

## **LICENSING APPLICATION – LICENSING ACT 2003**

### **1 SUMMARY**

- 1.1 This report introduces an application for 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 BACKGROUND**

- 2.1 The application was given to the Licensing Authority by Greene King of Abbott House, PO Box 337, Bury St Edmunds, IP33 1QW and refers to premises known as Anne Boleyn, 93 Southend Road, Rochford, SS4 1HU.
- 2.2 Appendix 1 consists of a copy of the application form.
- 2.3 It is not known, at the time of reporting, if the applicant will be represented at a hearing.

#### **Description of Premises**

- 2.4 The premises to which the application relates are a large brick building that trade as a public house and restaurant. The premises are situated in a residential area to the south of Rochford.
- 2.5 The premises are served by a large car park to the front, alongside a main thoroughfare between Rochford and Prittlewell.
- 2.6 Appendix 2 consists of a copy of the plan of the premises.

#### **Previous Licences**

- 2.7 A justice's full on-licence was renewed on 2 February 2004.
- 2.8 The Licensing Committee of Rochford and Southend Petty Sessional Division approved the grant of a Supper Hours Certificate on 2 December 1987 and a Children's Certificate on 10 May 1999.
- 2.9 The effect of the Supper Hours Certificate is to permit an extra hour at the end of permitted hours for the sale and consumption of alcohol by customers partaking of a table meal on the premises. It also permits the provision of hot food for consumption on the premises after 2300hrs without the need for a Late Night Refreshment House Licence.

- 2.10 The effect of the Children's Certificate is to permit children under the age of 14 years to remain on the premises until 2100hrs provided that they are accompanied by an adult over the age of 18 years.
- 2.11 A premises licence under section 17 of the Licensing Act 2003 was granted on 29 June 2005, following an application to convert the existing justice's licence made under Schedule 8 of the Licensing Act 2003 and The Licensing Act 2003 (Transitional provisions) Order 2005.
- 2.12 Appendix 3 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.

#### **Operating Schedule**

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

<b>Activity</b>	<b>Time/s</b>	<b>Days</b>
Live music – will be incidental and sympathetic to the aimed focus towards families and food and provided indoors only  Recorded music –provided indoors only  Anything of a similar description to live and recorded music, provided indoors only.	1800 – 2300hrs	Daily
Late night refreshment – provided both in and outdoors.	2300hrs - midnight	Friday & Saturday
Alcohol – for consumption both on and off the premises	(a) 1100 – 2300hrs  (b) 1100hrs – midnight	(a) Monday – Thursday & Sunday  (b) Friday & Saturday

Hours of opening	(a) 1100 - 2330hrs  (b) 1100 – 0030hrs the following day	(a) Monday – Thursday & Sunday  (b) Friday & Saturday
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3.3 The applicant also requests a variation to the above days and times as follows: -

- (a) Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring & August Bank Holidays, Good Friday to Easter Monday, St Patrick's & St George's Day, days preceding and proceeding a bank holiday – the above hours extended by 1 hour.
- (b) Any other publicly declared holiday – the above hours extended by 1 hour.
- (c) For any special sporting event occurring outside the above hours, the varied hours will be notified to the police 14 days prior to the event.

#### **Conditions**

- 3.4 The premises licence is subject to conditions and restrictions carried over from the conversion of the justice's on-licence and the Mandatory Conditions required under sections 19 – 21 of the Licensing Act 2003.
- 3.5 The proposed variation to the premises licence includes an application to remove those conditions or restrictions mentioned at paragraph 3.6 relating to the Children's Certificate and to remove the restrictions under section 168 Licensing Act 1964.
- 3.6 All conditions attached to the premises licence will automatically carry over to the varied licence unless removed or altered as a result of the hearing.
- 3.7 In addition, 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.

#### **4 REPRESENTATIONS**

- 4.1 There has been one representation from the Environmental Protection Unit.
- 4.2 There have been 4 representations from Interested Parties.
- 4.3 The representations concern issues over the prevention of crime and disorder and the prevention of public nuisance.
- 4.4 Appendix 4 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. The notices and documentation include an explanation of the rights of persons to attend hearings, the consequences if they do not attend, the procedure to be followed at a hearing and, in the case of applicants only, a copy of all relevant representations made.
- 5.2 Paragraphs 8 and 9 of those regulations require that parties notify the Licensing Authority no later than 5 working days before the hearing whether or not they intend to attend the hearing and whether or not they feel a hearing is necessary.
- 5.3 At the time of drafting this report, no such notifications have been received.

**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 Kevin Doyland on: -

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