APPLICATION FOR NEW PREMISES LICENCE 'ROSS SPORTS CENTRE, WILTON ROAD, ROSS ON WYE. HR9 5JA.' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Ross on Wye West

1. Purpose

To consider an application for a new premises licence in respect of Ross Sports Centre, Wilton Road, Ross on Wye. HR9 5JA.

2. **Background Information**

Applicant	Halo Leisure Ltd	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
New	14/08/06	11/09/06

The original application was received on 21st July, 2006 but the notices required to be displayed at the premises were found to be incorrect. The applicant requested to re-start the 28-days which was done on 14th August, 2006.

The advertisement for the premises has been seen and is correct.

3. New Licence Application

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

4. Summary of Application

The licensable activities applied for are: -

Live Music

Recorded Music

Supply of Alcohol

5. The following hours have been applied for in respect Live Music (Indoors): -

All days 0900 – 2300

6. The following hours have been applied for in respect of Recorded Music (Indoors): -

Sunday to Thursday 0900 – 2300 Friday & Saturday 0900 – 0100

7. The following hours have been applied for in respect of Supply of Alcohol (Indoors): -

Sunday to Thursday 1100 – 2300 Friday & Saturday 1100 – 0100

REGULATORY SUB-COMMITTEE

8. The premises are to be open to the public: -

Sunday to Thursday 1100 – 2320 Friday & Saturday 1100 – 0120

9. **Non Standard hours**

There has been no application for 'non-standard' hours.

10. Summary of Representations

Copies of the representations and suggested conditions can be found within the background papers.

West Mercia Police

Have no representation to make.

Environmental Health

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

In relation to public nuisance they seek three conditions in respect of noise.

To address the licensing objective of public safety they request conditions in relation to fire equipment and safety, electrical installation and lighting.

Fire Authority.

The fire authority has no representation to make.

Interested Parties.

The Local Authority received two (2) letters of representation in respect of the application from local residents.

11. Issues for Clarification

This Authority has requested clarification on particular points from the applicant: -

<u>Area to be licensed</u> Confirmation has been requested that the only area to be licensed is the clubhouse and not the outside area.

12. 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.

13. **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.

3RD OCTOBER, 2006

REGULATORY SUB-COMMITTEE

- 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.

14. Background Papers

- Environmental Health & Trading Standards Comments
- Application Form
- Copies of representation from interested parties.
- Location Plan

Background papers were 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.