

LICENSING ACT 2003 - REVIEW OF PREMISES LICENCE

Premises: Paul Pry, 14 High Road, Rayleigh, SS6 7AA

1 SUMMARY

- 1.1 This report introduces an application for Review of a Premises Licence made under section 51 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 Mr Nigel Bunton of 29 High Road, Rayleigh, SS6 7AA and refers to premises known as the Paul Pry, 14 High Road, Rayleigh.
- 2.2 Appendix A consists of a copy of the original application form and supporting evidence.

Description of Premises

- 2.3 The premises to which the application relates are a large wood and brick-built building with a large external area to the rear used as a garden and patio. There is a conservatory attached to the rear of the main building.
- 2.4 The premises trade as a public house and are situated in a residential area to the south of Rayleigh town centre.
- 2.5 Appendix B consists of a copy of the plan of the premises, a map of the area in which the premises are situated and an aerial photograph of the area in which the premises are situated.

Previous Licences

- 2.6 The premises have held a premises licence under the Licensing Act 2003 since 2 September 2005, having converted the existing Justice's on-licence under schedule 8 of the Licensing Act 2003.
- 2.7 The holders of the premises licence are Spirit Group of Jubilee House, Second Avenue, Burton on Trent, DE14 2WF.
- 2.8 Mr Kevin Brookes has been the premises supervisor since 2 September 2005.
- 2.9 An application to vary the premises licence was granted by a Licensing Sub-Committee on 29 November 2005.
- 2.10 The following licensable activities and hours of opening are permitted under the current licence:

Activity	Time/s	Days
Sale of alcohol for consumption both on and off the premises.	(a) 1000 – midnight (b) 1000 – 0100 hours the following day (c) 1100 – midnight	(a) Monday – Thursday (b) Friday & Saturday (c) Sunday
Regulated entertainment including live & recorded music (both amplified & un-amplified); provision of entertainment facilities for dancing; performance of dance or anything of a similar nature including (but not limited to) amplified karaoke	(d) 0900 – midnight (e) 0900 – 0100 hours the following day (a) 1000 - midnight	(d) Monday – Thursday (e) Friday & Saturday (a) Sunday
Late night refreshment	(a) 2300 – midnight (b) 2300 – 0100 hours the following day	(a) Sunday – Thursday (b) Friday & Saturday
<p>The hours for permitted licensable activity are extended: -</p> <ol style="list-style-type: none"> 1. On Maundy Thursday; Christmas Eve; Boxing Day and Sunday of each Bank Holiday Weekend to 0100hrs the following day. 2. On New Years Eve, from the end of licensable activity on New Years Eve to the start of licensable activity on New Years Day. 		
<p>Hours of opening</p> <p>The premises may open between the hours shown in all preceding sections, plus 30 minutes at the end of licensable activity.</p>		

- 2.11 A copy of the licence and conditions is attached at Appendix C.

Trading History

- 2.12 There have been a number of complaints from the applicant concerning the noise emanating from the premises and allegations concerning breach of licence conditions in respect of doors and windows not being closed.
- 2.13 The majority of complaints have been informally resolved but a formal letter was sent to the premises supervisor and licence holder by the Licensing Authority in respect of a complaint received on 2 February 2007 (copy attached at Appendix D).
- 2.14 Officers of the Authority have visited the premises at various times of the evening on 4 occasions during the last 12 months but have not witnessed any breaches of condition or undue noise disturbance.

3 APPLICATION

- 3.1 The application is made in accordance with section 51 of the Licensing Act 2003 in respect of the licensing objectives of prevention of public nuisance.

4 REPRESENTATIONS

- 4.1 No representation has been received from a Responsible Authority.
- 4.2 One representation has been received from an Interested Party in support of the application.
- 4.3 Appendix E 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 had been no response from any of the parties.

6 POLICY CONSIDERATIONS**Legal provisions**

- 6.1 The provisions of The 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.
- 6.2 Section 10, paragraph 10.11 onwards of the Guidance is of particular relevance to the Licensing Sub-Committees where consideration is given to imposing conditions in determination of an application.
- 6.3 Section 11, paragraphs 11.15 – 11.27 of the Guidance provides advice in relation to the powers of a Licensing Authority in determining a review of a premises licence.

7 OPTIONS

7.1 The following options are available to Members: -

- (a) To reject the application;
- (b) To modify the conditions of the licence;
- (c) To exclude a licensable activity from the scope of the licence;
- (d) To remove the Designated Premises Supervisor;
- (e) To suspend the licence for a period not exceeding three months;
- (f) To revoke the licence;
- (g) 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.

Richard Evans
Head of Environmental Services

Background Papers: -

None

For further information please contact Kevin Doyland on: -

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If you would like this report in large print, braille or another language please contact 01702 546366.