

Licensing & Appeals Sub-Committee – 6 July 2020

Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **6 July 2020** when there were present:-

Chairman: Cllr Mrs C A Weston

Cllr Mrs L Shaw

Cllr P J Shaw

VISITING MEMBERS

Cllr M G Wilkinson

Cllr Mrs J R Gooding

OFFICERS PRESENT

C Irwin	- Solicitor
S Greener	- Principal Licensing Officer
C Brooke	- Licensing Officer
S Worthington	- Principal Democratic and Corporate Services Officer
M Power	- Democratic Services officer

APPLICANT

L Molossi

3 PROCEDURE DOCUMENT

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

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 licensed premises known as Red Door, 131 High Street, Rayleigh.

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

- Page 4.16, Table J 'to operate live music' should read 'to operate recorded music'.
- The applicant did not request any seasonal variations for the supply of alcohol; only for the hours stated in the application.

In support of his application, the applicant stated that the Red Door was a well-established venue in Rayleigh High Street. The application sought to remove the need for submitting applications for Temporary Event Notices (TENs) for additional hours in respect of events that were held at the venue at the same time each year; no objections had been received in the past for the TENs submitted. This would allow the business to run smoothly and efficiently

and reduce the administrative burden on both the licensee and the police. It would formalise what was currently in place, giving clarity to all parties.

In response to a question, the applicant stated that it was a requirement of the licence that security personnel be provided until close on Friday and Saturday nights; the licence did not require there to be security mid-week. It was not the sort of venue that attracted clients who would cause trouble; there had been no incidents mid-week during the five years the premises had been operating and only minor incidents at other times. Currently, no entry was permitted after 1 am.

In response to a request for clarification on how the venue would be policed mid-week, the applicant advised that on the days when there was no security on the door and the venue remained open until 1 am, the staff on shift would not allow anyone to enter after 1 am; this was to prevent people entering the premises when other venues had closed. Because the Red Door was not a busy venue, the bar staff would recognise those customers trying to gain access from other pubs.

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

When a specific event was held, the need for security personnel was evaluated, based on the numbers attending. On nights when there were high numbers anticipated or where there was a risk determined in the area additional security would be in place. There would be security on the door at times such as Bank Holidays where necessary.

The capacity of the venue was 250-270; however, attendance was regularly no more than 100. The Fire Service undertook a risk assessment and check every year; the venue liaised with the Fire Service in respect of any internal structural changes.

Plastic glasses were not used, either inside or outside the venue. A risk assessment had been undertaken and had shown there to be no need to use plastic glasses; historically there had been no trouble in respect of customers using glassware.

The venue had a strict set of terms and conditions and the licensee would work with concerned parties. The venue had Environmental Health approved noise limiters in place and noise checks were taken at the front and rear of the premises every weekend. There was laminated glass on the front of the premises, the front door was solid mahogany and the walls were lined and ceilings sound proofed, all of which helped to reduce noise levels. As a result, no noise from the music inside the venue could be heard outside.

Alcohol sales stopped at 2 am; there was then a quiet period until 2.30 am to allow customers to finish their drinks.

There was an inconsistency between the licensable hours and the operating hours. In the alcohol section the application asked for additional hours during

seasonal variations – such as Christmas Eve, New Year's Eve, etc. However, the purpose of the new licence was to take away the need to apply for extensions and the licensable hours were sufficient and the additional extensions not required.

The applicant stated that the venue would have security in place whenever it was needed; in the case of a request for a function where additional security was required, the cost would be borne by the client. It was predominantly a family environment during the week.

As a general rule the venue would not be staying open until 1 am. The venue maintained a refusal book for security and detailed procedures were in place. In addition, the staff held their own refusal logbook; there had been no incidents of serving underage clients.

Cllr M G Wilkinson, Ward Councillor, asked the applicant what had been done to engage with the residents in flats above the premises as a number of residents had contacted him with concerns. Although the premises were away from the main residential area of the town there were residents nearby and an establishment having a licence to open until late every night of the week could impact negatively on their lives. The applicant responded that there had not been any complaints from tenants in the building and that any representations from Environmental Health that were received would be dealt with.

The Sub-Committee, although in favour of supporting local businesses, expressed concern around the potential for an increase in anti-social behaviour, allowing a premises to be open until 2 or 3 am without door staff and the lack of Police resources to ensure that the licence conditions were adhered to.

The applicant advised that he would meet with Councillors to discuss issues residents might have. The applicant was committed to ensuring that the business was run professionally. There were restrictions on the licence that, if breached, would not be good for business.

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. The Sub-Committee had also considered carefully the concerns raised by the interested party relating to the potential for the increased hours applied for in the licence application impacting on anti-social behaviour, noise and disturbance to residents living in the vicinity of the premises in that part of the High Street in respect of the licensing objectives of:-

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

However, no representations had been made at the hearing by Essex Police, Environmental Health or local residents. In addition, the Police had agreed conditions with the applicant that they considered would serve to promote these licensing objectives.

The Sub-Committee was therefore minded to grant the premises licence, subject to standard conditions and the conditions agreed by the Police and applicant.

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

Resolved

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

The meeting commenced at 2 pm and closed at 4.04 pm.

Chairman

Date

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