



**Rochford District
Council**

REPORT TITLE:	Application for a Review of Premises Licence for Crafty Casks.
REPORT OF:	Tracey Lilley, People and Communities

REPORT SUMMARY

To consider an application for a review of a Premises Licence under section 51 of the Licensing Act 2003 for Crafty Casks, 33 Eastwood Road, Rayleigh, Essex, SS6 7JD. The application is for the following licensing objective:

- **The Prevention of Public Nuisance (namely Live Music)**

SUPPORTING INFORMATION

1.0 INTRODUCTION

- 1.1 The application for review of a premise licence was submitted to the Licensing Authority by Mr M G Burgess on 31 October 2023 and refers to the premises to be known as Crafty Casks, 33 Eastwood Road, Rayleigh, Essex.
- 1.2 Appendix A consists of a copy of the original application for review of premise licence.

2.0 BACKGROUND

- 2.1 The premises to which the application relates is a micro pub situated on the junction of Websters Way and Eastwood Road, Rayleigh. John Smith has held a licence with Rochford District Council since June 2022. Amelia Coppins has also been the Designated Premise Supervisor since 2022.
- 2.2 A copy of the current licence is attached as Appendix B

- 2.3 The venue previously held a Premises licence under licence number RDC/19/00215/LAPRE and was in place between 2019 and 2022. The licence was surrendered following an application by the applicant to replace the licence.
- 2.4 The current licence benefits from the Live Music Act 2012. The Live Music Act (The Act) came into force on 1st October 2012 and deregulates live music.

What is the Live Music Act 2012

- 2.5 The Act removes the licensing requirements for live music and recorded music where:-
- There is a premises licence or club premises certificate in place permitting 'on sales'
 - The premises are open for the sale or supply of alcohol for consumption on the premises
 - Live or recorded music is taking place between 8am and 11pm
 - If the music is amplified live music or recorded music (e.g. DJs or a disco for example), the audience consists of no more than 500 people
- 2.6 The Act says:

There are a number of mechanisms for the protection of residents and these are:-

- Upon a Review of the premises licence the Licensing Authority can determine that existing conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm
- If the Premises Licence doesn't presently authorise live or recorded music the Licensing Authority can determine that live or recorded music at the premises can no longer be provided without permission on the Premises Licence (thus requiring a Variation) or a Temporary Event Notice, and can add new conditions to the Premises Licence
- Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance

3.0 REPRESENTATIONS

- 3.1 A copy of the review application was circulated to all the Responsible Authorities on 31st October 2023, advertised on the Rochford Council Website and a copy of the notice was placed on the window of the Rochford Council Offices, South Street, Rochford, Essex. The application for a full review was advertised on 31st October 2023 inviting representations by the deadline of 28th November 2023. Blue Notices were placed outside 33 Eastwood Rod and on the premise.

Responsible Authorities

- 3.2 Essex Police reviewed the application and determined not to support the review
- 3.3 Rochford District Council Licensing Team reviewed the application and determined not to support the review.
- 3.4 Rochford District Council Environmental Health Team reviewed the application and determined not to support the review.

Other Interested Parties

- 3.5 No other representations were received during the consultation period

4.0 ENGAGEMENT/CONSULTATION

- 4.1 The consultation process has been outlined within 3.1 of this report

5.0 FINANCIAL IMPLICATIONS

- 5.1 No Financial Implications to Rochford District Council

6.0 LEGAL/GOVERNANCE IMPLICATIONS

- 6.1 The provisions of the Licensing Act 2003, Licensing Act 2003 (Hearings) Regulation 2005. Home Office Guidance issued under Section 182 Licensing Act 2003 and the Statement of Licensing Policy approved by Full Council for the period 7 January 2021 – 6 January 2026 need to be considered by Members in determining the application.
- 6.2 When determining the review of premise licence application, the Committee must have regard to the promotion of the licensing objectives which are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

NOTICES

- 6.3 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.
- 6.4 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.
- 6.5 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 6.3 above. A pro-forma was included with the notices and documentation mentioned paragraph 6.4 above

7.0 EQUALITY & HEALTH IMPLICATIONS

- 7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

8.0 ENVIRONMENT & CLIMATE IMPLICATIONS

- 8.1 There is no Environment or Climate Implications to the determination of this application

9.0 ECONOMIC IMPLICATIONS

- 9.1 There is no Economic Implications in the determination of this application

10.0 RECOMMENDATION

- 10.1 It is proposed that the Committee **RESOLVES**

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

11.0 OPTIONS

- 11.1 The following options are available to Members: -

- a) To modify conditions to such extent as Members consider necessary for the promotion of the licensing objectives, and any Mandatory Conditions 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 remove the Designated Premises Supervisor;
- d) To suspend the licence for a period not exceeding 3 months;
- e) To revoke the licence;
- f) To leave the licence in its present state;

Subject to paragraphs 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.

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APPENDICES

Appendix A – Review Application

Appendix B – Current Premise Licence

BACKGROUND PAPERS

None.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
N/A	