

LICENSING APPLICATION: LICENSING ACT 2003

VARIATION OF A PREMISES LICENCE - THE PAUL PRY, 14 HIGH ROAD, RAYLEIGH, ESSEX

1 SUMMARY

- 1.1 This report introduces an application for a 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 regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

2 INTRODUCTION

- 2.1 The application was submitted to the Licensing Authority by the applicant, Spirit Pub Company (Services) Limited, and relates to the premises known as The Paul Pry, 14 High Road, Rayleigh, Essex.
- 2.2 Appendix A consists of a copy of the application form and the proposed plan.

3 BACKGROUND

- 3.1 The premises to which the application relates comprises of a public house with a garden and car park to the side of the premises. The premises is situated on Rayleigh High Street and is surrounded residential properties.
- 3.2 Appendix B is a map of the area.
- 3.3 Appendix C is a copy of the current licence.

Application

- 3.4 The application is made in accordance with section 17 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.
- 3.5 This application is to amend the current licence as follows:-
 - To amend condition 16 “SIA registered door staff to be employed on Friday and Saturday evening” to read “The DPS will risk assess the number and use of door staff or where the Police (Inspector or above) have requested that door staff are used/where door staff are utilised at the premises, the DPS shall ensure that a proper record is kept to show full details of all door staff on duty.”

- To amend condition 13: “Garden and patio area not to be used for the consumption of alcohol after 2300 hours” to read “Garden and patio area not to be used for the consumption of alcohol after midnight”.
- To remove condition 25: “Door staff to remain for 15 minutes after the last customers have left the premises” (as this will now be determined by the risk assessment).
- To add to Annex 2 the condition: “ A portable bar can be erected in the garden where indicated on the plan on Friday between midday and 2330 hours and on Saturday, Sunday and Bank Holiday Monday between opening and 2300 hours between the months of April and October. The bar will only serve draught beer, cider and wine”.

The opening times and licensable activities authorised by the premises licence are to remain unaltered.

4 REPRESENTATIONS

Responsible Authorities

- 4.1 Representations have been received from Rochford District Council’s Environmental Health and Planning Departments referring to the licensing objective of public nuisance. Appendix D is a copy of these representations.

Other Persons

- 4.2 Representations have been received from a number of local residents. The representations received raise similar recurrent themes and make reference to the licensing objective of public nuisance.
- 4.3 Appendix E consists of copies of valid representations received from residents.

Notices

- 4.5 All parties involved have been served with the relevant notices and documentation required by regulations 6 and 7 of the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.6 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.
- 4.7 Regulations 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 4.6 above. A pro-forma was included with the notices and documentation mentioned in paragraph 4.5 above.

5 LEGAL IMPLICATIONS

- 5.1 The provisions of the Licensing Act 2003, Licensing Act 2003 (Hearings) Regulations 2005, guidance issued under section 182 of the Licensing Act 2003 and Rochford District Council's Statement of Licensing Policy, approved by Full Council for the period 7 January 2016 – 6 January 2021 must be considered by Members in determining the application.

6 OPTIONS

- 6.1 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 reject the application;
 - (d) Subject to regulations 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.

7 RECOMMENDATION

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

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



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Background Papers:-

None.

For further information please contact Jan Fowler, 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.