

Appeals & Licensing- 6 October 2003

Minutes of the meeting of the **Appeals & Licensing Committee** held on **6 October 2003** when there were present:-

Cllr Mrs R Brown (Chairman)

Cllr K H Hudson

Cllr T Livings
Cllr R A Oatham

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Mrs B J Wilkins and Cllr. Gibbs who arrived late and did not take part in the decision.

OFFICERS PRESENT

A Bugeja	- Head of Legal Services
J Ellis	- Environmental Protection Unit Manager
E Hanlon	- Principal Environmental Health Officer
A Paddon	- Senior Environmental Health Officer
S Worthington	- Committee Administrator

452 MINUTES

The Minutes of the meeting held on 27 June 2003 were agreed as a correct record and signed by the Chairman.

453 PROCEDURAL NOTE

The Committee noted the Procedural Note to be followed in hearing the Appeal.

454 APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE GRAND MARQUEE C/O ESSEX COUNTY HOTEL, AVIATION WAY, SOUTHEND, ESSEX

The Committee considered an application for a public entertainment licence to hold public music entertainment and dancing at The Grand Marquee, c/o Essex County Hotel, Aviation Way, Southend between 10.30 am and 12.30 am on weekdays and 11.00 am and 12.30 am on Sundays for 300 people. Members had before them the report of the Head of Health, Housing and Community Care setting out the details of the application and the objection to the grant of a licence. Representations were received from the Senior Environmental Health Officer, the applicant, Mr M Cotman, and from a local resident, Mr R Hanby, who was opposed to the application.

Members were apprised of the facts surrounding the submission of the

application, the concerns from local residents as to excessive noise associated with private functions, which included musical entertainment and dancing and the measures to mitigate such problems.

The applicant confirmed that the intention was to hold public entertainment events with dancing every 6 weeks, with the exception of December. The Police had confirmed that no objection would be raised to the application, subject to certain conditions being observed. It was further noted that public entertainment licences were valid for a twelve month period and expired at the end of December. If the licence were to be granted any complaints received during the period of the licence would be taken into consideration when the licence was due for renewal.

The objector claimed that there had been instances whereby, with respect to private functions, he had been able to discern the words of loud, amplified music and clearly heard every announcement made by a disc jockey, word for word. He was concerned that the structure of the marquee did not lend itself to the attenuation of noise levels.

Officers were concerned about a lack of evidence that measures recommended in an acoustic report commissioned by the applicant would actually succeed in attenuating the noise levels or that a successful event could be held in the event that noise levels were acceptable to neighbouring properties.

The applicant confirmed his willingness to comply with any conditions imposed by the Police and any conditions that this Authority might wish to impose, should it be minded to grant the licence.

Mindful of the representations and having considered all the evidence, the Committee were of the view that concerns relating to noise levels could adequately be addressed by the applicant commissioning a more detailed noise assessment report and implementing necessary measures and controls and by complying with conditions limiting noise levels in accordance with 'the Good Practice Guide on the Control of Noise from Pubs and Clubs', in addition to complying with the Council's standard conditions and those recommended by the Police and that it was therefore appropriate for the licence to be granted. Should the conditions not be adhered to, or nuisance occurs, however, the Committee would review the position and the continuation of the licence.

Resolved

That a licence should be granted, subject to:-

- (1) the applicant undertaking to carry out a more detailed noise assessment report and implementing necessary measures and controls.

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- (2) The applicant complying with conditions limiting noise levels in accordance with 'the Good Practice Guide on the Control of Noise from Pubs and Clubs'.
- (3) The applicant complying with the Council's Standard Conditions.
- (4) The applicant complying with the following conditions recommended by the Police:-
 - (1) a minimum of two registered door staff to be present when the marquee is in use.
 - (2) Video surveillance equipment should be provided and maintained and should comply with the Local Authority Special Conditions for Video Surveillance Equipment. The cameras must provide a clear image of patrons' faces on entering and leaving the marquee via the main entrance/exit.
 - (3) All beverage glassware must be made of toughened glass.
 - (4) Customers should not be permitted to leave the marquee with bottles and glasses. (HHHCC)

The meeting closed at 12.02 pm.

Chairman

Date