

---

## 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 Rayleigh Lodge, The Chase, Rayleigh, SS6 8RW.
- 2.2 Appendix A consists of a copy of the original application form with copies of amendments to the original attached as sub-appendices, where relevant.

#### Description of Premises

- 2.3 The premises to which the application relates comprise a large brick building that trade as a public house and restaurant, similar in type of operation to the 'Harvester' brand.
- 2.4 The premises are situated in a residential area approximately 1 mile to the east of Rayleigh town centre. They have an extensive car park and an external area, outside of the licensed area, which is used for the consumption of alcohol.
- 2.5 Appendix B consists of a copy of the plan of the premises.

#### Previous Licences

- 2.6 A justice's full on-licence was renewed on 2 February 2004.
- 2.7 A Supper Hour Certificate was granted on 5 August 1981 permitting the sale of alcohol until midnight on Mondays to Saturdays and until 2330 hours on Sundays, with 30 minutes drinking-up time at the end.
- 2.8 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.
- 2.9 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.

2.10 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.

2.11 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 – both amplified and/or un-amplified live music limited to a maximum of 2 performers, 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  Alcohol – for consumption both on and off the premises	(a) 1000 – midnight	(a) Daily
Late night refreshment – provision of hot food and hot drinks, indoors only	(a) 2300 – 0030hrs the following day	(a) Daily
Hours of opening	(a) 1000 – 0030hrs the following day  (b) At any time	(a) Daily  (b) 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) 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 30 minutes later. They will also be open at any other time for non-licensable activities.

### **Amendments to the Application**

- 3.5 Appendix A1 contains amendments that have been made to the original application concerning: -
- (a) The hours of operation, as shown in the operating schedule at paragraph 3.2 above.
  - (b) The removal of all references to '12 unspecified occasions per year' contained in 'Non-standard timings' sections in Part B2 – Operating Schedule.
  - (c) The use of the garden and outside areas will cease at 2200hrs daily.

### **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 Fire Authority concerning a lack of adequate measures being evidenced to ensure public safety.

- 4.2 Representations that might have been made by Essex Police were withheld following resolution of issues and amendments to the application.
- 4.3 There have been representations from 50 Interested Parties and a petition signed by 85 residents, concerning issues of crime and disorder and public nuisance. Many of those signing the petition have made individual representations.
- 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 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

---

### **Background Papers: -**

None

For further information please contact Kevin Doyland on: -

Tel: - 01702 318036  
E-mail: - [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk)