

---

## REVIEW OF PREMISES LICENCE – LICENSING ACT 2003

### Premises: Rayleigh Food & Wine, 24 High Street, Rayleigh SS6 7EF

#### 1 SUMMARY

- 1.1 This report introduces an application for a Review of a Premises Licence made under section 51 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 Police Constable 1724 Hemsworth, Licensing Officer of Essex Police on behalf of the Chief Officer of Police, and refers to premises known as Rayleigh Food & Wine, 24 High Street, Rayleigh, SS6 7EF.
- 2.2 The grounds for the application are based upon the licensing objectives prescribed under section 4 of the Licensing Act 2003 of: -
  - (a) The prevention of crime and disorder
  - (b) The prevention of public nuisance
  - (c) The protection of children from harm
- 2.3 Appendix A consists of a copy of the original application form, supporting evidence and documents and a letter explaining what the Police seek to achieve from the review.

#### Description of Premises

- 2.4 The premises to which the application relates is a brick built terraced shop used as a convenience store with an off licence.
- 2.5 The premises are situated in the main shopping area of the town centre.
- 2.6 Appendix B consists of a copy of the plan of the premises, a map of the area in which the premises are situated and an aerial photograph of the area.

#### Licensing History

- 2.7 On 21 July 2005 an application was made to convert the Justice's licence and certificates into a premises licence under the transitional provisions of

schedule 8, part 2, paragraph 16 of the Licensing Act 2003. An application to vary the converted licence was made at the same time.

2.8 The premises licence was granted to Togay Kemal and Beylan Yorganci on 22 August 2005.

2.9 The granted application permitted the licensable activities within the times and days shown below: -

Activity	Time/s	Days
Sale of alcohol for consumption off the premises.	(a) 0800 – 2.00 hours (b) 0800 – midnight	(a) Sunday – Thursday (b) Friday & Saturday; Maundy Thursday; each Sunday preceding a Bank Holiday

2.10 The licence was transferred to the current holder, Erkan Keser of 35 Moira Close, Tottenham, London, N17 6HZ, on 13 October 2006. Mr Keser has been the Designated Premises Supervisor since that date.

2.11 To date no further application has been made.

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

### **Premises History**

2.13 There have been no complaints recorded by the Council against these premises.

## **3 APPLICATION**

3.1 The application is made in accordance with section 51 of the Licensing Act 2003 on the grounds of the licensing objectives relating to prevention of crime and disorder, prevention of public nuisance and protection of children from harm, arising from three underage sales in a six month period from December 2006 to May 2007.

## **4 REPRESENTATIONS**

4.1 No representations have been received from other Responsible Authorities or Interested Parties.

## **5 NOTICES**

5.1 Notices advertising the application were placed by the Licensing Authority at or near the premises, at the Council's offices in Rayleigh and Rochford and on

the Council's website, as required by paragraph 38 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

- 5.2 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 and 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 those 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 paragraph 5.2 above.
- 5.4 At the time of drafting this report, there had been no response from any of the parties.
- 5.5 It is not known whether any of the parties will be represented, or not.

## **6 POLICY CONSIDERATIONS**

### **Legal Provisions**

- 6.2 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.
- 6.3 Section 10 of the Guidance provides advice and recommendations concerning best practice in relation to attaching conditions to premises licences and club premises certificates. Paragraphs 10.11 onwards are of particular relevance to Licensing Sub-Committees where consideration is given to imposing conditions.
- 6.1 Section 11, paragraphs 11.15 – 11.27 of the Guidance provides advice in relation to the powers of a Licensing Authority in determining a review of a premises licence.

## **7 OPTIONS**

- 7.2 The following options are available to Members: -
- (a) To modify the conditions of the licence;
  - (b) To exclude a licensable activity from the scope of the licence;

- (c) To remove the Designated Premises Supervisor;
- (d) To suspend the licence for a period not exceeding 3 months;
- (e) To revoke the licence.
- (f) 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**

### **8.2 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: -

Tel: - 01702 318036  
E-mail: - [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk)

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