

APPLICATION FOR VARIATION OF PREMISES LICENCE 'GRAFTON MARKET (RE-RACK), GRAFTON HOUSE, BURGESS STREET, LEOMINSTER, HR6 8DE' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Leominster North/South

1. Purpose

To consider an application for variation of the premises licence in respect of Grafton Market (Re-Rack), Grafton House, Burgess Street, Leominster. HR6 8DE.

2. Background Information

Applicants	Re-Rack Ltd		
Solicitor	N/A		
Type of application: Variation	Date received: 11/04/06	28 Days consultation 09/05/06	Issue Deadline: 28/09/05

The advertisement for the premises has been seen and accepted. The current premises licence was submitted with the application and a copy is enclosed within the background papers.

3. Current Licence

The premises currently has a premise licence. The details of which are summarised below: -

Licensable activities	Hours
Indoor Sporting Event, Performance of live music Playing of recorded music Provision of facilities for dancing and making music, Sale of alcohol on and off the premises	Sunday to Thursday ; 11:00 – 23:30 Friday & Saturday 11:00 – 01:00 From the start of permitted hours on New Years Eve until the end of permitted hours New Years Day

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

No new activities have been applied for. The application requests the extensions of permitted hours in respect of all the licensable activities currently authorised.

In addition to this they request that some changes be made to the licensable areas. This will include an additional area on the first floor, an extra bar area on the ground floor and the conversion of a storeroom to kitchen. (Plans showing these changes will be available in the Committee Room prior to the hearing).

The licensable activities applied for are: -

Indoor Sporting Events*

Live Music

Recorded Music

Provision of facilities for dancing

Provision of facilities for entertainment of a similar description to Live/Recorded Music or Performance of Dance *

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 the licensable activities (*indoors only*) to include the supply of alcohol (*both on & off premises*); -

Sunday to Thursday 1000 – 0100 hours

Friday & Saturday 1000 – 0300 hours

The premises to remain open to the public for 30 minutes after these times.

7. Summary of Representations

West Mercia Police

Have made representations on 15th May, 2006 in relation to the application. These representations would be outside of the consultation period based upon the time the application was received by the Local Authority.

The representations address the licensing objectives of crime and disorder setting specific time limits for last entry and termination, the management of crowds and the provision of a dispersal policy. The police received their copy of the application on 19th April, 2006 therefore they were working to a 28 day period ending on the 16th May, 2006.

Fire Authority

The fire authority have made comments on 15th May 2006 which would also be outside of the consultation period based upon the time the application was received by the Local Authority. The representation addresses fire fighting and detection, emergency routes, maintenance of systems, public and employee safety. However the fire authority received their copy of the

application on 19th April, 2006 therefore they were working to a 28 day period ending on the 16th May, 2006.

Environmental Health

The Environmental Health Officer has made representations in relation to the application. This representation addresses the licensing objectives of Public Nuisance.

The Officer believes that the application will impact upon the Prevention of Public Nuisance and objects to the grant of extended hours, based on the facts that: -

- Excessive noise complaints have been received from the public
- The premises is inadequate to contain noise in its current state
- Noise likely to be caused by people leaving the premises
- The hours extended are for occasional use only and the issues surrounding noise breakout from the premises have not been resolved.

Interested Parties

The Local Authority has received 1 letter of representation from a local resident. A petition containing 10 names has also been submitted.

The concerns relate to:

- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance

8. Issues for Clarification

This Authority has not requested clarification on any particular point.

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 specified within the DCMS Guidance.

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

- Public Representation Form
- Police Comments
- Environmental Health & Trading Standards Comments
- Application Form
- Any other associated papers
- Current Premises Licence

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