

LICENSING APPLICATION – LICENSING ACT 2003 - Premises: Sainsbury's, 239/243 Eastwood Road, Rayleigh, Essex, SS6 7LF

1 SUMMARY

- 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 given to the Licensing Authority by Winckworth Sherwood Solicitors on behalf of Sainsbury's Supermarkets Ltd of 33 Holborn, London, EC1N 2HT and refers to premises known as Sainsbury's, 239/243 Eastwood Road, Rayleigh, SS6 7LF
- 2.2 Appendix A consists of a copy of the original application form.

3 BACKGROUND

Description of Premises

- 3.1 The premises to which the application relates is a single storey retail supermarket that will be located within part of the disused car showroom in Eastwood Road.
- 3.2 The premises are situated on a main road close to the eastern boundary of the town in a row of, what will be, three commercial properties in a mainly residential area.
- 3.3 Appendix B is a map of the area and Appendix B1 is an aerial view.

Application

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

Activity	Time/s	Days
Sale of alcohol for consumption off the premises only.	0700 to 2300 hours	Daily

- 3.5 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.

Representations**Responsible Authorities**

- 3.6 There are no representations made to the application by responsible Authorities.

Interested Parties

- 3.7 There have been three representations received from interested parties, which are in respect of the licensing objective of prevention of public nuisance.
- 3.8 Appendix C consists of copies of the valid representations received.

Notices

- 3.9 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.
- 3.10 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.
- 3.11 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 3.10 above. A pro-forma was included with the notices and documentation mentioned in paragraph 3.9 above.
- 3.12 At the time of drafting this report, there has been no response from any of the parties.

4 LEGAL IMPLICATIONS

- 4.1 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 7 January 2011 – 6 January 2014 need to be considered by Members in determining the application.

Options

- 4.2 The following options are available to Members:-
- (a) 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;

- (b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) To refuse to specify a person in the licence as the premises supervisor;
- (d) To reject the application;
- (e) 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.

5 RECOMMENDATION

5.1 It is proposed that the Sub-Committee RESOLVES

To determine the application, having considered all representations made at the hearing.

Richard Evans

Head of Environmental Services

Background Papers:-

None.

For further information please contact Peter Nellies (Senior Licensing Officer) on:-

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