

APPLICATION FOR GRANT OF A PREMISES LICENCE FOR 'VOWCHURCH & TURNASTONE MEMORIAL HALL, VOWCHURCH, HR2 0RB' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Golden Valley South

1. Purpose

To consider an application for a premises licence in respect of 'Vowchurch & Turnastone Memorial Hall, Vowchurch, HR2 0RB.'

2. Background Information

| | | |
|------------------------------------|--------------------------------------|---|
| Applicant | Dr Elspeth PARKER & Mrs Alison LLOYD | |
| Solicitor | N/A | |
| Type of application: New | Date received: 08/08/07 | 28 Days consultation 04/09/07 |

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

3. Licence Application

The application for a premises licence has received representations from two responsible authorities as well as six letters from interested parties. It is therefore now brought before committee to determine the application.

4. Summary of Application

The licensable activities applied for are: -
Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of dance, Provision of facilities for dancing and sale of alcohol.

5. The following hours have been applied for in respect of the above (Indoors only) -
All days of the week 09:00 – 00:00

6. The hours the premise to be open to the public are: -
All days of the week 07:00 – 01:00

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 and request 3 conditions to promote the licensing objective of the prevention of crime and disorder.

Environmental Health

Have made representation in relation to public safety, prevention of public nuisance and the protection of children from harm.

They request 12 conditions to address public safety, 5 conditions in respect of public nuisance and 3 in respect of the protection of children from harm.

These conditions have been agreed by the applicant.

Fire Authority.

Have no representation to make.

Interested Parties

Six letters of representation have been received from local residents, which address all four licensing objectives.

12. Issues for Clarification

This Authority has requested clarification on the following points: -

A local resident has been advised that the supply of alcohol will only occur occasionally on a Sunday and for a limited period. If this is the case then the applicant has been asked to explain to the Committee why they have applied for all days of the week from 9am to Midnight.

The application makes reference to off road parking. The applicant has been asked to supply a scale map showing the location of the off road parking and the parking capacity for each location.

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
- Copies of representation from responsible authorities
- Copies of representation from interested party
- 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.