
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 A copy of the application is attached at Appendix A and A1.
- 1.3 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 Susan Joy Williams and refers to premises at 35 North Street, Rochford, Essex, SS4 1AB.
- 2.2 To date there has not been notification as to whether or not the applicant will be represented.

Description of Premises

- 2.3 The premises to which the application relates are known as The Golden Lion. They are a small wood - built public house comprising of one open bar on the ground floor, extending across the front of the premises.
- 2.4 The main door is located at the front of the premises, with casement windows to either side. To the rear of the premises is a garden with paved patio area.
- 2.5 A copy of the plan of the premises is attached at Appendix B.

Previous Licences

- 2.6 A justice's full on-licence was renewed on 2 February 2004.
- 2.7 A premises licence under section 17 of the Licensing Act 2003 was granted on 1 July 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.
- 2.8 A copy of the premises licence is attached at Appendix C.

3 APPLICATION

- 3.1 The following licensable activities are being applied for: -

Activity	Time/s	Days
Live music – comprising small groups or solo artists using low power amplifiers only, if used, on a limited number of occasions, with the agreement of the Environmental Health Officer, and with 7 days' notice to the Environmental Health Officer prior to any function.	(a) 2000 - 2400hrs (b) 1200 - 1700hrs & 2000 - 2300hrs (c) Above hours extended to 0100hr	(a) Monday - Saturday (b) Sunday (c) Christmas Eve, Bank Holiday Fridays & Saturdays
Recorded music – comprising a Compact Disc jukebox.	1000 – 0200hrs	Daily
Alcohol	(a) 1000 – 0200hrs (b) Above hours extended to 0300hrs (c) Hours extended from end of licensable activity to the start of licensable activity the following day	(a) Daily (b) Christmas Eve (c) New Year's Eve
Proposed hours of opening of the premises	1000hrs to 30 minutes after the end of the latest licensable period.	Daily

- 3.2 The application to vary the premises licence was made in accordance with schedule 8, part 1, paragraph 7 and section 34 of the Licensing Act 2003, The Licensing Act 2003 (Transitional provisions) Order 2005 and The Licensing Act 2003 (Premises licence and club premises certificates) Regulations 2005.

4 REPRESENTATIONS

- 4.1 Representations have been received in respect of the licensing objectives, as shown: -

Licensing objective	Representations from
Prevention of Crime and Disorder / Prevention of Public Nuisance	(a) Mr & Mrs J Ford (b) Mr & Mrs D Harvey (c) Mr T Mendoza (d) Mr & Mrs J Wink

4.2 The representations are attached as: -

Appendix D – Mr & Mrs J Ford

Appendix E – Mr & Mrs D Harvey

Appendix F – Mr T Mendoza

Appendix G – Mr & Mrs J Wink

4.3 All parties involved were served with the relevant notices and documentation required by paragraphs 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005 on 14 July 2005.

4.4 It is not possible to confirm on the date of reporting whether or not any representations will be withdrawn, as parties are not required to notify the Authority of a withdrawal of their representations more than 24 hours before the first day of hearing.

4.5 Similarly, it is not possible to confirm on the date of reporting whether or not all those making representations intend to attend the hearing, as parties are not required to notify the Licensing Authority of their intentions more than 5 days prior to the first day of hearing.

5 RESPONSIBLE AUTHORITY RESPONSES

5.1 Essex Police - "No Police objections".
Environmental Health - "No representations to make".

5.2 There have been no responses from other Responsible Authorities.

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.

(In deciding to adjourn the hearing, Members should note that the application must be determined by 9 August 2005 or it will be legally deemed to have been refused, under schedule 8, part 1, paragraph 7 (3) of the Licensing Act 2003).

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 Kevin Doyland on: -

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