



BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

THURSDAY 29TH SEPTEMBER 2005
AT 10.00 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. K. Gall, D. Hancox 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 29th September 2005 at 10.00 a.m.
3. To consider an application to vary a Premises Licence in respect of The Turks Head, Worcester Road, 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.

20th September 2005

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

Thursday 29th September 2005 at 10.00 a.m.

**APPLICATION TO VARY A PREMISES LICENCE – THE TURKS HEAD,
WORCESTER ROAD, BROMSGROVE**

Responsible Head of Service	Planning and Environment Services
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1. SUMMARY

- 1.1 To consider an application to vary a premises licence in respect of the Turks Head, Worcester Road, 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 Members may recall that at the meeting of the Sub-Committee held on 26th August, Members gave consideration to an application to vary a premises licence, however, it was agreed that the meeting be adjourned to a later date in order that the applicants could be in attendance at the hearing so that their application could be considered further.
- 3.2 As Members are aware, the Licensing Authority had received an application to convert all existing licensable activities into the new style premises licence in respect of the Turks Head. At the same time as making the conversion application, the applicants, Ms. J Reid and Miss L. Watts, had also applied to vary the existing permissions, in accordance with the Licensing Act 2003.
- 3.2 The current hours of operation, as authorised by their 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, except
on a Sunday*
11.00 a.m. – 10.30 p.m. on New Year's Eve, on a
Sunday*

*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 two elements. The first is to allow later sales of alcohol and the second is to extend the permitted hours for regulated entertainment, namely live and recorded music and dancing.

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

- 10.00 a.m. – 2.00 a.m. into the morning following every Monday through to Saturday;
- 12 noon - 1.00 a.m. into the morning following every Sunday;
- 10.00 – 2.00 a.m. into the morning following every, Sunday for each Bank Holiday;
- 10.00 a.m. – 2.00 a.m. into the morning following every Christmas Eve and Boxing Day;

There will be no change to the hours already prescribed by the Secretary of State in respect of New Years Eve, namely from 10.00 a.m. until the start of permitted hours on New Years Day.

3.5 Members may wish to note that the consumption of alcohol can take place both within the premises and outside in the beer garden. The applicant has stated that live or recorded music will only take place inside the premises.

3.6 The applicant has stated that the premises will remain open to the public for a further hour after those times specified in paragraph 3.4. This will allow for the consumption of alcohol after the last sale has been made.

3.7 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. 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

3.8 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 A representation has been made by one resident living near to the premises. A copy of their representation is attached at Appendix 'C'. The basis of their representation 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 representation was initially received from the Police Authority, however this has now been withdrawn as the applicants' have amended their application to include the provision of door supervisors on those occasions the premises will remain open till 2.00 a.m. and that there will be no admission to the premises after 12midnight.
- 3.11 A plan showing the proximity of residential properties is attached at Appendix 'D '.
- 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.*"
- 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 form received on 5th July 2005

Correspondence received from the Police dated 15th, 18th, 26th & 28th July 2005

Email received from the Director of Environmental Services dated 25th July 2005

Letter received from Child Protection Committee dated 15th July 2005

Contact officer

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