned regarding the above application; in particular that it appears the sole reason given for the council's refusal of the application is one of non compliance with dimensions set out within the Business and Planning Act 2020 and that an appeal of those grounds for refusal is now under consideration. The Business and Planning Act 2020 does not appear to have any such dimensions but, in

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terms of obstruction refers to the need to take into account the needs of disabled persons and recommended distances set out within guidance.

The Chief Officer of Police again restates his earlier objection to the application and in particular his observations regarding crime and disorder and public nuisance. You will of course be aware that Section 17 of the Crime and Disorder Act 1998 states that all relevant authorities – which includes district, town and parish councils – have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area.

The previous submission on behalf of the Chief Officer of Police included:

Furthermore, the proposed hours of operation are very likely to lead to public nuisance and potential disorder given the area is one of residential premises with flats immediately above and to each side of the premises in question.

Essex Police is currently considering the concurrent application under the Licensing Act 2003 for the premises to sell alcohol and provide live and regulated entertainment and has concerns that the premises is going to be primarily operated as a bar.

The placing outside of tables and chairs outside a bar has proven in the past to create noise and disorder problems and this would be another reason that Essex Police would consider the application as unsuitable.

The placement of chairs outside a bar encourages persons to remain outside as their level of intoxication rises, invariably increasing the noise and profanities of customers.

The objection based on crime and disorder and public nuisance would apply to the provision of any outdoor seating provided by the applicant given the premises residential location and intended use as a bar

Rochford District Council Planning Department

The Council as the Local Planning Authority is in the process of determining a planning application, ref 21/00054/FUL decision due on the 30th of March 2021. This application seeks permission for a 'change of use from A1 (Retail) to Sui Generis Use as a Micro Pub'. Whilst this planning application is independent of the licence application process, the comments to the licence application are without prejudice nor do they predetermine the outcome of the planning application.

The outside seating given the size of the pavement appears not to allow for sufficient space to accommodate outside seating without causing an obstruction on the pavement. There does not appear to be sufficient room to accommodate the proposed seating and other pavement users thereby posing a safety risk. Therefore, the recommendation is to await the outcome of the planning application thereafter revisit the application for the pavement licence.

Representations from the Residents

I completely and utterly object to this application and believe it to be a completely inappropriate proposal. This is a built up residential area comprising of residential flats above the proposed site as well as houses surrounding the area. It is a quiet area outside of the main town which does not suit a rowdy pub. The transport links also aren't conducive to people wanting to travel to consume alcohol. There is absolutely no need for a drinking establishment here nor I am I aware that anyone would want this. Many of the surrounding houses are home to young children (myself included) and I do not wish them to be subjected to drunken behaviour and excessive noise from live or recorded music. There is not adequate parking for such an establishment and I do not wish people to park outside mine or my neighbours' home and make noise every night. I do not want an increase in rubbish from drunken people throwing cigarette butts and empty crisp packets around.

With Reference to the Above application, I write in objection to the granting of this application reasons being:-

These premises are at the end of a retail parade situated directly beneath residential flats, next door to and surrounded by residential chalets and bungalows.

All of the shops presently on the northern side of Golden Cross Parade close at around 18,00. There are already issues with ASB on the stairs that lead to the flats above and the passage way at the side of these premises, should this application be permitted i feel that this would expatiate the issues.

Being that these premises are in a mainly residential area I feel that granting this application be wholly inappropriate due to noise and inconvenience that may be caused to residents, many elderly.

Group Meeting to discuss your application

After careful consideration and looking at your application and the representations from residents and our partners **we have refused (under the BUSINESS AND PLANNING ACT 2020) your application on the following grounds:**

- The group felt that the business should run as a bar for at least 6 months (if the Alcohol Licence was granted) and demonstrate to the residents and partners that the venue can be run safely and reassure residents that the outside seating area would not create additional noise or concerns.

The group felt that the venue should re-apply under the Pavement Permission legislation (Highways Act 1980) once they have completed a 'bedding in period' of running the venue in accordance with the Licensing objectives.

Can I appeal the decision

Under the Business and Planning Act, there is no statutory appeal process for these decisions, however, Rochford District Council will be permitting appeals to the Licensing and Appeals Committee.

There is no timescale set within the legislation for the period of time between receiving the appeal request and the date of a hearing, however would look to present the application to the panel at the most appropriate time.

If you wish to appeal, please do not hesitate in contacting me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Greener'.

Steven Greener
Principal Licensing Officer
Licensing Team

Steven Greener

To: stephen bonney
Subject: RE: Notice of hearing

From: stephen bonney <countyalesltd@gmail.com>
Sent: 02 March 2021 11:02
To: Steven Greener <Steven.Greener@Rochford.gov.uk>
Subject: Re: Notice of hearing

Hi Steven,

I would like to object to the decision to refuse a pavement licence on the grounds of the modification to the number of seats as well as the time restriction.

Kind regards

Steve Pegg