

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

Monday, 22nd August 2005, at 12.00 noon

PRESENT: Councillors A. J. Dent, Mrs. R. L. Dent and G. H. R. Hulett

Also in attendance were Mr. A. Evans (Barrister acting on behalf of Punch Taverns Plc); Ms. H. Clark (Business Relationship Manager for Punch Taverns Plc); Ms. M. Oliver (Manager of the Park Gate Inn); Mr. J. Oliver (husband to the Manager of the Park Gate Inn); Ms. A. Butler and Mr. J. Haddican (local residents).

21/05 **ELECTION OF CHAIRMAN**

RESOLVED: that Councillor G. H. R. Hulett be elected as Chairman for the Meeting.

22/05 **PROCEDURE**

The Chairman opened the hearing and introduced Members of the Sub-Committee and Officers present to the applicant and other parties present.

The Chairman invited the other parties present to identify themselves, so that the applicant and/or the objectors were able to satisfy themselves that no person who may be in a position to influence the Sub-Committee, remained in the room when the Sub-Committee deliberated their decision at the conclusion of the hearing.

The Chairman reminded all parties of the procedure to be adhered to during the hearing and that those parties present could be represented by a legal representative at their own expense or by a Ward Councillor.

23/05 **REPORT OF THE HEAD OF ADMINISTRATIVE SERVICES RELATING TO NON-CONFIDENTIAL AND NON-EXEMPT ITEMS**

The Report of the Head of Administrative Services relating to non-confidential and non-exempt items was submitted.

Arising therefrom:

(1) **APPLICATION TO VARY A PREMISES LICENCE - THE PARK GATE INN, KIDDERMINSTER ROAD, BROMSGROVE**

The Sub-Committee considered an application for the variation of a Premises Licence in respect of the Park Gate Inn, Kidderminster Road, Bromsgrove. The application was subject to a hearing in light of the two letters of objection received from local residents expressing their concerns in relation to the proposed extension of hours during which the premises would be able to provide regulated entertainment.

Mr. Evans, the representative for Punch Taverns Plc put forward the case on behalf of the applicant. In view of the representations received by the Licensing Authority in respect of the proposed variation relating to regulated entertainment, Mr. Evans informed the Sub-Committee that the applicant had agreed to revise the times for the provision of regulated entertainment as set out in the variation application as follows:

- Saturday to Thursday 10.00 a.m. - 11.00 p.m.;
- Friday 10.00 a.m. to 11.30 p.m.;
- 11.00 p.m. for every Saturday, Sunday and Monday for each Bank Holiday;

- 11.00 p.m. for every Thursday before Easter Bank Holiday weekend;
- 11.00 p.m. for Christmas Eve and Boxing Day;

Mr. Evans, further informed the Sub-Committee that the applicant would ask patrons not to utilise the outside seating area to the front of the premises after 11.00 p.m.

Representations were received from Ms. Butler and Mr. Haddican, two local residents.

Following consideration of the representations put forward by all parties, it was

RESOLVED: that the revised application for the granting of the variation of a Premises Licence in respect of the Park Gate Inn, Kidderminster Road, Bromsgrove be granted as follows:

- (i) that the timings for the retail sale of alcohol are:
- 11.00 a.m. to 12.00 midnight on Monday to Thursday;
 - 10.00 a.m. to 1.00 a.m. into the morning following every Friday and Saturday;
 - 11.30 a.m. to 11.30 p.m. on Sunday;
 - 12.00 noon to 3.00 p.m. and 7.00 p.m. to 10.30 p.m. on Christmas Day;
 - 11.00 a.m. to 2.00 a.m. into the morning following every Friday, Saturday and Monday of all statutory bank holiday weekends;
 - 11.30 a.m. to 2.00 a.m. into the morning following every Sunday of all statutory bank holiday weekends;
 - 10.00 a.m. to 2.00 a.m. into the morning following every Thursday before Easter Bank Holiday weekend;
 - A further additional hour every Christmas Eve and Boxing Day;
 - 10.00 a.m. to 10.00 a.m. into the morning following New Years Eve.
- (ii) that the outside seating area at the front of the premises not be utilised by patrons after 11.00 p.m.
- (iii) that the timings for regulated entertainment are:
- 10.00 a.m. to 11.00 p.m. on Saturday to Thursday;
 - 10.00 a.m. to 11.30 p.m. on Friday, including Good Friday;
 - 12.00 noon to 3.00 p.m. and 7.00 p.m. to 10.30 p.m. on Christmas Day;
 - 10.00 a.m. to 10.00 a.m. into the morning following New Years Eve.

The Sub-Committee had come to its decision by listening carefully to the representations made by Mr. Evans together with Ms. Oliver and by local residents and had noted the concerns which had been expressed about noise arising from current regulated entertainment events. The Sub-Committee appreciated that the applicant had already shown a willingness to make concessions to accommodate those concerns in respect of the hours during which entertainment may take place and that the application had been amended so that regulated entertainment would finish at 11.30 p.m. on Fridays and 11.00 p.m. on every other day, with the exception of Christmas Day and New Years Eve.

The Sub-Committee noted that there was no objection to the extension of hours stated in the variation application in respect of the retail sale of alcohol.

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The Sub-Committee therefore decided, following the concessions put forward by the applicant, that the application was now consistent with the four licensing objectives and agreed to grant the application, as amended, in full.

In making this decision, the Sub-Committee suggested that local residents should engage with the Council's Environmental Health Division about the measurement of noise levels from the premises and reminded them at a later date after 24th November 2005, they may request a review of the Licence and its conditions, if there were sufficient grounds, in accordance with the Licensing Act 2003 and the promotion of the licensing objectives.

The Sub-Committee had also noted the concerns expressed about car parking near to the premises. Although it was acknowledged that these were not relevant to the current application before the Sub-Committee, it would ask the County Council, as Highway Authority, and the Police, as Enforcement Authority, to investigate these with a view to suggesting possible solutions.

The Meeting closed at 1.50 p.m.

Chairman