

**APPLICATION FOR GRANT OF A TIME LIMITED
PREMISES LICENCE FOR 'BIG CHILL, EASTNOR
CASTLE DEER PARK, EASTNOR, LEDBURY, HR8
1RD.' - LICENSING ACT 2003**

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Ledbury

1. Purpose

To consider an application for a premises licence in respect of the Big Chill, Eastnor Castle Deer Park, Eastnor, Ledbury, HR8 1RD.

2. Background Information

Applicant	Chillfest Ltd	
Solicitor	N/A	
Type of application: New	Date received: 26/02/07	28 Days consultation 25/03/07

The advertisement for the premises has been seen and is correct.

3. Previous Hearing

This matter was previously heard by the Sub-Committee on 23rd April, 2007 when the decision was deferred to allow the applicant to submit further documentation to satisfy the responsible authorities of their ability to promote the four licensing objectives.

4. Licence Application

The application for a new premises licence has received representations objecting to the grant of a licence from the Police, Fire Authority and Environmental Health. It is therefore now brought before committee to determine the application.

5. Summary of Application

The application is for a time limited licence to operate between 2nd August and 6th August, 2007.

- 6.** The licensable activities applied for are (all indoors and outdoors): -
Plays, Films, Live Music, Recorded Music, Performance of dance, Provisions for making music, Provision of facilities for dancing, entertainment of a similar nature to the provision of facilities for music and dance, Late Night Refreshment and Supply of Alcohol (Off Premises only).

The following hours have been applied for 3rd, 4th, 5th and 6th August: -

Plays, Performance of dance 1200 – 0300

Films, Live Music, Recorded Music, Provisions for making music, Provision of facilities for dancing, entertainment of a similar nature to the provision of facilities for music and dance 1200 – 0500

The following hours have been applied for 2nd,3rd, 4th, 5th and 6th August: -

Late Night Refreshment 2300 – 0500

Supply of Alcohol 1100 – 0300

7. The premises are to be open to the public: -
From 0900 hours on 2nd August until 1600 hours on 6th August, 2007.

8. **Non Standard hours**
There is no application for 'non-standard' hours.

9. **Summary of Representations**

West Mercia Police

Have objected to the grant of the licence.

Environmental Health

Have objected to the grant of the licence.

Fire Authority.

Have objected to the grant of the licence.

Interested Parties.

The Local Authority has received no representations in respect of the application from local residents.

10. **Additional Information**

There have been a number of meetings of the Safety Advisor Group set up in respect of the Big Chill involving all the responsible authorities and the applicant.

It is hoped that prior to the hearing a set of conditions will be agreed between all parties.

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 all documents submitted in respect of the application.

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.
- To adjourn the matter to a specified date if they felt that it I in the public interest to do so

13. **Background Papers**

- Copies of representation for police, Environmental Health Officer and the Fire Brigade.

Background papers were available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 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....

Licensing Authorities power to exercise substantive discretionary powers.**The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3) The British Institute of Inn keeping V Canterbury City Council.**

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; The scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.