

APPLICATION FOR VARIATION OF PREMISES LICENCE 'THREE ELMS, 1 CANON PYON ROAD, HEREFORD. HR4 9QQ. (CONSIDERATION OF ADVERTISEMENT)' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Three Elms

1. Purpose

To consider whether the advertisement displayed at 'Three Elms, 1 Canon Pyon Road, Hereford. HR4 9QQ, notifying an application for variation of premises licence, complies with the requirements of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

2. Background Information

Documentary evidence (contained within the background papers) has been submitted to the Licensing Authority by the person making representation to the effect that the notices displayed on the exterior of the premises did not comply with Section 26 paragraph 4 (d).

The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

Section 25: Advertisement of applications

In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34, for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the application shall advertise the application, in both cases containing the appropriate information set out in regulation 26 -

(a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

(i) which is -

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

- (ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway;

Section 26, Paragraph (4) states: -

In all cases, the notices referred to in regulation 25 shall state -

(a) the name of the applicant or club;

(b) the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;

(c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;

(d) the date by which an interested party or responsible authority may make representations to the relevant licensing authority;

(e) that representations shall be made in writing; and

(f) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

11. **Options: -**

It is a matter for Committee to decided whether the requirements as laid down in Section 25 and 26 of 'The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005' have been complied with.

There are two options available to the Committee: -

- To accept the advertisement as valid and to proceed to hear the application for variation of the premises licence
- Reject the advertisement and thereby reject the application under Section 35 (1) (b) as they are not satisfied that the applicant has complied with the requirements of the act and therefore the application is incomplete.

12. **Background Papers**

- Public Representation Form

Background papers are available for inspection in the Library, Shirehall, Hereford 30 minutes before the start of the hearing.
