



BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

TUESDAY 26TH JULY 2005
AT 10.00 A.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. S. J. Baxter, Miss D. H. Campbell J.P. and N. Psirides J. P.

A G E N D A

Council Agendas and Minutes are available on our web-site at
www.bromsgrove.gov.uk/meetings
The Licensing Office can be contacted on 01527 881626

1. To receive apologies for absence and notification of substitutes.
2. Election of Chairman for the hearing scheduled to take place on 26th July 2005.
3. To consider an application to grant a Premises Licence in respect of the Bromsgrove Unionist Club, Kidderminster Road, Bromsgrove.
4. To consider any other business, details of which have been notified to the Head of Administrative Services prior to the commencement of the Meeting and which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next Meeting.

S.NIXON
Chief Executive

The Council House,
Burcot Lane,
BROMSGROVE,
Worcs.,
B60 1AA.

18th July 2005

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

TUESDAY 26TH JULY 2005

**APPLICATION FOR A PREMISES LICENCE – BROMSGROVE UNIONIST CLUB,
KIDDERMINSTER ROAD, BROMSGROVE**

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| Responsible Head of Service | Head of Administrative Services |
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1. SUMMARY

- 1.1 To consider an application to grant a premises licence in respect of the Bromsgrove Unionist Club, Kidderminster Road, Bromsgrove.

2. RECOMMENDATION

- 2.1 That Members determine the application. The whole application may be refused, or it may be granted in whole or in part (with additional conditions, if appropriate), and all of it or part of it may be applied to the whole or part of the premises provided that the Sub-Committee's decision is consistent with the licensing objectives and the Council's Statement of Licensing Policy.

3. BACKGROUND

- 3.1 The Licensing Authority has received an application to grant a new style premises licence in respect of the Bromsgrove Unionist Club. The Club currently holds a Club Registration Certificate. However, they have decided not to convert the Registration Certificate as they do not wish to restrict the use of the premises to Members and their bone fide guests.

- 3.2 In accordance with their Club Registration Certificate, the current hours of operation, are as follows:

- The supply sale of alcohol: 11.00 a.m. – 11.00 p.m. Monday to Saturday
12noon – 10.30 p.m. on Sunday
12noon – 10.30 p.m. on Good Friday
12noon – to 3.00 p.m. and 7.00 p.m. - 10.30 p.m. on Christmas Day
11.00 a.m. – 11.00 p.m. on New Year's Eve, except on a Sunday*
11.00 a.m. – 10.30 p.m. on New Year's Eve, on a Sunday*

*On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

- 3.3 The application has three elements. The first is to allow sales of alcohol, the second is to provide regulated entertainment, in particular live music, dancing and karaoke, and the third is to provide late night refreshment.
- 3.4 The effect of the new application would be to extend the hours currently available for the sales of alcohol, regulated entertainment and the provision of hot food and/or drink, so that the finishing time for each activity would be as follows:
- 12 midnight on Sunday to Thursday (inclusive);
 - 1.00 a.m. into the morning following Friday and Saturday;
 - from 11.00 a.m. on New Years Eve until the start of normal permitted hours on New Years Day, namely 11.00 a.m.
- 3.5 Members may wish to note that, the consumption of alcohol and regulated entertainment can take place both within the premises and outside in the beer garden. However, the applicant has stated that any regulated entertainment taking place outside of the premises will cease by 10.00 p.m.
- 3.6 The proposed hours that the premises would be open to the public are as follows:
- 7.00 a.m. until 12.30 a.m. into the morning following Sunday to Thursday
 - 07.00 a.m. to 1.30 a.m. into the morning following Friday to Saturday
- 3.7 As part of the application process, the applicant has submitted proposed additional steps that he intends to take in order to promote the four licensing objectives if the application is granted. These are set out at Appendix 'A'. For ease of reference, the four licensing objectives are as follows:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.8 In accordance with the Licensing Act, anyone residing in the vicinity of a premises for which an application has been made is entitled to make representations. 'vicinity' is not defined in the Licensing Act.
- 3.9 Representations have been made by four residents living near the premises, unfortunately two of these letters of objection were received after the close of the consultation period and cannot be considered without the consent of all parties concerned. On this occasion, the Solicitors representing the applicant have denied the submission of the late representations. Copies of the two valid representations are attached at Appendix 'B'. The basis of their representations relate to noise nuisance arising from the playing of live music; the noise associated with people leaving the premises; and light pollution from the lights positioned on the car park. They feel that the extension in hours would only exacerbate the problems highlighted and it is considered that the proposed application would undermine the licensing objective, prevention of public nuisance.
- 3.10 A plan showing the proximity of residential properties is attached at Appendix 'C'.

3.11 No representations have been received from the other responsible authorities.

4. Policy Implications

4.1 Paragraph 4.3 of the Council's Statement of Licensing Policy applies to this application. This reads: "*The licensing hours for each premises will be examined on the individual merits of the application, having regard to the nature of activities taking place in the premises, the amount of disturbance likely to occur, the location of the premises and the day of the week, major sporting events, Bank Holidays and seasonal variations. It is however, acceptable to impose stricter conditions with regard to noise control in areas that are residential, in order to satisfy the licensing objectives.*"

5. Financial Implications

5.1 There are no direct financial implications arising from this Report. However if either party is not satisfied by the decision taken by the Council, they can appeal to the Magistrates' Court and the Council could become liable for costs.

6. Legal Implications

- 6.1 Each party is entitled to appeal to the Magistrates' Court if they are dissatisfied with the decision of the Council.
- 6.2 The Sub-Committee must have regard to the Statutory Guidance, issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 6.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy.
- 6.4 The conduct of the Sub-Committee is governed by the Licensing Act 2003 (Hearings) Regulations 2005, as amended.
- 6.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.

Background Papers

Application form received on 2nd June 2005
Email received from the Police dated 10th June 2005
Letter received from the Fire Authority dated 7th June 2005
Letter received from Child Protection Committee dated 3rd June 2005
Email received from the Director of Environmental Services dated 9th June 2005

Contact officer

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