



BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

MONDAY, 5TH SEPTEMBER 2005
AT 10.00 A.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors A. J. Dent, S. P. Shannon and E. C. Tibby

AGENDA

Council Agendas and Minutes are available on our website 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 Monday, 5th September 2005, at 10.00 a.m.
3. To consider an application to vary a Premises Licence in respect of The Lyttelton Arms, Bromsgrove Road, Hagley
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
Worcestershire
B60 1AA

26th July 2005

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

Monday 5th September 2005

**APPLICATION FOR A PREMISES LICENCE VARIATION - THE LYTTTELTON ARMS,
BROMSGROVE ROAD, HAGLEY**

Responsible Head of Service	Head of Administrative Services
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1. SUMMARY

- 1.1 To consider an application to vary a premises licence in respect of the Lyttelton Arms, Bromsgrove Road, Hagley.

2. RECOMMENDATION

- 2.1 That Members determine the variation application. The variation 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 convert all existing licensable activities into the new style premises licence in respect of the Lyttelton Arms. At the same time as making the conversion application, the applicant, Landmark Leisure Ltd., has also applied to vary the existing permissions, in accordance with the Licensing Act 2003.

- 3.2 The current hours of operation, as authorised by the existing Justices' On Licence are as follows:

- The retail 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*

*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.

The premises also has a Supper Hours Certificate, which authorises the supply of alcohol for an additional hour following the hours set out above to persons taking table meals at the premises.

- The provision of late night: 11.00 a.m. - 12 midnight Monday to Saturday
Refreshment 12noon - 11.30 p.m. on Sunday

12noon - 11.30 p.m. on Good Friday
12noon - 11.30 p.m. on Christmas Day
11.00 a.m. - 12 midnight. on New Year's Eve,
except on a Sunday*
11.00 a.m. - 11.30 p.m. on New Year's Eve, on a
Sunday*

3.3 The application to vary the licence has two elements. The first is to allow later sales of alcohol and the second is to extend the timings in respect of the provision of late night refreshment. Please note that the applicant is not seeking to provide any form of regulated entertainment.

3.4 The effect of the proposed variation for later sales of alcohol and the provision of late night refreshment would be as follows:

- 10.00 a.m. - 12 midnight every Sunday through to Wednesday;
- 10.00 a.m. - 1.00 a.m. into the morning following every Thursday, Friday and Saturday;
- A further additional hour every Christmas Eve.

There will be no change to the hours already prescribed by the Secretary of State in respect of New Years Eve, namely from 10.00 a.m. until the start of permitted hours on New Years Day.

3.5 Members may wish to note that the consumption of alcohol and food can take place both within the premises and outside in the beer garden.

3.6 The applicant has requested that the premises will remain open to the public for a further 30 minutes after those times specified in paragraph 3.4. This will allow for the consumption of alcohol and food after the last sale has been made.

3.7 As part of the application process, the applicant has submitted proposed additional steps that the Company intends to take in order to promote the four licensing objectives if the variation 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 seven residents living near to the premises, including a petition carrying 30 signatures from local residents. A copy of each representation is attached at Appendix 'B'. The basis of their representations relate to noise nuisance arising from the noise associated with patrons making their way home after closing time, light pollution from the flood lighting system in the car park and an increase in traffic levels in the area. They feel that the extension in hours would only exacerbate the problems highlighted and it is

considered that the proposed variation 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 8th July 2005

Email received from the Police dated 13th July 2005

Email received from the Director of Environmental Services dated 12th July 2005

Letter received from Child Protection Committee dated 15th July 2005

Contact officer

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