

APPLICATION TO VARY THE PREMISES LICENCE FOR 'THE LOUNGE, 48-50 ST OWENS STREET, HEREFORD, HR2 0AA' - LICENSING ACT 2003

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

Wards Affected

Central

Purpose

- To consider an application for a variation to the premises licence in respect of 'The Lounge, 48-50 St Owens Street, Hereford, HR2 0AA'.

Background Information

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|--|-----------------------------------|--|
| Applicant | Dalespire Ltd | |
| Solicitor | N/A | |
| Type of application: Variation | Date received: 25/04/06 | 28 Days consultation: 22/05/06 |

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

New Licence Application

- The application for a variation to the premises licence has received representations from interested parties. It therefore is now brought before committee to determine the application.

Summary of Application

- The proposed variation is for a reduction in the age of membership to allow people 18 years old or over to join as a member of the club.

Current Licence

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

| Licensable activities | Hours |
|---------------------------|--|
| Sale by retail of alcohol | Monday – Thursday: 1200 –2300 Friday – Saturday: 11.00 – 00.00 Sunday: 11.00 – 23.00 Saturday & Sunday before Bank Holiday and Christmas Eve 11.00 - 00.00 New Years Eve 11.00 – 00.30 30 Minutes drinking up time |

| | |
|--|---|
| | Membership is open to people 23 years old and above. |
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Summary of Representations

6. **West Mercia Police**
West Mercia Police have made no representation in respect of the application.
7. **Environmental Health**
Environmental Health Officers have made no representation in respect of this application.
8. **Fire Authority**
The Fire Authority has made comments in respect of:
 - The requirement to have a suitable and sufficient fire risk assessment.
 - Advised to have a Risk assessment to demonstrate public safety.
 - Maximum permitted number of persons permitted on the premises should be 250 with 3 stewards.
9. **Interested Parties**
The Local Authority has received 38 written representations. The concerns relate to:
 - Prevention of Crime & Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

Copies of any representation can be found within the background papers.

Issues for Clarification

10. The Authority has requested clarification on particular points from the parties shown:-

Applicant – Dalespire Ltd

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

Please provide copies of the amended membership rules for the club, the membership application form, and the code of conduct.

Please provide a copy of the advertisement.

Other matters for consideration

11. The application states that on Christmas Eve and New Years Eve a 2 hour period is applied for in addition to the normal hours. The notice at the premises stated that this period was for 1 hour only not 2.

Herefordshire Council Licensing Policy

12. 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.

Options

13. 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.

BACKGROUND PAPERS

- Public Representation Forms
- Application Form
- Location Plan

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