



BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

TUESDAY 20TH SEPTEMBER 2005
AT 10.00 A.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Miss D. H. Campbell J. P., G. H. R. Hulett, 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 20th September 2005 at 10.00 a.m.
3. To consider an application to vary a Premises Licence in respect of The Gate Hangs Well, Woodgate Road, Stoke Prior, Bromsgrove.
4. To consider any other business, details of which have been notified to the Head of Democratic and Legal 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.

9th September 2005

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

Tuesday 20th September 2005 at 10.00 a.m.

**APPLICATION TO VARY A PREMISES LICENCE – THE GATE HANGS WELL,
WOODGATE ROAD, STOKE PRIOR, BROMSGROVE**

Responsible Head of Service	Head of Planning and Environment
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1. SUMMARY

- 1.1 To consider an application to vary a premises licence in respect of The Gate Hangs Well, Woodgate Road, Stoke Prior, Bromsgrove.

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 Gate Hangs Well. At the same time as making the conversion application, the applicant, Mr. N. McMahon, 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.

- Public entertainment: 11.00 a.m. to 11.20 p.m. Monday to Sunday
No public entertainment on Christmas Day or Good Friday

3.3 The application to vary the licence has three elements. The first is to allow later sales of alcohol, the second is to extend the permitted hours for regulated entertainment, namely live and recorded music and dancing and thirdly to permit late night refreshment after 11.00 p.m.

3.4 The effect of the proposed variation would be to extend the hours currently available for the sales of alcohol, regulated entertainment and late night refreshment, as follows:

- 9.00 a.m. – 1.00 a.m. into the morning following every Monday through to Sunday.

There will be no change to the hours already prescribed by the Secretary of State in respect of New Years Eve, namely from 11.00 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. The applicant has stated that the performance and playing of live and recorded music will also take place outside the premises, whilst dancing will only take place inside.

3.6 The applicant has stated 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 food and alcohol after the last sale has been made.

3.7 As part of the application process, the applicant is invited to submit 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 concluded that no additional steps are required following the completion of a risk assessment. However, the premises will continue to retain those conditions attached to the Public Entertainments Licence. 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 five residents living near to the premises. A copy of each representation is attached at Appendix 'B'. The basis of their representations relates to noise nuisance arising from the playing of live and recorded music and the 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.

3.10 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 29th July 2005

Correspondence received from the Police dated 3rd August 2005

Email received from the Director of Environmental Services dated 29th July 2005

Letter received from Child Protection Committee dated 29th July 2005

Letter received from the Fire Authority dated 3rd August 2005

Contact officer

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