



## **BROMSGROVE DISTRICT COUNCIL**

### **LICENSING SUB-COMMITTEE**

FRIDAY 9TH SEPTEMBER 2005  
AT 10.00 a.m.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Miss. D. H. Campbell J.P., Mrs. R. L. Dent and G. H. R. Hulett.

### **AGENDA**

Council Agendas and Minutes are available on our web-site 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 9th September 2005 at 10.00 a.m.
3. To consider an application to vary a Premises Licence in respect of Hopwood House, Redditch Road, Hopwood.
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.

1st September 2005

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**Friday 9th September 2005 at 10.00 a.m.**

**APPLICATION FOR A PREMISES LICENCE VARIATION – HOPWOOD HOUSE,  
REDDITCH ROAD, HOPWOOD**

|                             |                                 |
|-----------------------------|---------------------------------|
| Responsible Head of Service | Head of Administrative Services |
|-----------------------------|---------------------------------|

**1. SUMMARY**

- 1.1 To consider an application to vary a premises licence in respect of the Hopwood House, Redditch Road, Hopwood.

**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 Hopwood House. At the same time as making the conversion application, the applicant, Wolverhampton and Dudley Breweries Plc, 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 licences 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.

- 3.3 The premises does not hold a Public Entertainments Licence.

- 3.4 The application to vary the licence has three elements. The first is to allow later sales of alcohol, secondly to introduce regulated entertainment, such as live music,

indoor sporting events and the performance of dance and thirdly to extend the provision of late night refreshment beyond 11.00 p.m.

- 3.5 The effect of the proposed variation would be to extend the hours currently available for the sales of alcohol, late night refreshment and regulated entertainment, as follows:
- 10.00 a.m. - 12 midnight on every Monday to Thursday (inclusive);
  - 10.00 a.m. - 1.00 a.m. into the morning following every Friday and Saturday;
  - 11.00 a.m. - 12 midnight on every Sunday;
  - 11.00 a.m. - 11.30 p.m. on Christmas Day;
  - New Years Eve from 10.00 a.m. until the start of permitted hours on New Years 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 hours that the premises would be open to the public are as follows:
- 10.00 a.m. - 0.30 a.m. into the morning following every Monday to Thursday (inclusive);
  - 10.00 a.m. - 1.30 a.m. into the morning following every Friday and Saturday;
  - 11.00 a.m. – 0.30 a.m. into the morning following every Sunday;
  - 11.00 p.m. – 11.30 p.m. on Christmas Day;
  - New Years Eve from 10.00 a.m. until the start of permitted hours on New Years Day.
- 3.8 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
- 3.9 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 three residents living near to the premises. A copy of each representation is attached at Appendix 'B'. The basis of their representations relate to noise associated with people leaving the premises. 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.
- 3.11 A plan showing the proximity of residential properties is attached at Appendix 'C'.
- 3.12 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 16<sup>th</sup> June 2005

Email received from the Police dated 8th July 2005

Email received from the Director of Environmental Services dated 28th June 2005

Letter received from Child Protection Committee dated 20th June 2005

Letter received from the Fire Authority dated 30<sup>th</sup> June 2005

#### **Contact officer**

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