

LICENSING APPLICATION – LICENSING ACT 2003

VARIATION OF A PREMISES LICENCE: THE EXHIBITION INN, 241 HIGH STREET, GREAT WAKERING, ESSEX

1 SUMMARY

- 1.1 This report introduces an application for a 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 INTRODUCTION

- 2.1 The application was submitted to the Licensing Authority by the applicant, Leslie Gue, and refers to the premises known as The Exhibition Inn, 241 High Street, Great Wakering, Essex.
- 2.2 Appendix A consists of a copy of the application form and the premises plan.

3 BACKGROUND

- 3.1 The premises to which the application relates comprises of a public house with a garden and a side gate leading into the car park. The premises are situated in a high street with surrounding residents.
- 3.2 Appendix B is a map of the area.
- 3.3 Appendix C is a copy of the current premises licence.

Application

- 3.4 The application is made in accordance with section 17 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.
- 3.5 The application is to extend the licence to include a building at the rear of the garden to sell alcohol and play low background music, Monday to Sunday from 1200 hours until midnight. The smoking area, which is also the garden, will be available until the closing of the premises. These are Monday to Thursday 1100 - 2400 hours and Fridays, Saturdays and Bank Holidays from 1100 – 0200 hours.

4 REPRESENTATIONS

Responsible Authorities

- 4.1 One representation has been received from Environmental Health referring to the licensing objective of public nuisance. Appendix D is a copy of this representation.
- 4.2 Essex Police has agreed conditions with the applicant. Appendix E is a copy of the agreed conditions.

Other Persons

- 4.3 There have been representations received from local residents. Each of these representations is similar and all refer to the licensing objective of public nuisance.
- 4.4 Appendix F consists of copies of valid representations received from residents.

Notices

- 4.5 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.
- 4.6 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.
- 4.7 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 4.6 above. A pro-forma was included with the notices and documentation mentioned in paragraph 4.5 above.

5 LEGAL IMPLICATIONS

- 5.1 The provisions of Licensing Act 2003, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 of the Licensing Act 2003 and the Statement of Licensing Policy, approved by Full Council for the period 7 January 2011 - 6 January 2016 need to be considered by Members in determining the application.

6 OPTIONS

- 6.1 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 conditions 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 reject the application;
- (d) 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.

7 RECOMMENDATION

7.1 It is proposed that the Sub-Committee RESOLVES

To determine the application, having considered all representations made at the hearing.



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Background Papers:-

None.

For further information please contact Jan Fowler, Senior Licensing Officer on:-

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