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## 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 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 Spirit Group Ltd of 107 Station Street, Burton on Trent, Staffs., DE14 1SZ and refers to premises known as The Anchor, 284 Ferry Road, Hullbridge, SS5 6ND.
- 2.2 Copies of the original application form, together with amendments, where made, are attached at Appendix A.

#### Description of Premises

- 2.3 The premises to which the application relates are a large brick building that trade as a public house. The premises have an external area, outside of the licensed area, which is used for the consumption of alcohol.
- 2.4 The premises are situated in a residential area, adjacent to the River Crouch.
- 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 The premises are exempt under section 1 of the Late Night Refreshment Houses Act 1969 from requiring a licence to provide hot food and beverages for the periods in which the sale of alcohol is permitted, with an additional 30 minutes at the end of each period.
- 2.8 The premises are also exempt under section 2 of the Private Places of Entertainment (Licensing) Act 1967 from requiring a licence to provide music, dancing or entertainment of a like kind which is not a public entertainment but is promoted for private gain.
- 2.9 A premises licence under section 17 of the Licensing Act 2003 was granted on 30 August 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.

2.10 A copy of the premises licence is attached at Appendix C.

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

Activity	Time/s	Days
Live music – both amplified and/or un-amplified live music, indoors only  Recorded music – via internal music system or disc jockey, indoors only  Provision of facilities for dancing, indoors only  Anything of a similar description to the above, indoors only	(a) 1000 – midnight  (b) 1000 – 0100hrs	(a) Sunday – Wednesday  (b) Thursday – Saturday
Late night refreshment – provision of hot food and hot drinks, indoors only	(a) 2300 – 0100hrs the following day  (b) 2300 – 0200hrs the following day	(a) Sunday – Wednesday  (b) Thursday – Saturday
Alcohol – for consumption both on and off the premises	(a) 1000 – midnight  (b) 1000 – 0100hrs the following day	(a) Sunday – Wednesday  (b) Thursday – Saturday
Hours of opening	(a) 0900 - 0100hrs the following day  (b) 0900 – 0200hrs the following day  (c) At any time	(a) Monday – Wednesday  (b) Thursday – Saturday  (c) Any day for non-licensable activity

- 3.3 Additional hours to the hours for licensable activity listed in paragraph 3.2 above are applied for in respect of: -
- (a) Christmas Eve, Fridays to Mondays inclusive of statutory bank holiday weekends and Maundy Thursday by 1 hour,
  - (b) St George's Day, St David's Day, St Andrew's Day and St Patrick's Day, having given 7 days notice and in agreement with the police, by 1 hour,
  - (c) on no more than 12 occasions per year of local, national or international significance or for charitable events, having given 14 days notice and in agreement with the police, by 1 hour,
  - (d) New Year's Eve from the terminal hour for licensable activity on that day until the start of licensable activity being permitted the following day.
- 3.4 The hours that the premises will be open to the public on the occasions listed in paragraph 3.3 above, will end 1 hour after the end of licensable activities. They will also be open at any other time for non-licensable activities.

#### **Amendments to the Application**

- 3.5 Amendments have been made to the original application concerning: -
- (a) The maximum occupancy for inside and outside the premises is 300 each. (Appendix A1)
  - (b) All windows and doors will be kept closed during times when live entertainment is provided; live entertainment includes DJ, karaoke, Race Nights etc; management will conduct regular checks outside the premises and keep records of noise levels. (Appendix A2).

#### **Conditions**

- 3.6 The premises licence is subject to conditions and restrictions carried over from the conversion of the justice's on-licence and the Mandatory Conditions required under sections 19 – 21 of the Licensing Act 2003.
- 3.7 The applicant has requested removal of all embedded restrictions relating to children under sections 168 and 171 Licensing Act 1964, to drinking-up time and to credit sales.
- 3.8 The matters listed in the relevant sections of part B of the application form will be converted into new conditions on the varied premises licence, as will those arising from compromises reached prior to the hearing and any additional or amended conditions arising from the Sub-Committee's determination.

#### **4 REPRESENTATIONS**

- 4.1 Representations have been received from Essex Police, concerning the effect of extended hours and the inclusion of 12 unspecified dates for licensable activity on the crime and disorder licensing objective.
- 4.2 Representations that might have been made by Essex Fire Authority and Environmental Protection Unit were withdrawn following resolution of issues between the applicant and those Authorities and amendments to the application.
- 4.3 There have been representations from 5 Interested Parties, concerning issues of crime and disorder and public nuisance.
- 4.4 A copy of the representations received is attached at Appendix D.

#### **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 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 has been no response from any of the parties.
- 5.5 It is not known whether or not the applicants will be represented.

#### **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.

**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

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**Background Papers: -**

None

For further information please contact Kevin Doyland on: -

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