

**APPLICATION FOR GRANT OF CLUB PREMISES  
LICENCE IN RESPECT OF – WELLINGTON SOCIAL  
CLUB, STONEY CLOSE, WELLINGTON, HR4 8AT -  
LICENSING ACT 2003**

**Report By: Head Of Environmental Health And Trading Standards**

**Wards Affected:**

Wormsley Ridge

**1. Purpose**

To consider an application for grant of the club premises licence in respect of Wellington Social Club, Stoney Close, Wellington, HR4 8AT.

**2. Background Information**

Applicant	<b>Wellington Social Club</b>		
Premises	<b>Wellington Social Club, Stoney Close, Wellington, HR4 8AT</b>		
Type of application: <b>New</b>	Date received: <b>09/09/05</b>	28 Days consultation <b>07/10/05</b>	Issue Deadline: <b>09/11/05</b>

**3. New Licence Application**

The application for a new licence has received representations by responsible authorities. It therefore is now brought before committee to determine the application.

**4. Summary of Application**

The licensable activities applied for are: -  
Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Making Music, Dance facilities, Supply of Alcohol.

5. The following hours have been applied for (*Indoors*) in respect of Films, Indoor Sporting Events, Live Music, Recorded Music, Provision of facilities for performance of dance, Dancing, Making Music, and Supply of Alcohol (indoors):

Monday - Saturday	1000 – 0100 hours
Sunday	1100 – 0000 hours

The following hours have been applied for in respect of hours club premises are open to members and guests:

Monday – Saturday	1000 – 0130 hours
Sunday	1100 – 0030 hours

#### 6. **Non Standard hours**

The application applies for ‘**non-standard**’ hours as follows: -

Supply of Alcohol: New Years Eve – until 0200 hours.

Hours premises are open: New Years Eve – until 0230 hours.

Films: Out of hours sporting events eg World Cup, Televised World European Cup Football, Matches from abroad, boxing from abroad.

#### 7. **Summary of Representations**

A copy of the representations can be found within the background papers.

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

Have made representation in relation to the application in relation to the licensing objective of the prevention of crime and disorder.

They request ‘televised World and European football’ days to be applied for by way of Temporary Event Notices, and also wish to draw the applicants attention to the provisions of the licensing act 2003, and the prohibition on any visitor purchasing alcohol.

The applicant had not agreed the conditions at this stage.

##### **Environmental Health**

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

In respect of public safety they sought nine conditions in relation to eating utensils, glass containers, the control of number of persons in the premises, ventilation and heating, first aid, lighting, electrical installation, fire safety and gas installations.

In respect of public nuisance they sought five conditions in relation to noise and vibration.

In respect of protection of children from harm they sought one condition in relation to films and videos.

The applicant had not agreed the conditions at this stage.

#### 8. **Issues for Clarification**

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

The Applicant – Wellington Social Club

Has been requested to provide clarification in respect of matters contained within the application, regarding the following: -

*Section L - Supply of alcohol, Televised world or European football – no times are given.*

Explanation has been requested whether they want this on the licence and in what form as it is unclear from the application.

*Supply of Alcohol and provision of facilities for dancing*

The applicant has been asked to clarify whether this alcohol 'on the premises' and dancing 'indoors' as again this is unclear from the application.

## 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 submitted in respect of the application.

## 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

- Police Comments
- Environmental Health & Trading Standards Comments
- Application Form

**Background papers are available for inspection in the Council Chamber, Town Hall, 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**

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- 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....

**Schedule 2 of the Licensing Act 2003 states: -**

The provision of late night refreshment

- 1 (1) For the purposes of this Act, a person "provides late night refreshment" if-
- (a) at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
  - (b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises

**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.