

## APPLICATION FOR VARIATION OF PREMISES LICENCE 'LEDBURY TOWN FOOTBALL CLUB, NEW STREET, LEDBURY. HR8 2EL' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

### Wards Affected:

Ledbury

#### 1. Purpose

To consider an application for variation of the premises licence in respect of Ledbury Town Football Club, New Street, Ledbury, HR8 2EL.

#### 2. Background Information

Applicant	<b>Ledbury Town Football Club.</b>		
Solicitor	<b>N/A</b>		
Type of application: <b>Variation</b>	Date received: <b>25/07/05</b>	28 Days consultation <b>22/08/05</b>	Issue Deadline: <b>25/09/05</b>

The Club Registration Certificate for the premises and the advertisement have been seen and accepted.

#### 3. Conversion Licence Application

The premises currently only holds a Club Registration Certificate. A conversion licence has been issued as follows; -

<b>Licensable activity</b>	<b>Hours</b>
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 of the premises licence has received representations by responsible authorities and also members of the public. It is therefore now brought before the committee for determination.

#### 5. **Summary of Application**

The licensable activities applied for are: -

Live Music \*

Recorded Music \*

Performance of Dance \*

Anything similar to Live Music or Recorded Music or Performance of Dance \*

Provision of facilities for making music \*

Provision of facilities for dancing \*

Provision of facilities similar to making music or dancing \*

Supply of Alcohol

(\* Not previously licensed)

#### 6. The following hours have been applied for in respect of all licensable activities (*Indoors Only*): -

All days of the week                      1100 - 0300

#### 7. **Non Standard hours**

The application applies for '**non-standard**' hours in respect of the supply of alcohol on Christmas Eve, New Year Eve, St. Patrick's Night, St. George's High Days and Bank Holidays – **Although no hours have been specified.**

#### 8. **Summary of Representations**

##### **West Mercia Police**

Have made representations and comment upon whether there is actually any intention by the applicant to operate the hours applied for and concerning the fact that they have failed to state times within the non-standard timings.

They request conditions relating to members only being allowed access, the use of CCTV and a last entry time.

They conclude the report by asking the authority to reject the application for variation.

##### **Environmental Health**

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

In respect of Public Nuisance they seek conditions in relation to the prevention of noise and vibration control. Also conditions curtailing the hours applied for.

In respect of public safety they ask for some general conditions as well as conditions in relation to Crowd Control, Gas & Electricity, Fire Safety, Lighting and First Aid.

In respect of the protection of children from harm they request a further two conditions.

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

### **Fire Authority.**

The fire authority has commented upon the fact that the agreed maximum number of people permitted to use the premises is 100 with 2 stewards.

### **Interested Parties**

The Local Authority has received 8 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

## **9. Issues for Clarification**

This Authority has requested clarification on particular points from the parties shown.

### Club Secretary – Christopher Stephens

Has been requested to provide clarification in respect of matters relating to the application as follows: -

### Clarification of Club Name

Page 1 of the application shows 'Ledbury Town FC', whilst page 5 shows 'Ledbury Town FC Ltd'. Clarification has therefore been sought as to the name of the club.

### All Activates

It is noted from the application that they apply to be licensed for alcohol and entertainment on every day of the week from 1100 hours to 0300 hours. From the conversation we have already had with the Secretary it is quite clear that it is not their intention to use the extended hours every night of the week, as he has stated that he applied for the times, knowing that they would be cut back. He has been asked to specify the actual days and hours that it is proposed to operate the premises in respect of each licensable activity.

### Recorded Music

They have applied for recorded music but have not provided any details of this. They have been requested to provide full details of the recorded music they intend to provide. (e.g. Disco)

Performance of Dance

Whether it is intended that the premises shall be used for the performance of dance, which will take place in the presence of an audience for their entertainment.

Supply of Alcohol

It is noted that the application applies for 'Non Standard Timings' in respect of the sale of alcohol on Christmas Eve, New Years Eve, St Patrick's Night, St Georges High Days and Bank Holidays. They have been asked to explain what are 'St Georges High Days' and also to specify the hours that they apply for on these occasions.

**10. 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.

**11. 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
- Police Comments
- Environmental Health & Trading Standards Comments
- Fire Officers 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....

**The operating schedule**

- 5.46 The operating schedule will form part of the completed application form for a premises licence. An operating schedule should include information, which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory.

An operating schedule must also set out the following details:

the relevant licensable activities to be conducted on the premises;

**the times during which it is proposed that the relevant licensable activities are to take place** (including the times during each day of the week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year);

**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.

**Further Guidance in Respect of the Application Form**

With regard to the failure by the applicant to state non standard timings: any timings now given would not have been subject to comments by responsible authorities or interested parties, if these were to go beyond the hour of 0300.