

**APPLICATION FOR GRANT OF A TIME LIMITED
PREMISES LICENCE FOR 'LOWER HOUSE FARM,
CANON FROME, LEDBURY. HR8 2TG' - LICENSING
ACT 2003**

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Frome

1. **Purpose**

To consider an application for a time limited premises licence in respect of Lower House Farm, Canon Frome, Ledbury, HR8 2TG, to apply on 19th & 20th May, 2007 only.

2. **Background Information**

Applicant	Adrian Thomas ALBERT	
Solicitor	N/A	
Type of application: New	Date received:	28 Days consultation
	14/03/07	10/04/07

The advertisement for the premises has not been seen at this time.

3. **Variation Licence Application**

The application for a time limited premises licence has received representations from responsible authorities. It is therefore now brought before the sub-committee for determination.

4. **Summary of Application**

The licensable activities applied for are: -

Live Music, Recorded Music, Performance of dance, Provision of facilities for dancing, Provision of facilities similar to provision of facilities for making music and dancing, Provision of Late Night Refreshment and supply of alcohol.

5. The following hours have been applied for in respect of Live Music, Recorded Music (Inside & Out, but inside only after 1900) :-

Saturday 0900 – 0200

6. The following hours have been applied for in respect of Provision of facilities similar to provision of facilities for making music and dancing

Saturday 0900 – 2000

7. The following hours have been applied for in respect of Late Night Refreshment: -
Saturday 2300 – 0200
8. The following hours have been applied for in respect of Supply of Alcohol (on the premises): -
Saturday 1000 – 0130
9. The premises are to be open to the public: -
Saturday 0800 – 0200
10. **Non Standard hours**
There is no application for 'non-standard' hours.
11. **Summary of Representations**
Copies of the representations and suggested conditions can be found within the background papers.

West Mercia Police

Have made representation in relation to the capacities and the use of SIA registered door staff.

Environmental Health

Have made representation in relation to public safety, prevention of public nuisance and Protection of Children from Harm.

Fire Authority.

Have made representation in relation emergency lighting, safe evacuation, the control of people, stewarding and the fire risk assessment.

12. **Issues for Clarification**

This Authority has requested clarification on the following points: -

Box K of the application 'Provision of facilities for entertainment of a similar description to recorded or live music': Full details have been requested of the items to be covered under this section of the licence

It is noted that no provision has been made for a wind down period, as the licensable activities are to conclude at the same time that the premises are to be closed to members of the public. Information has been requested as to how the applicant will achieve this.

Clarification has been sort regarding the wording used in the application under the licensing objectives, which states 'Qualified Stewards'.

13. **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.

14. 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.

15. Background Papers

- Application Form
- Police Comments
- Environmental Health Officer's Comments
- Fire Officer's comments
- 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.