



BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

FRIDAY 30TH SEPTEMBER 2005
AT 10.00 A.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Miss. D. H. Campbell J.P., Mrs. J. M. L. A. Griffiths 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 30th September 2005 at 10.00 a.m.
3. To consider an application to vary a Premises Licence in respect of The Queens Head, Sugarbrook Lane, Stoke Pound, 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

Friday 30th September 2005 at 10.00 a.m.

**APPLICATION TO VARY A PREMISES LICENCE – THE QUEENS HEAD,
SUGARBROOK LANE, STOKE POUND, BROMSGROVE**

Responsible Head of Service	Planning and Environment Services
-----------------------------	-----------------------------------

1. SUMMARY

- 1.1 To consider an application to vary a premises licence in respect of The Queens Head, Sugarbrook Lane, Stoke Pound, 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 Queens Head. At the same time as making the conversion application, the applicant, Mr. Datta, 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 Justices' On Licence and Public Entertainments Licence 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
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's 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 of regulated entertainment, in particular live music, dancing and karaoke and the third is to extend the hours for the provision of late night refreshment beyond 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, so that the timings for each activity would be as follows:

Retail sale of alcohol:

- 09.00 a.m. to 02.00 a.m. into the morning following every on Monday to Sunday;

Regulated entertainment (video entertainment on TV screens and indoor sporting events):

- 07.00 a.m. to 02.00 a.m. into the morning following every on Monday to Sunday;

Regulated entertainment (Live music):

- 12 noon to 12 midnight - Sunday to Thursday;
- 12 noon to 01.00 a.m. into the morning following every Friday and Saturday.

Regulated entertainment (Recorded music, performance of dance, quizzes):

- 10.00 a.m. to 12 midnight - Sunday to Thursday;
- 10.00 a.m. to 01.00 a.m. into the morning following every Friday and Saturday.

Late night refreshment:

- 11.00 p.m. to 02.30 a.m. into the morning following every Monday to Sunday.

The applicant has requested that the premises will remain open for a further 30 minutes at the end of the finishing times stated for the retail sale of alcohol to allow for the consumption of alcohol.

- 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. Secondly, the applicant has stated that regulated entertainment comprising of live and recorded music, the performance of dance and any quizzes will only take place inside the premises. The applicant is seeking for all other entertainment, such as showing videos to take place both inside and outside of the premises.
- 3.6 As part of the application process, the applicant has submitted proposed additional steps that he 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 existing Public Entertainments Licence, with the exception of condition no. 44, if the variation application is successful. 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

- 3.7 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.
- 3.8 Representations have been made by four local residents who live in the vicinity of the premises. A copy of each representation is attached at Appendix 'C'. Their representations relate to the prevention of public nuisance.
- 3.9 A plan showing the location of the premises is attached at Appendix 'D'.
- 3.10 No representations have been received from any of the Responsible Authorities, in particular the Police Authority, Fire Authority and the Council's Environmental Services.

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 3rd August 2005
Email received from the Police dated 9th August 2005

Letter received from Child Protection Committee dated 11th August 2005
Memorandum received from the Director of Environmental Health dated 15th August
2005
Letter received from the Fire and Rescue Authority dated 5th August 2005.

Contact officer

Name: Sharon Smith, Principal Licensing Officer
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626