
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 Lee David Carter and David Richard Carter of 49 Greensward Lane, Hockley, Essex, SS5 5HG and refers to premises known as Royal Oak, Stambridge Road, Gt Stambridge, SS4 2AX.
- 2.2 Appendix A consists of a copy of the original application form.
- 2.3 Appendices A1 and A2 consist of a copy of amendments to the original application form.
- 2.4 It is not known at the time of reporting whether or not the applicants will be represented.

Description of Premises

- 2.5 The premises to which the application relates are a large brick building that trade as a public house providing table meals with live and recorded music for customers. The premises are situated in a rural area in a small village.
- 2.6 Appendix B consists of a copy of the plan of the premises.

Previous Licences

- 2.7 A justice's full on-licence was renewed on 2 February 2004.
- 2.8 A Supper Hours Certificate was granted on 7 June 1991. The effect of the certificate is to permit: -
 - (a) the sale and consumption of alcohol by customers partaking of a table meal on the premises for an extra hour at the end of the general permitted hours under the Licensing Act 1964, and
 - (b) the provision of hot food for consumption on the premises after 2300hrs without need for a Late Night Refreshment House Licence.
- 2.9 A premises licence under section 17 of the Licensing Act 2003 was granted on 10 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 Appendix C consists of a copy of the premises licence.

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 – live bands playing both amplified and/or un-amplified live music, indoors only Recorded music – via internal music system or disc jockey, indoors only	(a) 1200 – midnight (b) 1200 – 0100hrs the following day	(a) Sunday – Thursday (b) Friday & Saturday
Late night refreshment – provision of hot food and hot drinks, both indoors and outdoors	(a) 2300 – midnight (b) 2300 – 0200hrs the following day	(a) Sunday – Thursday (b) Friday & Saturday
Alcohol – for consumption both on and off the premises	(a) 1000 – midnight (b) 1000 – 0100hrs the following day	(a) Sunday – Thursday (b) Friday & Saturday
Hours of opening	(a) 1000 - 0030hrs the following day (b) 1000 – 0130hrs the following day	(a) Sunday – Thursday (b) Friday & Saturday

- 3.3 In addition, an extension to the hours for licensable activity listed above is applied for: -

(a) on Christmas Eve and Boxing Day, until 0100hrs the following day, and

(b) on New Year's Eve, until 0200hrs the following day, and

- (c) on such occasions listed above, the hours the premises will be open will end 30 minutes after the end of licensable activities.

Amendments to the application

- 3.4 Amendments have been made to the original application concerning: -
 - (a) The hours for the sale of alcohol, as reflected in the amended schedule at paragraph 3.2. (Appendix A1)
 - (b) The removal of the provision of live or recorded music of any kind outside the premises. (Appendix A2)

Conditions

- 3.5 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.
- 3.6 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 No representations have been received from the Responsible Authorities.
- 4.2 Representations that might have been made by Essex Police and Environmental Protection Unit, Rochford District Council were withdrawn following resolution of issues between the applicant and those authorities and amendments to the application.
- 4.3 There have been 6 representations from Interested Parties, concerning issues of crime and disorder and public nuisance.
- 4.4 Appendix D consists of a copy of the 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 include an explanation of the rights of persons to attend hearings, the consequences if they do not attend, 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 whether or not they intend to attend the hearing and whether or not they feel a hearing is necessary.
- 5.4 The notices and documentation mentioned at paragraph 5.2 include a pro-forma and pre-paid envelope for the purpose.
- 5.5 At the time of drafting this report, there has been no response from any of the parties.

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

Background Papers: -

None

For further information please contact Kevin Doyland on: -

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