



BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

TUESDAY 20TH SEPTEMBER 2005
AT 12 NOON

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent, 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 12 Noon.
3. To consider an application to vary a Premises Licence in respect of The Bell and Cross Inn, Holy Cross, Clent.
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

**APPLICATION TO VARY A PREMISES LICENCE – THE BELL AND CROSS INN,
HOLY CROSS, CLENT**

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 Bell and Cross Inn, Holy Cross, Clent.

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 Bell and Cross Inn. At the same time as making the conversion application, the applicants, Mr. and Mrs. Narbett, have 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*

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 in 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*

*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. However, the applicants have taken advantage of the 'two in the bar' rule, which allows performances of live music consisting of no more than two performers, without the need for a licence. Under the new licensing laws this type of entertainment is now classed as a licensable activity.
- 3.4 The application to vary the licence has three elements. The first is to allow later sales of alcohol, provision of late night refreshment and thirdly to extend regulated entertainment, such as live and recorded music, indoor sporting events (pub games) and the performance of dance.
- 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:
- 11.00 a.m. - 1.00 a.m. into the morning following every Monday through to Sunday;
 - 11.00 a.m. - 1.00 a.m. into the morning following every Burns Night, Valentines Day, St. David's Day, St. Patrick's Day, all Fridays, Saturdays, Sundays and Mondays of statutory Bank Holidays, St. Andrew's Day, Christmas Eve, Christmas Day, Boxing Day, December 27th and 28th;
 - New Years Eve from 11.00 a.m. until the start of permitted hours on New Years Day.
- 3.6 Members may wish to note that the consumption of alcohol and food can take place both within the premises and outside in the beer garden. The applicants are also seeking for regulated entertainment, such as live and recorded music and dancing to take place outside of the premises.
- 3.7 The applicants have requested that the premises will remain open to the public for a further 1 ½ hours after those times specified in paragraph 3.5. This will allow for the consumption of alcohol and food after the last sale has been made.
- 3.8 As part of the application process, the applicants have submitted proposed additional steps that they intend to take in order to promote the four licensing objectives if the variation is granted. These are set out at Appendix 'A'. It may be noted that the applicant has stated that music will not be played at the premises after 12 midnight. 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 ten 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 representation has also been received from the Fire Authority. A copy of their report is attached at Appendix 'C'.
- 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.*"

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

Email received from the Police dated 3rd August 2005

Email received from the Director of Environmental Services dated 2nd August 2005

Contact officer

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