

## APPLICATION FOR VARIATION OF PREMISES LICENCE 'GRAFTON MARKET (RE-RACK), GRAFTON HOUSE, BURGESS STREET, LEOMINSTER, HR6 8DE' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

### Wards Affected:

Leominster North/South

#### 1. Purpose

To consider an application for variation of the premises licence in respect of Grafton Market (Re-Rack), Grafton House, Burgess Street, Leominster, HR6 8DE.

#### 2. Background Information

Applicants	<b>Re-Rack Ltd</b>		
Solicitor	<b>N/A</b>		
Type of application: <b>Variation</b>	Date received: <b>23/03/07</b>	28 Days consultation <b>20/04/07</b>	Issue Deadline: <b>21/05/07</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

#### 3. Current Licence

Details of the current premises licence are summarised below: -

Licensable activities	Hours
Indoor Sporting Event, Performance of live music Playing of recorded music Provision of facilities for dancing, Sale of alcohol on and off the premises	Monday to Thursday & Sunday; 11:00 – 23:30 Friday & Saturday 11:00 – 01:00  From the start of permitted hours on New Years Eve until the end of permitted hours New Years Day

#### 4. Variation Licence Application

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

## 5. Summary of Application

No new activities have been applied for. The application requests an extension of permitted hours by opening an hour earlier in respect of Indoor Sporting Events, Recorded Music, Supply of Alcohol and the Hours the Premises is Open to the Public.

In addition to this they request that some changes be made to the licensable areas. This will include an additional area the storeroom, kitchen on the ground floor. (Plans showing these changes will be available in the Committee Room prior to the hearing).

The applicant has requested the **removal** of a number of conditions they are as follows :-

- That the premises licence is on the premises at all times for any licensable activity
- To remove the need for SIA door supervisors to be on duty Fridays and Saturdays at the minimum ratio of 2 plus 1 per 100 from 20.00 hours on all dates when they are authorised for the retail of alcohol after 00.00.
- last entry time of 00.00
- All windows and doors to be kept closed during entertainment and not propped open.
- No under 18's after 21.00
- No entry after 00.00.
- Prevention of open containers being removed from the premises.
- SIA door supervisors to ensure that customers leave the outlet quietly

The applicant has **withdrawn** his request to use the outside area/ entrance as an outside drinking area.

The licensable activities applied for are (indoors only): -  
Indoor Sporting Events  
Recorded Music  
Supply of Alcohol

## 6. The following hours have been applied for in respect of the licensable activities (*indoors only*)

Monday – Thursday and Sunday	10.00 - 23.30
Friday – Saturday	10.00 – 01.00

Non standard timings for Recorded Music for New Years Eve / Day to remain.

## 7. The following hours have been applied for in respect of the supply of alcohol (*both on & off 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.

## 8 Summary of Representations

### West Mercia Police

Have made representations on 20th March, 2007 in relation to the application. West Mercia Police have spoken to the applicant and will clarify the position at Committee.

### Fire Authority

The Fire Authority have made no comment.

### Environmental Health

The Environmental Health Officer has made representations in relation to the application. This representation addresses the licensing objectives of Public Nuisance and will be clarified at Committee.

### Interested Parties

The Local Authority has received 1 (One) letter of representation from a local resident.

The concerns relate to:

- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

## 8. Issues for Clarification

This Authority has not requested clarification on any particular point.

## 9. 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.

## 10. 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.

### 11. 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 The Council Chamber, 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....