
LICENSING APPLICATION – LICENSING ACT 2003

**Rayleigh Garden Centre, 401 Eastwood Road, Rayleigh,
SS6 7LU**

1 SUMMARY

- 1.1 This report introduces an application for the grant of a Premises Licence made 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 Melrose Pubcare of 14 High Street, Thornbury, Bristol, BS35 2AQ on behalf of The Garden Centre Group Trading Ltd of Syon Park, Brentford, Middlesex, TW8 8JF and refers to premises known as Rayleigh Garden Centre.
- 2.2 Appendix A consists of a copy of the original application form with copies of amendments to the original attached as Appendix A1.

Description of Premises

- 2.3 The premises to which the application relates are an established garden centre with indoor and outdoor retail sales with parking area to the front. The buildings are constructed of brick, wood and plastic cladding with corrugated roofs.
- 2.4 The premises front onto Eastwood Road at the junction with The Drive and access to the car park and the premises is from The Drive. It is situated close to the eastern boundary of Rayleigh in a predominantly residential area.
- 2.5 Appendix B1 consists of a copy of the plan of the premises; Appendix B2 consists of a map of the area in which the premises are situated and Appendix B3 is an aerial map of the area.
- 2.6 The premises have not previously been licensed.

3 APPLICATION

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

Activity	Times	Days
Sale of alcohol for consumption off the premises	0800 to 2100 hours	Every day
Provision of regulated entertainment (indoors only) consisting of:- Live and Recorded Music	0800 to 2100 hours	Every day Anticipated only occasionally in support of promotional activity.
Opening hours of premises	0800 to 2130 hours	Every day – The normal opening times of the premises being 0900 to 1800 hours. The hours shown allow for occasional late openings for promotional evenings and similar.

Amendments to the Application

- 3.2 Amendments consisting of additional conditions have been made to the original application, following negotiation between the applicant and Essex Police and the Environmental Protection Unit.
- 3.3 The conditions are listed in Appendix A1.

Conditions

- 3.4 If granted, the licence will be subject to the Mandatory Conditions required under sections 19 – 21 of the Licensing Act 2003 and the Licensing Act Mandatory Conditions Order 2010.
- 3.5 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 As a result of negotiations there are no representations from Responsible Authorities.

Interested Parties

- 4.2 Four representations have been received from Interested Parties concerning public nuisance.
- 4.3 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 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.

6 POLICY CONSIDERATIONS

- 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 2011 – 6 January 2014 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

That the application be determined, having considered all representations made at the hearing.

Richard Evans
Head of Environmental Services

Background Papers: -

None.

For further information please contact Peter Nellies on: -

Tel: - 01702 318058
E-mail: - licensing@rochford.gov.uk

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