
LICENSING APPLICATION – LICENSING ACT 2003

1 SUMMARY

- 1.1 This report introduces an application for the granting of a Premises Licence made under section 17 of the Licensing Act 2003.
- 1.2 The application must be determined within 5 working days of the conclusion of the hearing on 14 February 2006, 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 Law, Hurst & Taylor, solicitors, on behalf of Daryl Anthony Mercer (the applicant) and refers to premises known as Daryl's Grill at land rear of 59, High Street, Websters Way, Rayleigh.
- 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 is a mobile trailer that is parked during trading hours on the service area, in Websters Way, at the rear of 59 High Street, Rayleigh and is in the town centre area opposite the Websters Way car park.
- 2.4 The trailer provides hot dogs, hamburgers and similar, together with hot and cold non-alcoholic drinks for customers to take away.
- 2.5 Appendix B consists of a copy of the plan of the premises.

3 APPLICATION

- 3.1 The application is made in accordance with section 17 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
Provision for late night refreshment only	(a) 2300 hrs – 0300 hrs	(a) Friday & Saturday
Hours of opening	(a) 2100hrs – 0300hrs	(a) Friday & Saturday

Amendments to the application

- 3.3 There are no amendments to the original application.

Conditions

- 3.4 The matters listed in the relevant sections of part 3 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 one responsible authority, namely the Planning Services Department, concerning issues of Crime & Disorder and Public Nuisance.
- 4.2 Representations have also been received from three interested parties concerning issues of public nuisance.
- 4.3 Appendix C 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 Peter Nellies on: -

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