

LICENSING APPLICATION – LICENSING ACT 2003

**Premises: Nine Acres, Flemings Farm Road, Eastwood,
Leigh on Sea, Essex, SS9 5QT**

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 Mr Alec Schubert of 115 Main Road, Hawkwell, SS5 4ET and Mrs Kim Parker of 1 Pelhams Farm Cottages, Hall Road, Rochford, SS4 1PF. It refers to premises known as Nine Acres, Flemings Farm Road, Eastwood, Leigh on Sea, Essex, SS9 5QT.
- 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 7 acre field surrounded by trees and hedges. It is to the rear of the premises known as Nine Acres, Flemings Farm Lane and is close to Cherry Orchard Park.
- 3.2 The field to be licensed is just within the Rochford District Council area and is close to the boundary with Southend-on-Sea Borough Council. It is situated well away from residential premises but the entrance to the site is close to the residential area of Green Lane, which is within the Southend-on-Sea Borough area.
- 3.3 Appendix B is the plan of the premises and appendix B1 is an aerial view.

Application

- 3.4 The application is for a music festival to be held in the field on the Saturday and Sunday of the last weekend in August each year. The music is to be played within a marquee with a maximum of 1000 attendees on each day. The following licensable activities are requested within the times shown below:-

Activity	Time/s	Days
Sale of alcohol for consumption on the premises only; Live Music, Performance of Dance and anything of a similar description.	1200 to 2330 hours	Saturday
	1100 to 2330 hours	Sunday
Recorded Music	1000 to 1200 hours	Saturday
	1000 to 1100 hours	Sunday

- 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.

Amendments to the Application

- 3.6 Amendments consisting of additional conditions have been made to the original application, following negotiation between the applicant and Essex Police and Environmental Health Unit.
- 3.7 The conditions are listed at appendix C.

Conditions

- 3.8 If granted the licence will be subject to the mandatory conditions required under sections 19-21 of the Licensing Act 2003 and the Licensing Act Mandatory Conditions Order 2010.
- 3.9 In addition, the matters listed in the relevant sections of Part 3 of the application form will be converted into conditions, as will those arising from any compromises reached prior to the hearing and any additional or amended conditions arising from the Sub-Committee's determination.

Representations

Responsible Authorities

- 3.10 As a result of negotiations there are no representations made to the application by responsible Authorities.

Other Persons

- 3.11 There have been twenty one valid representations received from other persons. Eighteen of which object to the grant of the licence, of which many

make mention of all four licensing objectives but all are mainly in respect of the licensing objective of prevention of public nuisance.

3.12 Three of the representations are in favour of the grant.

3.13 Appendix D consists of copies of the valid representations received.

Notices

3.14 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.

3.15 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.

3.16 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 3.14 above. A pro-forma was included with the notices and documentation mentioned paragraph 3.13 above.

3.17 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 The 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

It is proposed that the Sub-Committee **RESOLVES** to determine the application, having considered all representations made at the hearing.

R 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.