



BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

FRIDAY 9TH SEPTEMBER 2005
AT 12 NOON

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.

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 9th September 2005 at 12 noon.
3. To consider an application to vary a Premises Licence in respect of Chennai Restaurant, Kidderminster Road, Dodford.
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 12 noon.

**APPLICATION FOR A PREMISES LICENCE VARIATION – CHENNAI RESTAURANT,
KIDDERMINSTER ROAD, DODFORD**

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 Chennai Restaurant, Kidderminster Road, Dodford.

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 Chennai Restaurant. At the same time as making the conversion application, the applicant, Mr. Deb, has also applied to vary the Licence, in accordance with the Licensing Act 2003.
- 3.2 The current hours of operation, as authorised by the existing Justices' Restaurant Licence are as follows:

- The retail sale of alcohol: 11.00 a.m. – 12 midnight Monday to Saturday
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. – 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.

- Provision of late night:
Refreshment 11.00 a.m. – 12.30 a.m. Monday to Saturday
12noon – 12 midnight on Sunday
12noon – 12 midnight on Good Friday
12noon – 12 midnight 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 only has one element, namely the introduction of regulated entertainment, such as live music and an accompanying dancer(s). Any live music will be restricted to one or two musicians playing low-key background music such as a guitar or a violin. The applicant is not seeking to extend the existing hours relating to the sale of alcohol and/or the provision of late night refreshment.
- 3.5 The effect of the proposed variation would be to introduce live music and dancing (any dancing would only take place on Tuesday evening), as follows:
 - 7.30 p.m. – 9.30 p.m. on every Monday and Tuesday evening.
- 3.6 Members may wish to note that the consumption of alcohol and food can take place both within the premises and outside in the garden area.
- 3.7 The hours that the premises would be open to the public will not change to those hours currently operated by the applicant.
- 3.8 As part of the application process, the applicant has the opportunity to put forward proposed additional steps that he intends to take in order to promote the four licensing objectives if the variation is granted. On this occasion, the applicant has not put forward any additional measures. 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 'A'. The basis of their representations relate to noise already associated with people using the premises. They feel that the introduction of entertainment 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 plan showing the proximity of residential properties is attached at Appendix 'B'.
- 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 20th July and 1st August 2005

Email received from the Police dated 1st September 2005

Contact officer

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