

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 A copy of the application is attached at Appendix 1.
- 1.3 Three amendments to the original application have been received – the first from the applicant and the second and third from the applicant's solicitor. They are attached at Appendices 2, 3 and 4.
- 1.4 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 Samantha Barron and refers to premises known as The Red Lion at 67 – 69 High Street, Great Wakering, SS3 0ED.
- 2.2 The applicant is represented by Drysdales Solicitors of Cumberland House, 24 – 28 Baxter Avenue, Southend on Sea, SS2 6HZ.

Description of Premises

- 2.3 The premises to which the application relates are a large, brick-built public house comprising of one open bar on the ground floor, extending across the front and to one side of the premises.
- 2.4 The main door is located at the front of the premises, with casement windows to either side. To the rear of the premises is an area set aside for the consumption of food and drink.
- 2.5 A copy of the plan of the premises is attached at Appendix 5.

Previous Licences

- 2.6 A justice's full on-licence was renewed on 2 February 2004.
- 2.7 A premises licence under section 17 of the Licensing Act 2003 was granted on 22 July 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.

- 2.8 A copy of the premises licence is attached at Appendix 6. This licence is subject to conditions carried over from the conversion of the justice's on-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 Amendments to the application were brought about by negotiation between Responsible Authorities and the applicant (Appendices 2, 3 & 4).
- 3.3 The following licensable activities are being applied for: -

Activity	Time/s	Days
<p>Films – comprising video on Skills With Prizes machines and occasional race nights, indoors only.</p> <p>Indoor Sporting Events – comprising pool, snooker, darts, cards, dominoes & like games.</p> <p>Live music – comprising singers, musicians, live bands, karaoke, cabaret shows and like events, indoors only.</p> <p>Recorded music – comprising amplified music for patrons to listen and dance to, indoors only.</p> <p>Performance of dance – comprising of adult entertainment evenings where nude/semi nude dancers and adult humour takes place, indoors only and on not more than 5 occasions per year.</p>	<p>(a) 1000 - 2300hrs</p> <p>(b) 1000 - 0100hrs the following day</p> <p>(c) Above hours extended to 0200hrs the following day</p>	<p>(a) Monday - Thursday & Sunday (amended by Appendix A1)</p> <p>(b) Friday & Saturday</p> <p>(c) Christmas Eve, Boxing Day & New Year's Eve</p>

<p>Anything of a similar description to the above, both indoors and outdoors.</p> <p>Provision of facilities for making music, indoors only.</p> <p>Provision of facilities for dancing, indoors only.</p> <p>Supply of alcohol - for consumption both on and off the premises.</p>		
<p>Late night refreshment - consisting of hot food and beverages for consumption on the premises only.</p>	<p>(a) 2300 – 2400hrs</p> <p>(b) 2300 – 0100hrs the following day</p> <p>(c) Above hours extended to 0200hrs the following day</p>	<p>(a) Monday – Wednesday & Sunday</p> <p>(b) Thursday – Saturday</p> <p>(c) Christmas Eve, Boxing Day & New Year's Eve</p>

3.4 The proposed hours of opening of the premises are from 1000hrs daily to 30 minutes after the end of the latest licensable period (amended by Appendix 2).

3.5 Additional amendments to the original application include: -

- (a) All windows and doors will be closed when amplified music and live entertainment is provided.
- (b) Regulated entertainment will not take place beyond 2100hrs in the outside drinking area.
- (c) 'Toughened' drinking glasses will be used in outdoor areas.
- (d) Any advertising of adult entertainment will be appropriate for viewing in a family public house.
- (e) Adult entertainment will only be seen by the intended audience and will not be visible to persons outside the premises.

Conditions

- 3.6 The proposed variation to the premises licence includes an application to remove those conditions mentioned at paragraph 2.8 relating to the 'permitted hours' under the Licensing Act 1964.
- 3.7 All other conditions will automatically carry over to the varied licence.
- 3.8 In addition, 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.

4 REPRESENTATIONS

- 4.1 There have been no representations received from Responsible Authorities.
- 4.2 Representations that would have been made by the Police, Environmental Protection Unit, Rochford District Council and ECC Child Protection Committee were resolved resulting in the amendments to the original application (Appendix 2, 3 and 4).
- 4.3 There have been 41 representations received from interested parties, of which 3 were received after the deadline of 22 July 2005, 3 were unsigned and 1 undated.
- 4.4 The majority of representations concern issues over the prevention of crime and disorder and the prevention of public nuisance, although there are representations in respect of the protection of children from harm arising from concerns over the proposed adult entertainment.
- 4.5 The representations have been circulated to Members of the Sub-Committee under separate cover.
- 4.6 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.
- 4.7 Paragraphs 8 and 9 of those regulations require that parties notify the Licensing Authority no later than 5 working days before the hearing whether or not they intend to attend the hearing and whether or not they feel a hearing is necessary.
- 4.8 At the time of drafting this report, no such notifications have been received.

5 POLICY CONSIDERATIONS

Legal provisions

- 5.1 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.

6 OPTIONS

6.1 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.

7 RECOMMENDATION

7.1 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: -

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