

APPLICATION FOR NEW PREMISES LICENCE 'WATERSIDE PARK, ROPE WALK, ROSS ON WYE, HR9 7BD.' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Ross on Wye West

Purpose

- To consider an application for a new time limited premises licence in respect of the Waterside Park, Rope Walk, Ross on Wye, HR9 7BD.

Background Information

Applicant	Stage Electrics Partnership Ltd	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
New	15/06/06	13/07/06

- The advertisement for the premises has not been seen at this time. Notices were displayed on site, which conformed to the Regulations.

New Licence Application

- The application for a new licence has received representations from responsible authorities and interested parties. It is therefore now brought before committee to determine the application.

Summary of Application

- The licensable activities applied for are: -
Live Music
Recorded Music
Performance of dance
Anything of a similar nature to Live/Recorded Music or Performance of Dance.
Provision of facilities for dancing
Supply of Alcohol
All of these will be outdoors.
- It is requested that the site be licensed between Tuesday 22nd and Thursday 31st August 2006 (inclusive).
- The licence will authorise the site for less than 5,000 people.
- The following hours have been applied for in respect of all of the licensable activities except the supply of alcohol: -
Saturday to Monday 1900 -2300

8. The following hours have been applied for in respect of the Supply of Alcohol both on and off premises: -
Saturday to Monday 1800 - 2230
9. The premises are to be open to the public: -
Saturday to Monday 1700 - 2330

Non Standard hours

10. There is no application for '**non-standard**' hours.

Summary of Representations

11. Copies of the representations can be found within the background papers.
12. **West Mercia Police**
Have made a representation but have been unable to suggest conditions as only a draft 'Event Management Control Document' was submitted with the application. Their concerns relate to the roles and responsibilities of stewards and security employed, as well as the traffic plan for the event.
13. **Environmental Health**
The Environmental Health Officer has made representations in relation to the application. The representation addresses the licensing objectives of Public Safety, Public Nuisance and the Protection of Children from Harm.

In respect of Public Safety they request an 'Event Safety Management Plan', together with conditions in respect of the number of persons on premises, electrical safety and the storage of fireworks. They request further conditions in relation to the stewards.

In respect of Public Nuisance they request conditions concerning Noise and Rubbish.

They request one further two conditions in respect of the protection of children.
14. **Fire Authority.**
The fire authority has objected to the application, as the information supplied is insufficient to comment further.
15. **Interested Parties.**
The Local Authority received one (1) letter of representation in respect of the application from a local resident and one (1) from a local club.

Issues for Clarification

16. This Authority has requested clarification in respect of the following point from the applicant: -

It is noted that the event is going to take place between Saturday 26th August, 2006 and Monday 28th August, 2006. The application applies for the period from Tuesday 22nd August, 2006 to Thursday 31st August 2006 (inclusive). The applicant has been asked to state why the premises should be licensed for 4 days before and 3 days after the event.

Herefordshire Council Licensing Policy

17. 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.

Options: -

18. 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

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

Background papers are available for inspection in the Council Chamber, Brockington, 35 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....

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.