

APPLICATION FOR VARIATION OF PREMISES LICENCE 'THE NEW INN, LEDBURY ROAD, BARTESTREE, HEREFORD. HR1 4BX - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Hagley

1. Purpose

To consider an application for variation of the premises licence in respect of The New Inn, Ledbury Road, Bartestree, Hereford, HR1 4BX.

2. Background Information

Applicant	Penelope Jane BIRD		
Solicitor	Cobbetts, Ship Canal House, King Street, Manchester.		
Type of application: Variation	Date received: 21/07/05	28 Days consultation 18/08/05	Issue Deadline: 21/09/05

The Justices Licence for the premises has been seen and accepted. The advertisement has not been seen at this time.

3. Conversion Licence Application

The premises currently only holds a Justices On Licence. A conversion licence, has been issued as follows; -

Licensable activity	Hours
Sale of alcohol on and off the premises	Mon-Sat 1000 to 2300 hours
	Sun 1200 to 2230 hours
	Good Friday 1200 to 2230 hours
	Christmas Day 1200 to 1500 hours and 1900 to 2230 hours.
	New Years Eve 1000 hours to 2300 hours
	New Years Day

With the following condition attached:-

- The premise will be permitted to open for up to 30 minutes after the end of the sale of alcohol. (Drinking up time).

The Premises currently does not have a Public Entertainment Licence.

4. Variation Licence Application

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

5. Summary of Application

The licensable activities applied for are: -

Live Music *

Recorded Music *

Supply of Alcohol

Hour's premises open to the public (Not licensable on it's own)

(* Not previously licensed)

6. The following hours have been applied for in respect of Live Music (*Indoors only*) and Recorded Music (*Indoors Only*)
Friday, Saturday & Sunday 1900 – 0000

7. The following hours have been applied for in respect of the Supply of Alcohol (*Both On and Off Premises*)
All days of the week 1100 – 0000

8. The hours that the premises will be open to members of the public
Monday to Saturday 1100 – 0100
Sunday 1200 – 0030

9. Non Standard hours

None have been applied for.

12. Summary of Representations**West Mercia Police**

Have no relevant representation to make.

Environmental Health

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

In respect of Public Nuisance they seek conditions in relation to the prevention of noise and vibration control.

In respect of Public Safety they seek some general conditions as well as conditions relating to overcrowding, ventilation/heating, lighting, fire, electrical and gas safety.

No conditions have been agreed at the time of this report.

Fire Authority.

The fire authority has made no representation.

Interested Parties

The Local Authority has received 4 letters of representation in respect of the application, from local residents.

The concerns relate to:

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

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 have regard to all documents specified within the DCMS Guidance.

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.

17. Background Papers

- Public Representation Form
- Environmental Health & Trading Standards Comments
- Application Form

Background papers are available for inspection in the Library, Shirehall, 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....