

APPLICATION FOR VARIATION OF CLUB PREMISES LICENCE 'HEREFORD, WHITECROSS CLUB, SOLLARS CLOSE HEREFORD, HR4 0LX' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Three Elms

1. Purpose

To consider an application for variation of the club premises licence in respect of. Hereford, Whitecross Club, Sollars Close, Hereford, HR4 0LX.'

2. Background Information

Applicants	HEREFORD, WHITECROSS CLUB, SOLLARS CLOSE HEREFORD HR4 0LX		
Solicitor	N/A		
Type of application: Variation	Date received: 2/04/07	28 Days consultation 29/04/07	Issue Deadline: 29/05/07

At the time of writing the original advert has been requested but not received. The current licence was submitted with the application and a copy is attached in the background papers

3. Current Licence

Under the current licence the club are licensed for the Provision of refreshment or the supply of alcohol to members (for consumption on the premises .

Licensable activities	Hours
Supply of alcohol to members	Weekdays 10.00 – 23.00 Sundays 12.00 – 22.30 New Year's Eve from the end of permitted hours on the following day New Years Day . Christmas Day in accordance with the rules of the club and notified in writing

4. Variation Licence Application

The application for a variation has received representations by responsible authorities and members of the public. It is therefore now brought before the sub-committee for determination

5. Summary of Application

The application requests licensing (all indoors) of Indoor sporting events for staging indoor sports matches for local, county, national tournaments, and fixtures, Live music, Recorded music, Provision of facilities for dancing, extension of permitted hours for the Supply of Alcohol and the hours the club is open to members and guests.

6. The following hours have been applied for in respect of indoor sporting events

Monday – Sunday 09.00 - 22.00

Seasonal variation
Club closed Christmas Day

7. The following hours have been applied for in respect of live music, recorded music provision of facilities for dancing

Monday – Thursday and Sunday 19.00 - 24.00

Friday – Saturday 19.00 – 01.00

Seasonal variation
Club closed Christmas Day
New Years Eve 19.00 – 02.00

8 The following hours have been applied for in respect of the supply of alcohol (on the premises); -

Monday to Thursday and Sunday 1000 – 24.00

Friday & Saturday 1000 – 02.00

Hour's premises open to the public (Not licensable on it's own)

Monday to Thursday and Sunday 1000 – 24.00

Friday & Saturday 1000 – 02.00

Seasonal variation
Club closed Christmas Day
New Years Eve 19.00 – 02.00

9 Summary of Representations**West Mercia Police**

Have no comment to make.

Fire Authority

The Fire Authority have made no comment.

Environmental Health

The Environmental Health Officer has made representations in relation to the application. This representation addresses the licensing objectives of Prevention of Public Nuisance and Public Safety and will be clarified at Committee.

Interested Parties

The Local Authority has received 14 (fourteen) letters of representation from local residents.

The concerns relate to:

- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

10 **Issues for Clarification**

This Authority has not requested clarification on any particular point.

11 **Herefordshire Council Licensing Policy**

In making its decision the committee will be obliged to have regard to its own policy, the DCMS guidance and have regard to all documents specified within the DCMS Guidance.

12 **Options:-**

It is for the committee to take such steps below as it considers necessary for the promotion of the licensing objectives:

- Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003.
- Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory condition set out in the Licensing Act 2003.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premise supervisor
- To reject the application.

13 **Background Papers**

- Public Representation Form
- Police Comments
- Environmental Health & Trading Standards Comments
- Application Form
- Any other associated papers
- Current Premises Licence

Background papers are available for inspection in The Council Chamber, Town Hall, 30 minutes before the start of the hearing.

NOTES

Guidance issued under section 182 of the Licensing Act 2003, Section S18(7)

Relevant, vexatious and frivolous representations

5.73 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives....

5.75 It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious....

The licensing authority must determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness....