



## **BROMSGROVE DISTRICT COUNCIL**

### **LICENSING SUB-COMMITTEE**

MONDAY, 5TH SEPTEMBER 2005  
AT 12.00 NOON

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](http://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 12.00 noon
3. To consider an application to vary a Premises Licence in respect of Rubery and Rednal Royal British Legion, New Road, Rubery
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 AND CLUB PREMISES CERTIFICATE VARIATION - RUBERY AND REDNAL ROYAL BRITISH LEGION, NEW ROAD, RUBERY**

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 and club premises certificate in respect of the Rubery and Rednal Royal British Legion.

**2. RECOMMENDATION**

- 2.1 That Members determine the variation applications. The variations may be refused, or they 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 two applications. The first is to convert the public entertainments licence into the new style premises licence in respect of the function room and the second is to convert its Club Registration Certificate into the new style club premises certificate in respect of the club member area of the premises. At the same time as making the conversion applications, the applicant, Ms. T. Hemming, 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 public entertainment licence and Club Registration Certificate in the **function room only** are as follows:

- Public entertainment: 11.00 a.m. - 11.20 p.m. Monday to Wednesday  
11.00 a.m. - 12.30 a.m. Thursday to Saturday  
11.00 a.m. - 10.50 p.m. on Sunday  
No entertainment is permitted on Good Friday and Christmas Day  
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 supply of alcohol: 11.00 a.m. - 11.00 p.m. Monday to Saturday  
12 noon - 10.30 p.m. on Sunday  
12 noon - 10.30 p.m. on Good Friday  
12 noon - 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.

3.3. The current hours of operation, as authorised by the Club Registration Certificate in the **Member area** are as follows:

- The supply of alcohol: 11.00 a.m. - 11.00 p.m. Monday to Saturday  
12 noon - 10.30 p.m. on Sunday  
12 noon - 10.30 p.m. on Good Friday  
12 noon - 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.

3.4 The applications to vary the existing public entertainments licence and Club Registration Certificate have four elements. In respect of the function room, the applicant is firstly seeking to allow later sales of alcohol to the public and secondly to extend the permitted hours for regulated entertainment, with the addition of the provision of plays to accommodate Christmas pantomimes. In respect of the club member only area, the applicant is seeking to allow later supplies of alcohol and to continue to provide regulated entertainment for Members of the Club and their bone fide guests. Under the current arrangement, entertainment taking place on a club premises, which is for the benefit of the members of a club, is classed as private entertainment, and therefore does not need to be licensed. However, under the new laws, **all** entertainment must be licensed.

3.5 The effect of the proposed variations would be as follows:

#### **Function Room - Regulated entertainment**

- 12 noon - 1.00 a.m. into the morning following every Sunday through to Wednesday;
- 12 noon - 2.00 a.m. into the morning following every Thursday through to Saturday;
- 12 noon - 3.00 a.m. into the morning following every Friday, Saturday, Sunday and Monday of all statutory bank holidays;
- 12 noon - 3.00 a.m. into the morning following Christmas Eve and Boxing Day;

### **Function Room - Retail supply of alcohol**

- 11.00 a.m. - 12.30 a.m. into the morning following every Sunday through to Wednesday;
- 11.00 a.m. - 1.30 a.m. into the morning following every Thursday through to Saturday;
- 11.00 a.m. - 2.00 a.m. into the morning following every Friday, Saturday, Sunday and Monday of all statutory bank holidays.
- 11.00 a.m. - 2.00 a.m. into the morning following Christmas Eve and Boxing Day;

### **Club Members areas only - Regulated entertainment**

- 12 noon - 1.00 a.m. into the morning following every Sunday through to Wednesday;
- 12 noon - 2.00 a.m. into the morning following every Thursday through to Saturday;
- 12 noon - 3.00 a.m. into the morning following every Friday, Saturday, Sunday and Monday of all statutory bank holidays;
- 12 noon - 3.00 a.m. into the morning following Christ Eve and Boxing Day;

### **Club Member areas only - Supply of alcohol to Club Members and Guests**

- 11.00 a.m. - 12.30 a.m. into the morning following every Sunday through to Wednesday;
- 11.00 a.m. - 1.30 a.m. into the morning following every Thursday through to Saturday;
- 11.00 a.m. - 2.00 a.m. into the morning following every Friday, Saturday, Sunday and Monday of all statutory bank holidays;
- 11.00 a.m. - 2.00 a.m. into the morning following Christmas Eve and Boxing Day;

3.6 Members may wish to note that the consumption of alcohol can take place both within the premises and outside in the beer garden. The applicant has stated that all regulated entertainment will only take place inside the premises.

3.7 The applicant has requested that the premises will remain open to the public and/or Members for a further hour after those times specified in paragraph 3.5 relating to the sale and/or supply of alcohol. This will allow for the consumption of alcohol after the last sale and/or supply has been made.

3.8 As part of the application process, the applicant has submitted proposed additional steps that the Club intends to take in order to promote the four licensing objectives if the variation is granted. Furthermore, the premises will continue to retain those conditions attached to the Public Entertainments Licence. These are set out at Appendix 'A' and Appendix 'B' respectively. 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
- 3.9 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.
- 3.10 Representations have been made by six residents living near to the premises. A copy of each representation is attached at Appendix 'C'. The basis of their representations relate to noise nuisance arising from the playing of live music; the noise associated with people leaving the premises. They feel that the extension in hours would only add to the problems highlighted and it is considered that the proposed variation would undermine the licensing objective, prevention of public nuisance.
- 3.11 A representation has been received from the Police Authority who have requested, in view of the applicant's request for later opening hours, that door supervisors are positioned on all entrances to the premises, together with an additional door supervisor for every 250 people there or part of. In addition, the Police Authority have requested that external CCTV equipment is installed on the exterior of the premises in positions to be agreed with the Police Authority.
- 3.12 A plan showing the proximity of residential properties is attached at Appendix 'D'.
- 3.13 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"*.
- 4.2 Paragraph 9.1 of the Council's Statement of Licensing Policy applies to this application. This reads: *"The Police Authority may consider that a particular premises may require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Licensing Authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out. The Licensing Authority may also specify the number of security staff to be employed, the positions in which they will need to be deployed, the duties they will be required to fulfil, and any records that they may be required to keep."*

#### **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 forms received on 7th July 2005.

Email received from the Police dated 24th August 2005.

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

Letter received from the Child Protection Committee dated 13th July 2005.

## **Contact Officer**

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