
LICENSING APPLICATION – LICENSING ACT 2003

Premises: Travellers Joy, Down Hall Road, Rayleigh, Essex, SS6 9JF

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 Police Sergeant Daniel Barnes, Licensing Officer of Essex Police on behalf of the Chief Officer of Police and refers to premises known as Travellers Joy at Down Hall Road, Rayleigh, SS6 9JF.
- 2.2 The grounds for the application are based upon the licensing objectives prescribed under section 4 of the Licensing Act 2003 of:-
 - (a) The prevention of crime and disorder
 - (b) The prevention of public nuisance.
- 2.3 Appendix A consists of a copy of the original application form with a copy of the statement made by Sergeant Barnes.
- 2.4 Appendix A1 is a copy of a letter sent by Sergeant Barnes to the Designated Premises Supervisor of the Travellers Joy listing the 10 proposed conditions to be added to the premises licence.

Description of Premises

- 2.5 The premises to which the application relates is a large detached brick building that trades as a public house providing table meals with live and recorded music.
- 2.6 The premises are in Down Hall Road, an area of predominantly residential properties. There is also a small parade of shops in London Road opposite the car park to the premises.
- 2.7 Appendix B is map of the area of the premises and Appendix B1 is an aerial photograph of the area.

Licensing History

- 2.8 The premises have held a premises licence under the Licensing Act 2003 since 20 September 2005, having converted and varied the existing Justice's on-licence under schedule 8 of the Licensing Act 2003.
- 2.9 On 19 January 2006 an application was made, under Section 34 Licensing Act 2003, to vary the premises licence to extend the opening hours of the premises. The varied licence was granted on 10 March 2006, having been delayed because the application had not been properly advertised.
- 2.10 On 22 February 2008 an application was made for a new premises licence to be granted under Section 17 Licensing Act 2003. This was as a result of major alterations and refurbishment. The new licence was granted on 25 March 2008.
- 2.11 The holders of the premises licence are Greene King Retailing, Abbott House, PO Box 337, Bury St Edmunds IP33 1QV.
- 2.12 Mr Adam Crane has been the premises supervisor since 14 July 2011.
- 2.11 The granted application permits the licensable activities within the times and days shown below: -

Activity	Time/s	Days
Sale by retail of alcohol.	(a) 10.00 – 23.00	(a) Sunday to Wednesday
Provision of regulated entertainment indoors only consisting of film; live music; recorded music; anything of a similar description to live or recorded music; provision of facilities for making music and dancing; provision of facilities for entertainment of a similar description to making music and dancing.	(b) 10.00 – 24.00 hrs	(b) Thursday except New Years Eve
Provision of late night refreshment indoors only.	(c) 10.00 – 01.00 hrs	(c) Fridays and Saturdays

The above hours are extended:-

By an additional hour to the terminal hour for licensable activities on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday, Easter Sunday, St Patrick's Day, St George's Day and the Sunday before a Bank Holiday.

For New Year's Eve: from the start of licensable activities on New Year's Eve to the end of licensable activities on New Year's Day.

The opening hours of the premises are from the start of licensable activities until 30 minutes after the end of licensable activities.

- 2.13 Appendix C consists of a copy of the premises licence.

Premises History

- 2.14 Since July 2006 there have been a total of ten complaints recorded by the Council against these premises; all in respect of noise and loud music. There was only one complaint recorded in the summer 2008, none in 2009, one in the autumn 2010 and two for 2011.

3 APPLICATION

- 3.1 The application is made in accordance with section 51 of the Licensing Act 2003 on the grounds of the licensing objectives relating to prevention of crime and disorder arising from a drugs warrant under the misuse of drugs act 1971 being executed at the premises on 15 July 2011. As a result two persons were arrested for possession of suspected class A drugs.

4 REPRESENTATIONS

- 4.1 No representations have been received from other Responsible Authorities. A total of four representations have been received from Interested Parties and these relate to the licensing objective of the prevention of public nuisance, loud music and voices outside.
- 4.2 The representations are shown at Appendix D.
- 4.3 In consideration of the representations received in respect of the prevention of public nuisance it has been suggested that the fitting of a noise limiting device and keeping the side doors closed would help to alleviate the problem.
- 4.4 As a result an email was sent to Hanah Loynds, the licensing manager for the licence holders Greene King, with two proposed licence conditions with regard to public nuisance (Appendix E).

5 NOTICES

- 5.1 Notices advertising the application were placed by the Licensing Authority at or near the premises, at the Council's offices in Rayleigh and Rochford and on the Council's website, as required by paragraph 38 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.2 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 and 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 those 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.

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 2011 – 6 January 2014 need to be considered by Members in determining the application.
- 6.2 Section 10 of the Section 182 Guidance provides advice and recommendations concerning best practice in relation to attaching conditions to premises licences and club premises certificates. Paragraphs 10.11 onwards are of particular relevance to Licensing Sub-Committees where consideration is given to imposing conditions.

7 OPTIONS

- 7.1 The following options are available to Members:-

- (a) To modify the conditions of the licence;
- (b) To exclude a licensable activity from the scope of the licence;
- (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) 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 Peter Nellies (Senior Licensing Officer) on:-

Phone: 01702 318058
Email: licensing@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.