
LICENSING APPLICATION – LICENSING ACT 2003

Premises: 156 – 158 High Street, Rayleigh, SS6 7BS

1 SUMMARY

- 1.1 This report introduces an application for the grant of a premises licence 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 Mr Charles Ball of 33 Parkaneur Avenue, Southend-on-Sea, SS1 3HX and refers to premises known as Mr Pings.
- 2.2 Appendix A consists of a copy of the original application form, with a copy of amendments to the original attached as Appendix A1.

Description of Premises

- 2.3 The premises to which the application relates are a brick built building. There are no outside areas that are used in conjunction with the premises.
- 2.4 It is intended that the premises trade as a restaurant.
- 2.5 The premises are situated to the south west of Rayleigh town centre.
- 2.6 Appendix B consists of a copy of the plan of the premises; Appendix B1 consists of a map of the area in which the premises are situated; Appendix B2 consists of an aerial photograph of the area in which the premises are situated.

Previous Licences

- 2.7 The premises have not previously been licensed under the Licensing Act 2003.

History of Premises

- 2.8 The premises have no previous trading history as a restaurant business in the name of the applicant.

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 the premises only.	1200 hours - midnight	Daily
Provision of regulated entertainment (indoors only) consisting of: - Recorded music Facilities for dancing	1800 hours - midnight	Daily
Provision of late night refreshment	2300 hours - midnight	Daily
Hours of opening	1200 hours – 0030 hours the following day	Daily

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

(a) On Chinese New Year, St Valentine's Day, Christmas Eve and New Year's Eve licensable activity will be carried on until 0100 hours the following day and the premises will remain open until 0130 hours the following 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.
- 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 Representations have been received from the Environmental Protection Unit concerning public nuisance and includes a condition for the Sub-Committee to consider for inclusion, as follows: -

“All windows and doors (except for access to and egress from the premises) must be kept closed during all hours when amplified music is played at the premises.”

Interested Parties

- 4.2 Twenty-six representations have been received from Interested Parties concerning public nuisance and crime and disorder.
- 4.3 Two petitions have been received signed by 118 and 26 people respectively, including many of those who made representations. It should be noted that petitions do not constitute a ‘representation’ within the meaning of the Licensing Act 2003 and provide no rights to participate in the hearing to those signing, other than as general members of the public.
- 4.4 Appendix C 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 and pre-paid envelope was included 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 anticipated that the applicant will be represented by Mr Sean Callaghan of BTMK Solicitors.

6 POLICY CONSIDERATIONS

- 6.1 The provisions of The 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) 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 Kevin Doyland on: -

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