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## LICENSING APPLICATION – LICENSING ACT 2003

### Premises: Hullbridge Community Centre

#### 1 SUMMARY

- 1.1 This report introduces an application for variation of a premises licence granted under section 18 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 Hullbridge Community Association Social Club and refers to premises known as Hullbridge Community Centre, Pooles Lane, Hullbridge, SS5 6PA.
- 2.2 Appendix A consists of a copy of the original application form.

##### Description of Premises

- 2.3 The premises to which the application relates is situated in a residential area and trades as a community centre and social club.
- 2.4 The premises comprises of a large wood-clad building with a large garden area containing tables and benches to the side of the premises abutting Pooles Lane and a large patio area to the rear abutting Tower Park.
- 2.5 Appendix B consists of a copy of a plan of the premises.
- 2.6 Appendix B1 consists of an Ordnance Survey map of the locality showing the position of the premises (inset with a circle) and addresses of persons from whom valid representations have been received (inset with a triangle).

##### Current Licence

- 2.7 A premises licence was granted on 22 June 2005 following an application to convert the existing Justice's On-licence and Public Entertainment Licence under Schedule 8, Transitional Provisions of the Licensing Act 2003.
- 2.8 The licensable activities permitted under the existing licence apply to 2 areas – the Function Room and the Club Room. In brief, the licensable activities permitted in those areas are: -

Activity	Time/s	Days
<u>Function Room</u>		
<p>Sale by retail of alcohol for consumption on and off the premises</p> <p>Provision of regulated entertainment including the provision of live and recorded music, performance of dance and film exhibitions and the provision of facilities for making music and dancing.</p>	<p>(a) 1000 – 2300 hours</p> <p>(b) 1000 - midnight</p> <p>(c) 1200 – 2230 hours</p> <p>(d) 1200 – 1500 hours &amp; 1900 – 2230 hours</p> <p>(e) From the end of authorised hours to the start of authorised hours the following day</p>	<p>(a) Monday - Wednesday</p> <p>(b) Thursday - Saturday</p> <p>(c) Sunday &amp; Good Friday</p> <p>(d) Christmas Day</p> <p>(e) New Year's Eve</p>
<u>Club Room</u>		
<p>Sale by retail of alcohol for consumption on and off the premises</p> <p>Provision of regulated entertainment including the provision of live and recorded music, performance of dance and film exhibitions and the provision of facilities for making music and dancing.</p>	<p>(a) 1000 – 2300 hours</p> <p>(b) 1000 – midnight</p> <p>(c) 1200 – 2230 hours</p> <p>(d) 1200 – 1500 hours &amp; 1900 – 2230 hours</p> <p>(e) From the end of authorised hours to the start of authorised hours the following day</p>	<p>(a) Monday - Thursday</p> <p>(b) Friday &amp; Saturday</p> <p>(c) Sunday &amp; Good Friday</p> <p>(d) Christmas Day</p> <p>(e) New Year's Eve</p>
<u>Late Night Refreshment</u>		
Late night refreshment may be provided and consumed for a period of 30 minutes beyond the authorised hours on each day.		
<u>Hours of opening</u>		
There are no restrictions on the hours that the premises may remain open for non-licensable activity or on the hours that the garden/patio area may be used for non-licensable activity.		

**Conditions Attached to the Current Licence**

- 2.9 There are a large number of conditions attached to the licence, which derive almost entirely from those previously attached to the former Public Entertainment Licence, that had to be carried over under the Transitional Provisions.
- 2.10 Those conditions are now contained within other primary legislation and would not be relevant to the grant of a new premises licence.
- 2.11 Appendix C consists of a copy of the premises licence.

**History**

- 2.12 Since the grant of the current licence one recorded complaint concerning noise has been made to the Council, that being on 2 September 2006.
- 2.13 The complaint was investigated by the Environmental Protection Unit and closed on 13 October 2006 with no formal action being warranted.
- 2.14 Temporary Event Notices were issued on 2 occasions in 2006 and on 2 occasions in 2007 for the sale of alcohol and provision of regulated entertainment until 0200 hours.
- 2.15 The Licensing Authority has received no complaints concerning those occasions.

**3 APPLICATION**

- 3.1 The application is made in accordance with section 34 of the Licensing Act 2003 and The Licensing Act 2003 (Premises licence and club premises certificates) Regulations 2005.
- 3.2 The purpose of the application is to vary the current licence by removing all existing licence conditions and to authorise: -
- (a) The carrying on of all licensable activities listed in paragraph 2.8 from 0800 – 0100 hours daily.
  - (b) An additional licensable activity to be carried on of indoor sporting events between the same hours.
  - (c) The premises to be open between 0800 – 0200 hours daily.
- 3.3 There are no proposed restrictions on the hours that the outside areas may be used, save that no music will be permitted after 2100 hours.

**Amendments to the Application**

- 3.4 At the time of reporting, there had been no amendments to the original application.

**Conditions**

- 3.5 The premises licence is subject to the Mandatory Conditions required under sections 19 – 21 of the Licensing Act 2003.
- 3.6 The matters listed in the relevant sections of part 4, paragraphs A - P of the application form will be converted into new conditions on the premises licence, as will those arising from any compromises reached prior to the hearing and any additional or amended conditions arising from the Sub-Committee's determination.
- 3.7 The applicant has proposed 30 conditions to be applied in promotion of the licensing objectives, which are contained in a supplement to paragraph P of the application.

**4 REPRESENTATIONS**

- 4.1 Representations have been made by the Environmental Protection Unit and two conditions have been proposed for consideration by the Licensing Sub-Committee in determining the application, as follows: -
  - (a) That staff make regular noise emission assessments whenever regulated entertainment takes place.
  - (b) That staff verbally request customers to leave the car park area quietly and quickly.
- 4.2 There have been 12 representations from Interested Parties in respect of the licensing objective relating to the prevention of public nuisance. A petition signed by 85 local residents has also been received.
- 4.3 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 in paragraph 5.2 above.

5.4 At the time of reporting there had been no response from any of the parties.

5.5 The applicants will be represented by Mr Andrew Murrell of Drysdales Solicitors.

## **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 Council's Statement of Licensing Policy, approved by Full Council for the period 7 January 2005 – 6 January 2008, need to be considered by the Sub-Committee in determining the application.

6.2 Paragraph 7.5 of the Guidance states the Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of consideration of the representations.

## **7 OPTIONS**

7.1 Under section 18(4) of the Licensing Act 2003 the Sub-Committee may: -

(a) Grant the licence, subject to such conditions as are consistent with the operating schedule, modified to such extent as the Sub-Committee considers necessary for the promotion of the licensing objectives and any condition which under sections 19 – 21 must be included in the licence;

(b) Exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) Refuse to specify a person in the licence as the premises supervisor;

(d) Reject the application.

7.2 Subject to paragraphs 11 - 13 of the Licensing Act 2003 (Hearings) Regulations 2005, the Sub-Committee may adjourn the hearing to a specified date or arrange for a hearing to be held on specified additional dates, where the Sub-Committee considers this to be necessary for its 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 valid representations made.

Richard Evans  
Head of Environmental Services

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**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.