

LICENSING HEARING RELATING TO A VARIATION OF A PREMISES LICENCE FOR: THE WAECGER, 23 HIGH STREET, GREAT WAKERING

1 PURPOSE OF REPORT

- 1.1 This report introduces an application for the variation of an existing 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 Premises Licence Holders Fine Build Homes Ltd and relates to the premises known as The Waecger, 23 High Street, Great Wakering, Essex, SS3 0EF.
- 3 Appendix A consists of a copy of the original application form.

4 BACKGROUND

- 4.1 The premises is currently licensed with Rochford District Council under reference RDC/05/00482/LAPRE.
- 4.2 Appendix B consists of a copy of the current Premises Licence.

Application

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

Activity	Time/s and Days
Licensable Activity	To include the use of the outbuilding between 1200hrs and 2300hrs in the beer garden of the existing premises, to be used for the supply and retail sale of alcohol and live music at the weekends.
Amendment to existing conditions	The application is to also remove the condition 8 which states: Entertainment to be provided inside only.

- 4.4 The application was made in accordance with section 34 of the Licensing Act 2003 and section 35(3) of the Licensing Act 2003 (Hearings) Regulations 2005.

- 4.5 The relevant notices were displayed at the premises. Any representations by a Responsible Authority or an Interested Party had to be made in writing to Rochford District Council Licensing team by 13th July 2021.

5 REPRESENTATIONS

Responsible Authorities

- 5.1 The application has been assessed by Essex Police. They have confirmed they have no representations.
- 5.2 The application has been assessed by the Council's Environmental Health Service and they have agreed conditions with the applicant for the Committee to consider should the application to vary the licence be granted.
- 5.3 Appendix C is a copy of the agreed conditions.

Other Persons

- 5.4 There have been one (1) representation received from a local resident within the consultation period.
- 5.5 The representation raises concerns in relation to the following licensing objectives:
- Prevention of Crime and Disorder
 - Prevention of Public Nuisance
- 5.6 Appendix D consists of a copy of the valid representation received from the local resident

Notices

- 5.7 All parties involved have been served with the relevant notices and documentation as outlined in paragraphs 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005
- 5.8 The notices and documentation have 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.
- 5.9 Paragraphs 8 and 9 of The Licensing Act 2003 (Hearings) Regulations 2005 require that parties notify the Licensing Authority, no later than 5 working days before the hearing, of those matters mentioned in paragraph 5.5 above. A pro-forma was included with the notices and documentation mentioned paragraph 5.5 above

6 RESOURCE IMPLICATIONS

- 6.1 Consideration of this application has been carried out within existing resources

7 LEGAL IMPLICATIONS

- 7.1 The following legislation needs to be considered by Members in determining the application:

- The Licensing Act 2003; and
- The Licensing Act 2003 (Hearings) Regulations 2005; and
- Guidance issued under Section 182 Licensing Act 2003; and
- The Statement of Licensing Policy, approved by Full Council for the period 31st January 2021 – 31st January 2026

8 EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- To eliminate unlawful discrimination, harassment, and victimisation
- To advance equality of opportunity between people who share a protected characteristic and those who do not
- To foster good relations between those who share a protected characteristic and those who do not

- 8.2 The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, pregnancy/maternity.

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- 8.4 The Equality Impact Assessment (EIA) indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

- 8.5 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

9 RECOMMENDATION

- 9.1 It is proposed that the Committee **RESOLVES** the application with one of the following options:

- i) To grant the application to vary the existing licence 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; OR
- ii) To reject the application; OR
- iii) 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.



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Background Papers:-

None.

For further information please contact Steven Greener, Principal Licensing Officer on:-

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