

## APPLICATION FOR NEW PREMISES LICENCE 'CORN SQUARE, LEOMINSTER' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

### Wards Affected:

Leominster

#### 1. Purpose

To consider an application for a new premises licence in respect of Corn Square, Leominster.

#### 2. Background Information

Applicant	<b>Market Fairs &amp; Street Trading, Herefordshire Council</b>	
Solicitor	<b>N/A</b>	
Type of application: <b>New</b>	Date received: <b>14/10/05</b>	28 Days consultation <b>11/11/05</b>

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

#### 3. New Licence Application

The application for a new licence has received representations from an interested party. It is therefore now brought before the sub-committee for determination.

#### 4. Summary of Application

The licensable activities applied for are: -  
Supply of Alcohol (Off Premises only) \*  
(\* Not previously licensed)

#### 5. The following hours have been applied for: -

Saturday only 0700 – 1600  
Restricted to the second Saturday of every month and the second & third Saturday in December.

#### 6. Non Standard hours

The application requests 'Second Saturday of month, may be third Saturday in December'.

#### 7. Summary of Representations

##### West Mercia Police

Have made representation no representation.

**Environmental Health**

Environmental Health Officers have made no representation.

**Interested Parties**

The Local Authority has received 1 letter of representation in respect of the application, from a local resident.

The concerns relate to:

- Prevent Crime & Disorder
- Prevention of Public Nuisance
- Protection of children from harm

**8. 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.

**9. 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.

**10. Background Papers**

- Public Representation
- Application Form
- Location Map

**Background papers are available for inspection in the Council Chamber, Brockington, 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....