

## LICENSING APPLICATION – LICENSING ACT 2003

### 1 SUMMARY

- 1.1 This report introduces an application for the granting 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 on 24<sup>th</sup> May 2006, 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 Chris Barltrop on behalf of Sheila Ann Marshall (the applicant) and refers to premises known as Circus Field, Southend Road, Rochford, Essex SS4 1HU.
- 2.2 Appendix A consists of a copy of the original application form, with copies of amendments to the original attached as appendices, where relevant.

#### Description of Premises

- 2.3 The premises to which the application relates is the field opposite the Anne Boleyn Public House, situated on the main road, via Southend to Rochford bordered by houses on one side, and railway line to rear. Access is via Southend Road.
- 2.4 The purpose of this premises licence application is to allow a circus to operate on this site, including a Big Top, with animals.
- 2.5 Appendix B consists of a copy of the plan of the premises.

### 3 APPLICATION

- 3.1 The application is made in accordance with section 17 of the Licensing Act 2003 and The Licensing Act 2003 (Premises licence and club premises certificates) Regulations 2005.
- 3.2 The following licensable activities and hours of opening for the premises are being applied for: -

Activity	Time/s	Days
Provision of Regulated Entertainment including plays; Live Music; Recorded Music; Performance of Dance; and anything of a similar	10am -10pm, consisting of two, 2 hour performances (not continuous) within these times	(a) Monday to Sunday

Description		
Hours of opening	As Above*	As Above*
* See Condition re: 28 day Period.		

### **Amendments to the application**

- 3.3 Two additional conditions are to be placed on the Licence: i) The public address system not be used outside the Big Top, and that noise levels be monitored to be within statutory limits. ii) The Commander of the Local Police be given 28 days notice of the arrival, and performance times, with a view to addressing local issues.

### **Conditions**

- 3.4 The matters listed in the relevant sections of part 3 of the application form will be converted into new conditions on the varied premises licence, as will those arising from compromises reached prior to the hearing and any additional or amended conditions arising from the Sub-Committee's determination.

## **4 REPRESENTATIONS**

- 4.1 Representations have been received from four interested parties concerning issues of public nuisance. One of these has since been withdrawn as a result of mediation with the applicant's agent and the addition of the above mentioned conditions. A fifth representation has been received in favour of the application.
- 4.2 No representations were made from Responsible Authorities.
- 4.3 Appendix C consists of a copy of the 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 and pre-paid envelope was included for that purpose 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 not known whether or not the applicants will be represented.

## **6 POLICY CONSIDERATIONS**

### **Legal provisions**

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 2005 – 6 January 2008 need to be considered by Members in determining the application.

## **7 OPTIONS**

7.1 The following options are available to Members: -

(a) 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.

(b) Exclude from the scope of the licence any of the licensable activities to which the application relates.

(c) Reject the application.

(d) Subject to paragraphs 11 - 13 of the Licensing Act 2003 (Hearings) Regulations 2005, 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.

G Woolhouse  
Head of Housing, Health & Community Care

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**Background Papers: -**

None

For further information please contact Peter Nellies in the Licensing Unit on: -

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