
LICENSING APPLICATION – LICENSING ACT 2003

Premises: Red Door, 131 High Street, Rayleigh, Essex

1 PURPOSE OF REPORT

- 1.1 This report introduces an application for a Temporary Event Notice (TEN) made under section 100 of the Licensing Act 2003.
- 1.2 During the consultation period, an objection was received from Environmental Health regarding the planned event.
- 1.3 The application must be determined at the conclusion of the hearing at least 24 hours before the beginning of the event, in accordance with paragraph 26 (1) of the Licensing Act 2003 (Hearings) Regulations 2005 and section 105 (4) of the Licensing Act 2003.

2 INTRODUCTION

- 2.1 On 10 May 2018 a Temporary Event Notice was received from Mr Leo Molossi of 14 Uplands Park Road, Rayleigh, Essex. SS6 8JA. Appendix A consists of a copy of the original notice.
- 2.2 The Notice is for an event to be held in the Red Door Public House on Thursday, 31 May 2018 from 0000 until 0100 hours. This is an extension of their permitted time under the licence for the sale of alcohol and regulated entertainment.
- 2.3 The licensable activities the subject of the application are the sale of alcohol and provision for regulated entertainment. The maximum number of people attending the event is to be 499.
- 2.4 The premises already holds a Premises Licence allowing the sale of alcohol on Sunday to Thursday between 1000 – 0000 hours, Friday between 1000 – 0100 hours and Saturday 0800 – 0100 hours. Regulated Entertainment is permitted on Sunday to Thursday 0800 - 0030 hours and Friday and Saturday 0800 – 0130 hours.
- 2.5 This application relates to an event scheduled on a Thursday requesting that the sale of alcohol and regulated entertainment be permitted until 0100 hours on Thursday, 31 May 2018.
- 2.6 Appendix B consists of a copy of the Premises Licence.

3 BACKGROUND

- 3.1 The application was sent to Essex Police and Environmental Health on 10 May 2018 for consultation with a deadline date of 14 May 2018 for representations.

Representations**Responsible Authorities**

- 3.2 An Objection Notice has been received from Environmental Health on the grounds that the use of the premises in accordance with the Temporary Event Notice would undermine the objective of the prevention of public nuisance under the Act.
- 3.3 Appendix C consists of a copy of the Objection Notice.
- 3.4 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.
- 3.5 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.
- 3.6 Paragraphs 8 and 9 of the regulations require that parties notify the Licensing Authority, no later than 2 working days before the hearing, of those matters mentioned in paragraph 3.5 above. A pro-forma and pre-paid envelope was included for that purpose with the notices and documentation mentioned in paragraph 3.5 above.
- 3.7 At the time of drafting this report, there has been no response from any of the parties.
- 3.8 It is not known whether or not the premises user/s will be represented.

4 LEGAL IMPLICATIONS

- 4.1 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 31 January 2016 – 31 January 2021 need to be considered by Members in determining the issue.
- 4.2 The Licensing Authority must serve any notices required under section 105 (3) of the Licensing Act 2003 at least 24 hours before the beginning of the event.

5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 None.

6 OPTIONS

6.1 The following options are available to Members:-

- a) To determine that the event would undermine the licensing objective of the prevention of public nuisance and serve a counter notice stating the reasons for that decision.
- b) To allow the licensable activities to go ahead, as stated in the Notice.

7 RECOMMENDATION

7.1 It is proposed that the Sub-Committee **RESOLVES**

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



Angela Law

Assistant Director, Legal Services

Background Papers:-

None.

For further information please contact Steven Greener, Licensing Officer on:-

Phone: 01702 318148

Email: licensing@rochford.gov.uk

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