

## APPLICATION FOR VARIATION OF PREMISES LICENCE ;ROYAL NATIONAL COLLEGE FOR THE BLIND ,COLLEGE ROAD,HEREFORD HR1 1EB' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

### Wards Affected:

Aylestone , Hereford

### 1. Purpose

To consider an application for variation of the premises licence in respect of Royal National College for the Blind, College Road, Hereford, HR1 1EB.

### Background Information

Applicants	<b>RNCB</b>		
Solicitor	<b>N/A</b>		
Type of application: <b>Variation</b>	Date received: <b>17/05/07</b>	28 Days consultation <b>13/05/07</b>	Issue Deadline: <b>11/07/07</b>

The advertisement for the premises has been seen and accepted. The current premises licence was submitted with the application and a copy is attached as an Appendix to this report

### 2. Current Licence

Details of the current premises licence are summarised below: -

<b>Licensable activities</b>	<b>Hours</b>
All indoors Performance of a play, film , dance. Live music, recorded music Anything of a similar description , Provision of facilities for making music , dancing, for entertainment of a similar description.	Monday - Sunday; 09:00 – 00.00  Monday – Sunday 12:00 – 00:00
Sale of alcohol on and off the premises Non Standard Hours	Monday – Sunday 11.00 – 00.00  Christmas Eve, New Years Eve all Bank Holidays and Saints Days to extend times by one hour ( St Patrick , David, Andrew & George).

**3. Variation Licence Application**

The application for a variation has received representations from a responsible body and members of the public. It therefore is now brought before the committee to determine the application.

**4. Summary of Application**

The applicant has not applied for any new activities or for any additional hours for either licensable activities or the sale of alcohol. The Student Bar is currently on the first floor. The building is currently under refurbishment and the applicant requests the re-siting of the students bar onto the ground floor adjacent to the Main Hall. It will consist of a permanent fixed bar in the new student bar.

Also to be included in the application is the patio area outside the Woollard Room as shown on the plan submitted with the application. The outside patio area is not mentioned in the advert and therefore cannot be included. Plans will be available in the Council Chamber prior to the hearing.

**5. The following hours in respect of the supply of alcohol ( *on the premises*); -**

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

Monday to Thursday and Sunday 1000 – 23.30  
Friday & Saturday 1000 – 01.00

The premises will remain open to the public for 30 minutes after these times.

**6. Summary of Representations****West Mercia Police**

West Mercia Police have made no comments.

**Fire Authority**

The Fire Authority have made no comments, providing a fire risk assessment is carried out .

**Environmental Health**

The Environmental Health Officer has made representations in relation to the application. The representation addresses the licensing objectives relating to Public Safety and Prevention of Public Nuisance .The applicant has agreed conditions made by the Environmental Health Officer.

**Interested Parties**

The Local Authority has received 15 (fifteen) 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

## 7 **Issues for Clarification**

This Authority has not requested clarification on any particular point.

## 8 . **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.

## 9 **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.

## 10 **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 Committee Room, Brockington 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....