

LICENSING APPLICATION - LICENSING ACT 2003

1 PURPOSE OF REPORT

- 1.1 This report introduces an application for the grant of a Premises Licence made under section 17 of the Licensing Act 2003.
- 1.2 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

2 INTRODUCTION

- 2.1 The application was submitted to the Licensing Authority by Tesco Stores Limited and refers to the premises to be known as Tesco, 96 High Street, Rayleigh, SS6 7BY.
- 2.2 **Appendix A** consists of a copy of the original application form and the premises plan.

3 BACKGROUND

Description of the Premises

- 3.1 The premises to which the application relates comprise of a retail premises with the intention to operate as a supermarket. The premises is located on Rayleigh High Street between Crown Hill and Eastwood Road.
- 3.2 **Appendix B** is a map of the area.

Application

- 3.3 The application is for the following licensable activities within the times and days shown below:-

Activity	Time/s and Days
Supply of Alcohol (off sales only)	Monday - Sunday 0600 hours to 0000 hours
Late Night Refreshment	Monday – Sunday 2300 hours to 0000 hours

- 3.4 The application is made in accordance with section 17 and schedule 8, part 1, paragraph 7 of the Licensing Act 2003 and The Licensing Act 2003 (Premises licence and club premises certificates) Regulations 2005

4 REPRESENTATIONS

Responsible Authorities

- 4.1 The Police have confirmed they have no representations against the application.
- 4.2 **Appendix C** is a copy of the confirmation email.
- 4.3 The application has been assessed by Environmental Health. They have no representation to make, subject to the inclusion on the licence of the conditions as stated by the applicant under the Prevention of Public nuisance on the application submitted.
- 4.4 **Appendix D** is a copy of the agreed conditions.

Other Persons

- 4.5 There has been one (1) representation received from a local resident.

The representation raises concerns in relation to the following licensing objective:

- Prevention of Public Nuisance

- 4.6 **Appendix E** consists of a copy of the valid representation received.

Notices

- 4.7 All parties involved have been served with the relevant notices and documentation required by paragraphs 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005.
- 4.8 The notices and documentation included an explanation of the rights of persons to attend hearings and to be represented, to give evidence and to call witnesses, the consequences of not attending, the procedure to be followed at a hearing, and, for applicants only, a copy of all relevant representations made.
- 4.9 Paragraphs 8 and 9 of the regulations require that parties notify the Licensing Authority, no later than 5 working days before the hearing, of those matters mentioned in paragraph 4.8 above. A pro-forma was included with the notices and documentation mentioned in paragraph 4.8 above.

5 RESOURCE IMPLICATIONS

- 5.1 Consideration of this application has been carried out within existing resources.

6 LEGAL IMPLICATIONS

- 6.1 The provisions of Licensing Act 2003, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 Licensing Act 2003 and the Statement of Licensing Policy, approved by Full Council for the period 31 January 2021 – 31 January 2026 need to be considered by Members in determining the application.

7 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- To eliminate unlawful discrimination, harassment and victimisation
 - To advance equality of opportunity between people who share a protected characteristic and those who do not
 - To foster good relations between those who share a protected characteristic and those who do not
- 7.2 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

8 RECOMMENDATION

- 8.1 It is proposed that the Sub-Committee **RESOLVES**

That the application be determined, according to one of the following options:-

- (1) To grant the application, subject to such conditions as are consistent with the operating schedule, modified to such extent as Members consider necessary for the promotion of the licensing objectives, and any Mandatory Condition that must be included; or
- (2) To exclude from the scope of the licence any of the licensable activities to which the application relates; or
- (3) To reject the application; or
- (4) Subject to paragraphs 11 - 13 of the Licensing Act 2003 (Hearings) Regulations 2005, to adjourn the hearing to a specified date or arrange for a hearing to be held on specified additional dates, where Members consider this to be necessary for their consideration of any representations or notice made by a party.



Assistant Director, People & Communities

Background Papers:-

None.

For further information please contact Charis Brook, Licensing Officer on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.