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## LICENSING APPLICATION – LICENSING ACT 2003

**Premises: Baroque, Unit 1, 68-72 West Street, Rochford, SS4 1AS**

### **1 SUMMARY**

- 1.1 This report introduces an application for the 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 BACKGROUND**

- 2.1 The application was given to the Licensing Authority by Mr Richard Newman of Theydon Manor, Coopersale Lane, Theydon Garnon, Essex, CM16 7NU and refers to premises known as Baroque, Unit 1, 68-72 West Street, Rochford, SS4 1AS.
- 2.2 Appendix A consists of a copy of the original application form.

#### **Description of Premises**

- 2.3 The premises to which the application relates were a car showroom that is now being used as a bar. There has been the minimum of conversion internally and the frontage remains the same with single glazed full length windows that have been blacked out.
- 2.4 The premises are situated in West Street at the junction with Union Lane on the western outskirts of the town centre with a number of residential properties nearby.
- 2.5 Appendix B1 consists of a copy of the plan of the premises; Appendix B2 is an aerial view of the area.

#### **Licensing History**

- 2.6 A premises licence under the Licensing Act 2003 was granted to Mr Newman on 2 November 2011 and the premises actually opened for trading on 9 December 2011.
- 2.7 The granted application permits the licensable activities within the times and days shown below, subject to the licence conditions:-

Activity	Time/s	Days
Sale of alcohol for consumption on the premises only.	11.00 to 24.00	Daily
Provision of Regulated Entertainment for live and recorded music only.	11.00 to 24.00	Daily
Hours of opening	11.00 to 24.00	Daily

- 2.8 Appendix C consists of a copy of the premises licence.

### **Premises History**

- 2.9 Since the premises opened there have been a number of complaints received in relation to loud music from the premises.
- 2.10 Two complaints were received from local residents in respect of the opening weekend. There were the two further complaints received over the New Year weekend and four complaints were received regarding the weekend of 14 & 15 January 2012.

## **3 APPLICATION**

- 3.1 The application is made in accordance with section 34 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.
- 3.2 The application is to extend the times for the carrying out of the licensable activities, the sale of alcohol and provision of regulated entertainment for live and recorded music, from between 11.00 to 24.00 hrs to between 11.00 to 02.00 hrs the following day every day.

### **Application Amendments**

- 3.3 Following negotiations with the police the application has been amended to only extend the hours for licensable activities and opening from 11.00 to 01.00 hrs the following day on Thursday, Friday & Saturday. For Sunday to Wednesday the hours are to remain as currently permitted at 11.00 to 24.00 hrs.
- 3.4 Appendix D is a copy of an email from the applicant requesting the amendment to the application.

## **4 REPRESENTATIONS**

### **Responsible Authorities**

- 4.1 A representation has been received from Environmental Health at Rochford Council in respect of the licensing objective of prevention of public nuisance. As a result of negotiations there is now no representation from the police.

**Interested Parties**

- 4.2 Ten valid representations have been received from Interested Parties concerning the licensing objectives of the prevention of crime and disorder and prevention of public nuisance. Two further representations were received by anonymous residents of West Street.
- 4.3 Appendix E consists of copies of the valid 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 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** to determine the application having considered all representations made at the hearing.

Richard Evans

Head of Environmental Services

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### **Background Papers: -**

None.

For further information please contact Peter Nellies (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.