
LICENSING APPLICATION – LICENSING ACT 2003

1 SUMMARY

- 1.1 This report introduces an application for variation to a premises licence made under section Section 34 of the Licensing Act 2003.
- 1.2 The application must be determined within 5 working days of the conclusion of the hearing on 29 November 2005, 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 Kuit Steinart Levy Solicitors on behalf of Pioneer Pub Company Limited (the licence holder) and refers to premises known as Paul Pry 14 High Street Rayleigh Essex.
- 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 is a brick building comprising of a bar area, and restaurant area.
- 2.4 The premises are situated on a main road leading into the town centre, with residential houses surrounding. The premises have a large car park and an outside area consisting of a patio and garden used for the consumption of alcohol. There is also an external children's play area.
- 2.5 Appendix B consists of a copy of the plan of the premises.

Previous Licences

- 2.6 A premises licence was granted on 2 September 2005 following an application made under the transitional provisions of the Act to convert an existing justice's on-licence.
- 2.7 In brief, the licensable activities permitted under the existing licence are: -

Activity	Time/s	Days
Sale of alcohol Recorded music Late night refreshment.	(a) 1000 -2300hrs (b) 1200 – 2230hrs (c) 1200 – 1500hrs & 1900 – 2230hrs (d) the start of hours for licensable activity on New Years Eve to the end of hours for licensable activity on New Years Day.	(a) Monday-Saturday (b) Sundays & Good Friday (c) Christmas Day (d) New Years Eve

2.8 Appendix C consists of a copy of the premises licence.

3 APPLICATION

3.1 The application is made in accordance with section 34 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.

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

Activity	Time/s	Days
Sale of alcohol	(a) 1000hrs - midnight (b) 1000 – 0100hrs the following day (c) 1100hrs - midnight	(a) Monday to Thursday (b) Friday & Saturday (c) Sunday
Live music Recorded music Performance of dance or anything of a similar description to the above. Provision of facilities for dancing.	(a) 0900hrs - midnight (b) 0900 – 0100hrs the following day (c) 1000hrs - midnight	(a) Monday to Thursday (b) Friday & Saturday (c) Sunday

Late night refreshment	(a) 1100hrs - midnight (b) 1100 – 0100hrs the following day	(a) Sunday to Thursday (b) Friday & Saturday
Hours the premises will be open	(a) 0900 – 0030hrs the following day (b) 0830 – 0130hrs the following day (c) 0900 – 0130hrs the following day (d) 1000 – 0030hrs the following day	(a) Monday – Thursday (b) Friday (c) Saturday (d) Sunday

3.3 Additional hours to the hours for licensable activity listed in paragraph 3.2 above are applied for in respect of: -

- (a) Maundy Thursday, Easter Sunday, Christmas Eve, Boxing Day and for each Friday to Sunday inclusive on the first and second May bank holiday weekends and August bank holiday weekend, until 0100hrs the following day.
- (b) New Year's Eve, from the start of licensable activities on New Year's Eve until the end of licensable activities on New Year's Day.
- (c) The hours that the premises will be open to the public on the occasions listed in paragraph 3.3 above, will end 30 minutes after the end of licensable activities.

Amendments to the application

3.4 Amendments that have been made to the original application are included in paragraphs 3.2 and 3.3 above.

Conditions

3.5 The premises licence is subject to conditions and restrictions carried over from the existing licence and the Mandatory Conditions required under sections 19 – 21 of the Licensing Act 2003.

3.6 The matters listed in the relevant sections of part B 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 one responsible Authority, the Environmental Protection Unit, concerning public nuisance.
- 4.2 Representations that might have been made by Essex Police and Essex Fire Authority were withheld following resolution of issues and amendments to the application.
- 4.3 There have been representations from thirty one Interested Parties, concerning crime and disorder and public nuisance.
- 4.4 Appendix D 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 in 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

Background Papers: -

None

For further information please contact Peter Nellies on: -

Tel: - 01702 318036
E-mail: - licensing@rochford.gov.uk