

## Licensing & Appeals Sub-Committee – 15 March 2021

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Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **15 March 2021** when there were present:-

Chairman: Cllr M G Wilkinson  
Cllr Mrs J E McPherson                      Cllr D Merrick

### VISITING MEMBERS

Cllr Mrs L A Butcher, Cllr Mrs J R Gooding

### OFFICERS PRESENT

S Greener	– Principal Licensing Officer
S Worthington	– Principal Democratic & Corporate Services Officer
C Irwin	– Solicitor
L Morris	– Democratic Services Officer

### APPLICANT

S Pegg

### ALSO PRESENT

J Smith

### 3 PROCEDURE FOR LICENSING HEARING

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

### 4 LICENSING ACT 2003 – LICENSING APPLICATION

The Sub-Committee considered the report of the Assistant Director, People & Communities asking Members to determine an application made under Section 17 of the Licensing Act 2003 for a Premises Licence in respect of a premises to be known as Two Green Bottles, 16 Golden Cross Parade, Rochford.

In response to Member questions, it was noted that:-

- A smoking area is recommended but is not a consideration under the Licensing Act 2003.
- A Micro Pub is not defined as such based on size or capacity, but is so called because the focus is on craft wines and beers, it being a specialist in this area.
- The hearing related to licensing of a premises and was not focused on the definition of a Micro Pub.
- It was clarified that there are no restrictions on delivery times, only on the collection of waste, which is restricted so as not to be between 8pm and

10am Monday to Friday, and 8pm and 11am on Saturday, Sunday and Bank Holidays.

- There is not a set condition around the use of CCTV.

In support of his application, the applicant stated that a Micro Pub was based on a certain atmosphere and ethos, providing a venue for people wanting to appreciate a drink and have a conversation. The applicant had an existing establishment known as One Green Bottle and stated this had enjoyed success and brought the community together.

A smoking area was planned for the rear of the property to stop people smoking at the front. The intention was to provide live music on Friday, Saturday and Sunday between 12pm and 8pm, but the applicant specified this would not be amplified, thereby reducing the likely disturbance for residents. The applicant had policies and procedures ready, including drugs and crowd management policies, although he did not anticipate any trouble.

In response to questions from the Sub-Committee, the applicant advised that:-

- Live music, such as an acoustic guitar playing background music, would not contradict the intended atmosphere and ethos of the venue. There was no intention to have a full band playing amplified music.

The applicant stated door staff may be used for special occasions, but otherwise staff were well equipped to police adherence to licence conditions, such as not letting people take glasses outside unless they were seated. CCTV would also be in place to monitor this.

The request for longer opening hours in a residential area related to the potential footfall and the better public transport available compared to the existing premises, One Green Bottle.

Engagement with residents did not take place due to negative comments on a local Facebook group; the applicant had not wished to be perceived as interfering with the process. The applicant advised that if they had been aware of the potential to bring a witness in support of their application they would have done so.

(Note: Cllr Mrs J E McPherson declared a non-pecuniary interest by virtue of being an administrator of the aforementioned Facebook group but had no knowledge of the content described by the applicant.

The premises would be soundproofed to ensure minimal disruption to residents living above, and there would also be CCTV covering the inside and outside of the premises.

Interested parties, including a local resident and Cllrs Mrs L A Butcher and Mrs J R Gooding, raised objections on behalf of residents living in the

vicinity of the premises based on the likely impact of the application on crime and disorder, public nuisance and public safety.

The Sub-Committee retired from the hearing with the Legal and Democratic Services Officers to consider the decision and returned for its announcement. It had considered all the written evidence and the representations made at the hearing and also the conditions submitted by the Police and Environmental Health in order to promote the licensing objectives. The Sub-Committee also considered carefully the concerns raised by the interested parties in respect of the licensing objectives of:-

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety

The Sub-Committee noted that no representations were made at the hearing by Essex Police or Environmental Health. Furthermore, the Police and Environmental Health had agreed conditions with the applicant which they considered would serve to promote the licensing objectives. The Sub-Committee therefore considered that the premises licence should be granted, subject to standard conditions and the conditions agreed by the Police, Environmental Health and the applicant.

### **Resolved**

That the licence be granted, subject to the standard conditions and the conditions agreed by the Police, Environmental Health and the applicant.  
(ADPC)

## **5 PAVEMENT PERMISSION**

The Sub-Committee considered the report of the Assistant Director, People & Communities asking Members to determine an application made under Section 2 of the Business and Planning Act 2020 for a Pavement Permission Licence in respect of 16 Golden Cross Parade, Rochford.

In support of his application, the applicant stated the table and chairs would not be permanent and would be kept inside the premises when not in use. The applicant stated they would be agreeable to any restrictions that would be put in place, but did not consider the application would cause the level of issues raised by those objecting to the application.

The local resident and Cllrs Mrs L A Butcher and Mrs J R Gooding raised concerns about the size of the tables and chairs and the impact this could have on pedestrians and residents.

In response to questions from the Sub-Committee, the applicant advised that:-

- Customers would not be allowed to drink outside unless they were seated and would not be served unless they were seated. The Licensing Officer clarified that this was covered in conditions of the licence, which were enforceable.
- Social distancing guidelines would be followed as appropriate and this may limit the number of tables and chairs available.
- The applicant would be spending a lot of time initially at the premises when it first opened; however, the longer-term priority was to hire a manager for the Micro Pub.

In summary, the Licensing Officer drew attention to appendix E, highlighting that following consultation with authorities it was felt that the premises should operate as a Micro Pub for at least six months to demonstrate it could run safely, after which the business should reapply for pavement permission.

The Sub-Committee retired from the hearing with the Legal and Democratic Services Officers to consider the decision and returned for its announcement. It had considered all the written and verbal evidence submitted to the hearing, and whilst noting the applicant's willingness to comply with any restrictions that the Sub-Committee might find it appropriate to impose, nevertheless considered the licence should be refused. This was in response to concerns relating to public safety raised by responsible authorities, notably Essex Police and Environmental Health. The Sub-Committee further noted the suggestion in appendix E to the report, page 5.30, that the business could reapply for a pavement permission after it had operated as a bar for at least six months without compromising public safety or causing public nuisance.

The Sub-Committee emphasised that the applicant must adhere to the conditions applied to the premises licence and that if there were any problems in future as a result of the grant of the licence, a review could be requested at any time.

### **Resolved**

That the Pavement Permission Licence be refused on the grounds of public safety. (ADPC)

The meeting commenced at 9.30 am and closed at 1.10 pm

Chairman .....

Date .....

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