
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.
- 1.3 The report contains references to appendices that, for expediency and practicality, are published separately.

2 BACKGROUND

- 2.1 The application was given to the Licensing Authority by S H Pub Company of 1 Monkton Lane, Farnham, Surrey, GU9 9ND and refers to premises known as Spread Eagle, 93 High Street, Rayleigh, SS6 7EJ.
- 2.2 Appendix A consists of a copy of the original application form.
- 2.3 Appendix A1 consists of an amendment to the original application form by the applicant.
- 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 music and dancing and late hours at weekends for customers. The premises are situated in the town centre of Rayleigh.
- 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 Special Hours Certificate was granted on 6 December 2004 allowing the sale of alcohol until 0100hrs the following morning for Fridays and Saturdays, with an additional 30 minutes drinking-up time.
- 2.9 A Public Entertainment Licence was granted on 16 February 2005 permitting music and dancing until midnight on Monday to Wednesday, until 0100hrs the following morning for Thursday to Saturday and until 2230hrs on Sundays.

- 2.10 The premises are exempt from requiring a Late Night Refreshment House 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.
- 2.11 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.
- 2.12 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
Indoor sporting events – darts and indoor games throughout the premises	(a) 0800 – midnight	(a) Sunday – Thursday
Live music – live bands playing both amplified and/or un-amplified live music, indoors only	(b) 0800 – 0100hrs the following day	(b) Friday & Saturday
Provision of facilities for making music – karaoke and DJ unit, indoors only		
Provision of facilities for dancing – spontaneous dancing by customers to live entertainment or disco music, indoors only		
Alcohol – for consumption both on and off the premises		
Hours of opening	(a) 0800 - 0030hrs the following day	(a) Sunday – Thursday

	(b) 0800 – 0130hrs the following day	(b) Friday & Saturday
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- 3.3 The application includes an extension by one hour for licensable activity: -
- (a) on Christmas Eve and Boxing Day, and
 - (b) from Thursday to Saturday inclusive for Easter, May, Spring and August Bank holiday weekends, and
 - (c) that the hours be extended from the end of licensable activity on New Year's Eve to the start of the hours for licensable activity on New Year's Day, and
 - (d) that the hours the premises are to be open are extended by an extra 30 minutes on each of those occasions.

Amendments to the application

- 3.4 Amendments have been made to the original application concerning: -
- (a) The hours for the sale of alcohol, reflected in the amended schedule at paragraph 3.2.
 - (b) Two doorstaff registered with the Security Industry Authority will be employed on Fridays and Saturdays.

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 applicant requests that all conditions attached as embedded restrictions to the premises licence upon conversion, be removed with the exception of those relating to the de-regulation of permitted hours for New Year's Eve.
- 3.7 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.

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- 4.2 Representations that might have been made by Essex Police were withdrawn following resolution of issues between the police and applicant.
- 4.3 There has been one representation from Interested Parties, concerning issues of crime and disorder and public nuisance.
- 4.4 Appendix D consists of a copy of the representation 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. 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.
- 5.2 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.
- 5.3 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.

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- (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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