
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 Shepherd Neame Ltd of 17 Court Street, Faversham, Kent, ME13 7AX and refers to premises known as Kings Head, Market Square, Rochford, SS4 1BE.
- 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, serving food. The premises are situated in the town centre of Rochford, alongside a main thoroughfare into the town and opposite the market.
- 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 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.
- 2.9 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
Films – playing of video recordings, indoors only.	(a) 1200 – 2300hrs (b) 1200 – midnight	(a) Sunday – Thursday (b) Friday & Saturday
Indoor sporting events – darts and pool matches, indoors only.	(a) 0900 - midnight	(a) Daily
Live music – amplified and/or un-amplified live music by no more than 3 performers, indoors only	(a) 1800 – midnight	(a) On any one day per week only
Recorded music – CD's, radio, juke box and karaoke incidental to other activities, indoors only	(a) 0900 – midnight (b) 0900 – 0100hrs the following day	(a) Sunday – Wednesday (b) Thursday – Saturday
Performance of dance – impromptu dancing, indoors only	(a) 1200 – midnight (b) 1200 – 0100hrs the following morning	(a) Sunday – Wednesday (b) Thursday – Saturday
Provision of facilities for making music	(a) 1200 – midnight (b) 1200 – 2330hrs	(a) Monday – Saturday (b) Sunday
Late night refreshment – hot beverages to be sold, indoors only	(a) 2300 – midnight (b) 2300 – 0100hrs the following day	(a) Sunday – Wednesday (b) Thursday – Saturday
Alcohol – for	(a) 0900 – midnight	(a) Daily

consumption both on and off the premises		
Hours of opening	(a) 0900 - 0030hrs the following day (b) 0900 – 0130hrs the following day	(a) Sunday – Wednesday (b) Thursday – Saturday

- 3.3 The application includes additional hours for licensable activity comprising recorded music, performance of dance, late night refreshment and supply of alcohol: -
- (a) Until 0100hrs the following day on Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St George's Day, Halloween, and
 - (b) Until 0100hrs the following day for Easter Friday to Easter Monday inclusive; for May, Spring and August Bank holiday weekends from Saturday to Monday inclusive, and
 - (c) 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 for licensable activity comprising films; karaoke (within recorded music) and provision of facilities for making music: -

- (d) Until midnight on Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St George's Day, Halloween, and
 - (e) Until midnight for Easter Friday to Easter Monday inclusive; for May, Spring and August Bank holiday weekends from Saturday to Monday inclusive, and
 - (f) 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.
- 3.4 The hours the premises are open are to be extended until 0130hrs the following day on all occasions listed in paragraph 3.3.

Amendments to the application

- 3.5 The following amendments have been made to the original application:-
- (a) The hours for the sale of alcohol will end at midnight throughout the week.
 - (b) All existing glass drinking vessels will be replaced by drinking vessels made from toughened glass (Appendix A1).

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 requests that all conditions attached to the premises licence upon conversion, as embedded restrictions, be removed.
- 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 the Environmental Protection Unit, Rochford District Council. The representations concern issues of prevention of public nuisance.
- 4.2 Representations that had been made by Essex Police were withdrawn following agreed compromises between the police and applicant.
- 4.3 There has been one representation from Interested Parties. The representations concern 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. 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, only the Environmental Protection Unit has positively responded.

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: -

Tel: - 01702 318036
E-mail: - licensing@rochford.gov.uk