

A G E N D A

Regulatory Sub Committee

Date: **Tuesday, 3rd October, 2006**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of
the meeting.

For any further information please contact:

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AGENDA

for the Meeting of the Regulatory Sub Committee

To: Councillors Mrs. S.P.A. Daniels, Brig. P. Jones CBE and R.I. Matthews

	Pages
PublicInformationfireinfo	
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
5. APPLICATION FOR NEW PREMISES LICENCE 'ROSS SPORTS CENTRE, WILTON ROAD, ROSS-ON-WYE, HR9 5JA. To consider an application for a new premises licence in respect of Ross Sports Centre, Wilton Road, Ross on Wye, HR9 5JA.	1 - 4

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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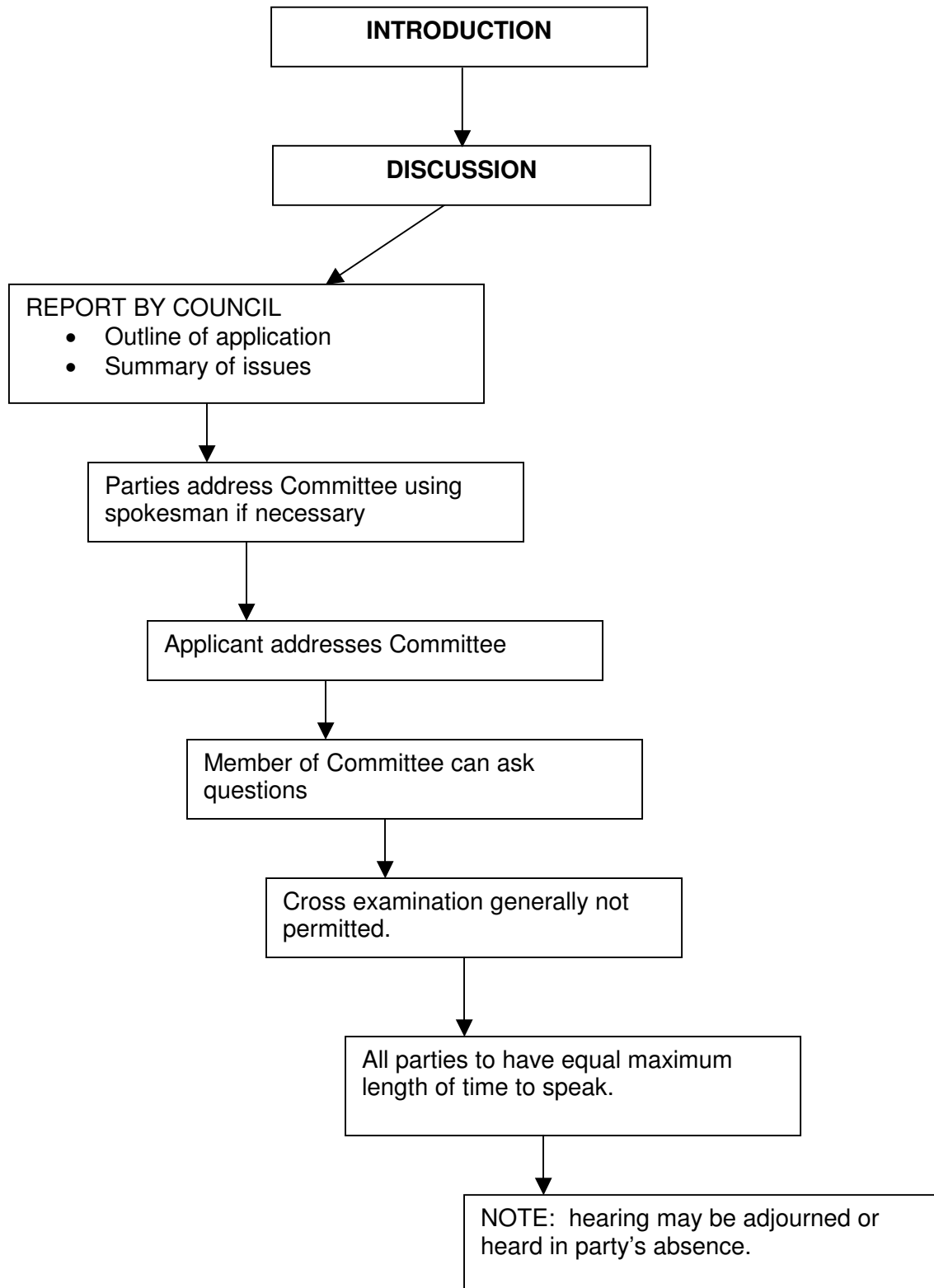
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LICENCING HEARING FLOW CHART



APPLICATION FOR NEW PREMISES LICENCE ‘ROSS SPORTS CENTRE, WILTON ROAD, ROSS ON WYE. HR9 5JA.’ - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Ross on Wye West

1. **Purpose**

To consider an application for a new premises licence in respect of Ross Sports Centre, Wilton Road, Ross on Wye. HR9 5JA.

2. **Background Information**

Applicant	Halo Leisure Ltd	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
New	14/08/06	11/09/06

The original application was received on 21st July, 2006 but the notices required to be displayed at the premises were found to be incorrect. The applicant requested to re-start the 28-days which was done on 14th August, 2006.

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

3. **New Licence Application**

The application for a new premises licence has received representations from responsible authorities and interested parties. It is therefore now brought before committee to determine the application.

4. **Summary of Application**

The licensable activities applied for are: -

Live Music

Recorded Music

Supply of Alcohol

5. The following hours have been applied for in respect Live Music (Indoors): -

All days 0900 – 2300

6. The following hours have been applied for in respect of Recorded Music (Indoors): -

Sunday to Thursday 0900 – 2300

Friday & Saturday 0900 – 0100

7. The following hours have been applied for in respect of Supply of Alcohol (Indoors): -

Sunday to Thursday 1100 – 2300

Friday & Saturday 1100 – 0100

8. The premises are to be open to the public: -
Sunday to Thursday 1100 – 2320
Friday & Saturday 1100 – 0120

9. **Non Standard hours**

There has been no application for 'non-standard' hours.

10. **Summary of Representations**

Copies of the representations and suggested conditions can be found within the background papers.

West Mercia Police

Have no representation to make.

Environmental Health

The Environmental Health Officer has made representations in relation to the application. This representation addresses the licensing objectives of Public Nuisance Safety and Public.

In relation to public nuisance they seek three conditions in respect of noise.

To address the licensing objective of public safety they request conditions in relation to fire equipment and safety, electrical installation and lighting.

Fire Authority.

The fire authority has no representation to make.

Interested Parties.

The Local Authority received two (2) letters of representation in respect of the application from local residents.

11. **Issues for Clarification**

This Authority has requested clarification on particular points from the applicant: -

Area to be licensed Confirmation has been requested that the only area to be licensed is the clubhouse and not the outside area.

12. **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.

13. **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.

14. Background Papers

- Environmental Health & Trading Standards Comments
- Application Form
- Copies of representation from interested parties.
- Location Plan

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.