
LICENSING APPLICATION – LICENSING ACT 2003

Premises: White Hart Inn, 274 Main Road, Hawkwell, SS5 4JT

1 SUMMARY

- 1.1 This report introduces and 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 BACKGROUND

- 2.1 The application was given to the Licensing Authority by White Hart Inn Hockley Ltd of 274 Main Road, Hawkwell, SS5 4JT and refers to premises known as White Hart.
- 2.2 Appendix A consists of a copy of the original application form with copies of amendments to the original attached as sub-appendices, where relevant.

Description of Premises

- 2.3 The premises to which the application relates are a detached brick built public house with a family room and garden to the rear and car park to the side.
- 2.4 The premises are situated on the junction of White Hart Lane with Main Road. It is opposite the village green and is within a residential area.
- 2.5 Appendix B1 consists of a copy of the plan of the premises; Appendix B2 consists of a map of the area in which the premises are situated and Appendix B3 is an aerial map of the area.

2.6 Previous Licences

- 2.7 These premises have been licensed as a public house for many years and a premises licence under the Licensing Act 2003 was issued to Graham MacKintosh and Kelly Ann Hale on 22 July 2005. This licence was transferred to the current licence holder, White Hart Inn Hockley Ltd, on 14 December 2007.
- 2.8 The present licence is for the sale by retail of alcohol and the provision of recorded music between the hours of 10.00 to midnight Sunday to Thursday and 10.00 to 01.00 the following day on Friday and Saturday. These hours are extended to 02.00 on all Saint's Days, Burns Night and Christmas Eve.
- 2.9 A copy of the current licence is attached at Appendix C.

History of Premises

2.10 There are no records of any complaints against the premises.

3 APPLICATION

3.1 The following licensable activities and hours of opening for the premises are being applied for: -

Activity	Time/s	Days
Sale of alcohol for consumption on or off the premises	0900 to 0030 hours 0900 to 0130 hours 1200 to 0030 hours	Monday to Wednesday Thursday to Saturday Sunday
Provision of regulated entertainment (indoors only) consisting of: - Films & Indoor sporting events	0900 to 0030 hours 0900 to 0130 hours 1200 to 0030 hours	Monday to Wednesday Thursday to Saturday Sunday
Provision of regulated entertainment (indoors & outdoors) consisting of: - live music, performance of dance & performance of similar. Provision of facilities:for music, for dance & for similar.	1200 to 2230 hours 1200 to 2330 hours	Sunday to Wednesday Thursday to Saturday
Recorded (Background) Music	Indoors 0900 to 30 minutes after end of alcohol sales Outdoors 1100 to 2200 hours	Daily Daily
Provision of late night refreshment	2300 to 0100 hours 2300 to 0200 hours	Sunday to Wednesday Thursday to Saturday
Opening hours of premises	0630 to 0230 hours	Daily (For non licensable activities)

3.2 It is proposed that the hours listed in the above table will be extended as follows: -

- (a) On all Saint's Days, Burns Night, Friday, Saturday and Sunday of Bank Holiday Weekends and Christmas Eve the hours will be extended to 0200 hours.
- (b) On New Year's Eve: Extended from end of licensing on New Year's Eve to start of licensing on New Year's Day.

Amendments to the Application

- 3.3 Amendments consisting of additional conditions have been made to the original application, following negotiation between the applicant and Essex Police, Environmental Protection Unit and Safeguarding Children Authority.
- 3.4 The conditions are listed in Appendix A1.

Conditions

- 3.5 If granted, the licence will be subject to the Mandatory Conditions required under sections 19 – 21 of the Licensing Act 2003.
- 3.6 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.

4 REPRESENTATIONS

Responsible Authorities

- 4.1 As a result of negotiations there are no representations from Responsible Authorities.

Interested Parties

- 4.2 Eight representations have been received from Interested Parties concerning public nuisance.
- 4.3 Appendix D consists of a copy of all 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 regulations require that parties notify the Licensing Authority, no later than 5 working days before the hearing, of those matters mentioned in paragraph 5.2 above. A pro-forma was included with the notices and documentation mentioned paragraph 5.2 above.
- 5.4 At the time of drafting this report, there has been no response from any of the parties.
- 5.5 It is anticipated the applicant will be represented by Mr Sean Callaghan of BTMK Solicitors.

6 POLICY CONSIDERATIONS

- 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 2008 – 6 January 2011 need to be considered by Members in determining the application.

7 OPTIONS

- 7.1 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.

8 RECOMMENDATION

8.1 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 on: -

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If you would like this report in large print, braille or another language please contact 01702 546366.