**Representation made by the Local Authority 10 March 2017**

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a variation to the premises licence in respect of the 'Golden Galleon, 61 Commercial Road, Hereford, HR1 2BP

The Licensing Authority must **object** to the licence as applied for.

It is disappointing to note that whilst the premises is within the area covered by the Herefordshire Council Special Policy the applicants solicitor, whilst having mentioned this fails to deal or to consider the impact on the public nuisance licensing objective caused by customers arriving at and leaving the premises.

The guidance under Section 182 of the Act states:
8.34    Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:
  • the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
  • any risk posed to the local area by the applicants' proposed licensable activities; and
  • any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.35    Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.36    It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.

Whilst the applicant has offered to extend the existing conditions no new conditions have been offered.

Having spoken to the applicants' solicitor it is clear that the reason that the application is being applied for is because the applicant feels at a commercial disadvantage as the premises close by already operates until 3.30am.

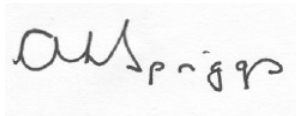This is covered within the Section 182 Guidance and states:
*Relevant, vexatious and frivolous representations*
*9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. a number of conditions none of the above issues have been addressed.*

In other words commercial advantage or disadvantage is not relevant consideration under the Licensing Act.

Under the Licensing Act of 1964 premises of a particular type all had the same closing times. This result in a large influx of people onto the street, at the same time and caused issues in relation to crime and disorder, public safety and public nuisance. The whole principal of the 2003 Act was to do away with one closing time and introduce staggered closing times thereby reducing the impact on the licensing objectives at the end of the night. The applicant has failed to consider the impact on the promotion of the licensing objectives caused by both premises closing at the same time. No control measures have been offered and whilst SIA is in place the condition offered is woolly. Furthermore SIA have no jurisdiction beyond the curtilage of the premises.

The authority has to consider the likely impact on the licensing objectives should the application be granted. The authority feels that to grant this application would only further add to the problems in an area which has and is already identified as being under stress due to the saturation of licensed premises .

**Fred Spriggs**
**Licensing Officer**