

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

THURSDAY, 14TH JUNE 2012 AT 1.36 P.M.

PRESENT: Councillors Mrs. R. L. Dent, Ms. M. T. Buxton and L. J. Turner

Observers: Councillor S. P. Shannon and Ms. R. Watkins, MFG Solicitors

Officers: Mrs. V. Brown, Mr. S. Alom and Mrs. P. Ross

1/12 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor Mrs. R. L. Dent be appointed Chairman of the Sub-Committee for the meeting.

2/12 **APOLOGIES**

No apologies for absence were received.

3/12 **DECLARATIONS OF INTEREST**

No declarations of interest were received. Under this item, whilst not making a declaration of interest, the Chairman asked for it to be noted that she was aware that the applicant was a Conservative County Councillor, and a member of the Bromsgrove Conservative Association; her only dealings with the applicant concerned would have been to send her a membership card.

4/12 **PROCEDURE**

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present to the Applicants and other parties present.

The Chairman invited the other parties present to identify themselves; so that the applicants were able to satisfy themselves that no person who may be in a position to influence the Sub-Committee was present when the Sub-Committee considered its decision at the conclusion of the Hearing.

The Chairman reminded all parties of the procedure to be followed during the Hearing.

APPLICATION FOR A PREMISES LICENCE IN RESPECT OF MANOR HILL HOUSE, SWAN LANE, UPTON WARREN, BROMSGROVE, B61 9HE

The Sub-Committee was asked to consider an application for a premises licence in respect of Manor Hill House, Swan Lane, Upton Warren, Bromsgrove, B61 9HE. The application was subject to a Hearing in light of a representation which had been made by a local resident. The basis of his representation included noise pollution from loud music and late night revellers and future implications with regard to the management of his livestock.

The Technical Officer, Worcestershire Regulatory Services (WRS) introduced the report and informed those present that no representations had been received from any of the Responsible Authorities. At this stage in the Hearing the Council's Legal Advisor sought permission for ariel photographs of the site to be circulated in order to provide Members with more detailed information. With agreement from all parties copies of the ariel photographs were circulated to all those present.

The Council's Legal Advisor informed all those present that it had been brought to her attention that Members had received further documentation which had been written by the Interested Party (but had not been distributed by him) to the Members. Members had been instructed that the documentation received should play no part in influencing the decision of the Sub-Committee and that the Sub-Committee must only consider those matters directly relevant to the premises and in particular that planning issues were not a matter that came within the licensing objectives.

The case for the applicants was then put forward by Ms. A. Pillinger, legal representative for the applicants. She informed Members that the applicants ran a high quality premises that was a modern, clean, tidy building and also the applicants' home. It was not a purpose built venue but had been licensed to hold civil wedding ceremonies. Ms. Pillinger asked for the Members to see the advertising leaflet, the Interested Party did not agree with this documentation being viewed by the Members and so it was withdrawn. During the last 12 month period Temporary Event Notices from the Local Authority had enabled the premises to conduct 9 civil wedding ceremonies with no complaints being received by the Local Authority. She further reiterated that as stated by the Technical Officer, WRS no representations had been received from any of the Responsible Authorities with regard to the application. Ms. Pillinger referred to the objections raised by the Interested Party and explained that with regard to the loud music the amplification of the music would be monitored and the music would cease at 11:30 p.m. The contact details for the premises were available on the Manor Hill House website and these contact details could also be made available to local residents in order for them to contact the Senior Manager on duty to raise any concerns with regard to loud music. The applicants were aware of the risks to livestock from chinese lanterns and fireworks and were willing to offer conditions as part of their licence if granted. Mrs. E. K. Moffett responded to Members' questions with regard to the number of people the rooms held at the premises and the location of any marquees to be used at the premises.

At the Hearing the Interested Party who had given notice of his intention to attend the Hearing called Mr. Collings, his son, to act as his spokesperson. Mr. Collings informed Members that his father's property was situated 300 metres away from Manor Hill House. He then made representations on the grounds of a rare breed of sheep recognised to be at risk from extinction and his father having to put his livestock within fields containing public footpaths. Mr. Collings expressed his father's concerns with regard to the intolerable noise from loud music that could be heard whilst sat in his farmhouse. His father was even more concerned that should the licence be granted Manor Hill House would hold an increased number of events for the licensed hours applied for. Mr. Collings responded to Members' questions with regard to whether his father had measured or monitored the noise level.

At this stage in the Hearing and in response to the Chairman the Technical Officer, WRS confirmed that no representations had been received from any of the Responsible Authorities and that WRS would have been made aware of any representations that had been received from Wychavon residents. The Council's Legal Advisor informed all those present that residents or other Interested Parties were entitled to seek a review of any Premises Licence and could seek advice on this from licensing officers within WRS.

Mr. Collings informed Members that his father had produced a list of suggested appropriate conditions should the licence be granted. The Council's Legal Advisor sought permission from Ms. A. Pillinger for the list to be circulated to Members. After viewing the list Ms. A. Pillinger agreed for Members to see the list of suggested appropriate conditions but felt they were more appropriate if applying for a night club premises licence.

Having had regard to:

- The licensing objectives set out on the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The guidance issued under section 182 of the Act
- The Report presented by the Technical Officer, Worcestershire Regulatory Services
- The application and representations made by the Applicant's Legal Representative
- The relevant representation made in writing by the Interested Party and at the hearing by the Interested Parties representative

RESOLVED that the application for a premises licence for the sale of alcohol and to provide regulated entertainment be granted as follows:

Monday to Sunday 10:00am to 12midnight

The Sub-Committee imposed the following conditions as offered by the applicant:

- A notice to be placed at the exit of the premises requiring customers to leave in a quiet and orderly manner.

- Notification to be given to the immediate neighbours with regard to the use of fireworks and the approximate time at which they will be lit.
- No Chinese lanterns to be released from the premises.

The reasons for the Sub-Committee's decision were as follows:

- The Sub-Committee had considered the written application made by the applicants and the oral representations made by the Applicant's Legal Representative and the written and oral representations made by and on behalf of Mr. Collings.
- The Sub-Committee noted that no representations were made by any of the Responsible Authorities.
- The Sub-Committee noted that no complaints had been received with regard to the previous use of the premises which had been used as a wedding venue on 9 previous occasions.
- The Sub-Committee had regard to the conditions offered by the applicant to address the concerns raised by Mr. Collings.
- The Sub-Committee noted the concerns raised by Mr. Collings with regard to his livestock and whilst sympathetic did not consider that this breached the licensing objectives.

The following legal advice was given:

- that the Licensing Objectives must be the paramount consideration;
- conditions must be necessary for the promotion of one or more of the licensing objectives; conditions may not be imposed for any other reason;
- that the Sub-Committee may only have regard to the representations which promote the licensing objectives;
- the Sub-Committee must consider only those matters directly relevant to the premises; and.
- that the Sub-Committee was not entitled to consider planning issues when reaching its decision.

The Chairman reported that the Applicants and Interested Party would be notified of the decision in writing within 5 working days and that an appeal against the decision could be made to the Magistrates' Court within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.

The meeting closed at 3.45 p.m.

Chairman