

## VARIATION OF A PREMISES LICENCE – BRANDY HOLE YACHT CLUB, KINGSMAN FARM, POOLES LANE, HULLBRIDGE, ESSEX

### 1 SUMMARY

- 1.1 This report introduces an application for a variation of a premises licence made under section 34 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 the applicant, Deborah Knifton, and relates to the premises known as Brandy Hole Yacht Club, Kingsman Farm, Pooles Lane, Hullbridge, Essex.
- 2.2 Appendix A consists of a copy of the original application form and the premises plan.

### 3 BACKGROUND

#### Description of Premises

- 3.1 The premises to which the application relates comprise of a yacht club and surrounding land at the end of a private road with nearby residents.
- 3.2 Appendix B is a map of the area.
- 3.3 Appendix C is a copy of the current licence.

#### Application

- 3.4 The application is to amend the current licence as follows:-

Extend the activities to include provision of live and recorded music, dancing, Monday to Sunday 0900 – 0100 hours Christmas Eve, New Year's Eve and Bank Holidays 0900 – 0200 hours.

Late night refreshment Monday to Sunday 2300 – 0100 hours Christmas Eve, New Year's Eve and Bank Holidays 2300 – 0200 hours

And extend the hours for the sale of alcohol to Monday to Sunday 0900 – 0100 hours Christmas Eve, New Year's Eve and Bank Holidays 0900 – 0200 hours.

The intended variation is to allow functions such as weddings, discos, wakes and parties to be held at the premises for members and non-members and to extend the sale and consumption of alcohol hours. This is in addition to being able to sell and consume alcohol and provide entertainment anywhere on Brandy Hole land.

- 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.

#### **4 REPRESENTATIONS**

##### **Responsible Authorities**

- 4.1 There are no representations made to the application by responsible authorities.

Essex Police and Environmental Health have agreed a number of conditions with the applicant. Appendix D is a copy of the agreed conditions.

##### **Other Persons**

- 4.2 Representations have been received from a number of residents. The representations received raise similar recurrent themes and make reference to the licensing objective of prevention of public nuisance.
- 4.3 Appendix E consists of copies of the valid representations received.

#### **5 Notices**

- 5.1 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.
- 5.2 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.
- 5.3 Paragraphs 8 and 9 of the 2005 Regulations require that parties notify the Licensing Authority, no later than 5 working days before the hearing, of those matters mentioned in documents served in paragraph 5.1 above. A pro-

forma was included with the notices and documentation mentioned paragraph 5.2 above.

- 5.4 At the time of writing this report, there has been no response from any other persons.

## **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 7 January 2016 - 6 January 2021 need to be considered by Members in determining the application.

### **Options**

- 6.2 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 reject the application; or
  - (d) 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.

## **7 RECOMMENDATION**

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

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



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**Background Papers:-**

None.

For further information please contact Jan Fowler, 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.