

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

THURSDAY, 19TH JULY 2007

PRESENT: Councillors Mrs. R. L. Dent, D. L. Pardoe and P. J. Whittaker

Observer: Councillor Ms. J. A. Marshall

Officers: Mr. D. Hammond, Mrs. S. Sellers, Mr. R. Lovegrove, Mrs. J. Williams, Mrs. A. May and Mr. A. Jessop

Also in attendance were Mr. A. Potts (Solicitor for the Applicants), Mr. M. Cartwright (Operations Manager, Westbourne Leisure Ltd.), Councillor W. R. Newnes (representing the objectors) and Mr. R. Greenaway (local resident, also representing the objectors). In addition, there were twenty-seven local residents also present.

1/07 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor Mrs. R. L. Dent be appointed Chairman of the meeting.

2/07 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

3/07 **PROCEDURE**

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

The Chairman invited the other parties present to identify themselves, so that the applicant and/or the objector(s) were able to satisfy themselves that no person who may be in a position to influence the Sub-Committee remained in the room when the Sub-Committee considered their decision at the conclusion of the Hearing.

The Chairman reminded all parties of the procedure to be followed during the Hearing and that those parties present could be represented by a legal representative at their own expense, or by a Ward Councillor.

4/07 **TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE IN RESPECT OF THE BROMSGROVE MEMBERS CLUB (FORMERLY KNOWN AS BROMSGROVE LABOUR CLUB, WORCESTER ROAD, BROMSGROVE)**

Consideration was given to an application for a premises licence in respect of the Bromsgrove Members Club, formerly known as the Bromsgrove Labour

Club, 174 Worcester Road, Bromsgrove. The application was subject to a Hearing in the light of one hundred and twenty letters of objection from nearby residents concerned primarily over public nuisance through noise and anti-social behaviour, and the protection of children from harm.

Representations had also been received from a responsible authority, namely the Council's Environmental Health Officer.

The Council's Licensing Officer outlined the factors which needed to be considered in this matter, and was followed by Mr. Potts, who put forward the applicants case. In doing so, he advised the Sub-Committee that, the application as submitted was to be amended by the withdrawal of the requests for (i) an off-sales facility from the premises; (ii) the use of the premises (under all categories) on Sundays preceding a Bank Holiday; and (iii) the use of the premises (under all categories) on up to thirty occasions per calendar year for an additional hour over the normal permitted hours providing the police had been given fourteen days prior notice of the event. Mr. Cartwright of Westbourne Leisure Limited gave evidence to the Sub-Committee as to various aspects of the operation of the club and planned improvements to the premises.

Representations were heard from the Council's Environmental Health Officer, who informed the Sub-Committee that, following discussions with the applicant, five draft conditions which the applicant was willing to comply with had been agreed. The effect of the conditions would be to address the issue of any public nuisance by way of sound pollution from the premises.

Representations were also heard from Councillor W. R. Newnes (local Ward Councillor) and Mr. R. Greenaway, who both spoke on behalf of the objectors.

Having had regard to

- the licensing objectives;
- the Council's Statement of Licensing Policy;
- the guidance under Section 182 of the Licensing Act 2003;
- the application, and representations made by the applicant at the Hearing;
- relevant representations made by the Environmental Health Officer both in writing and at the Hearing; and
- relevant representations made by Interested Parties both in writing and at the Hearing, the Sub-Committee

RESOLVED that a premises licence be granted to Westbourne Leisure Limited in respect of Bromsgrove Members Club (formerly known as Bromsgrove Labour Club), Worcester Road, Bromsgrove, in the following terms:-

- (a) that the following hours be approved for the sale of alcohol:
Sun - Thurs 10.00 a.m. till 23.30 p.m.
Fri and Sat 10.00 a.m. till 00.30 a.m.
(Premises to close 30 minutes after the last time for supply of alcohol);

- (b) that the following hours be approved for the provision of late night refreshment:
Sun - Thurs 23.00 p.m. till 23.30 p.m.
Fri and Sat 23.00 p.m. till 00.30 a.m.;
- (c) that the following hours be approved for the provision of regulated entertainment
Sun - Thurs 10.00 a.m. till 23.30 p.m.
Fri and Sat 10.00 a.m. till 00.30 a.m.
(New Year's Eve 10.00 a.m. till 10.00 a.m. the next day);
- (d) that the following conditions be attached to the premises licence:
- (i) no members of the Club, or their guest, to be admitted onto the premises after 23.00 p.m. (see note below);
 - (ii) the applicant shall display in a prominent position inside the premises the rules relating to the attendance of children at the Club;
 - (iii) all doors and windows to be kept closed except for ingress and egress after 23.00 p.m. each night;
 - (iv) the fire doors exiting onto Shrubbery Road shall not be used for the loading and unloading of any musical instruments / equipment, disco equipment and lighting equipment. These doors are only to be used as an emergency exit;
 - (v) the Designated Premises Supervisor shall undertake regular monitoring to ensure external levels of music are not excessive. This is to be done once per hour during events and curative measures taken if necessary;
 - (vi) prominent, clear and legible notices are to be displayed at the front door entrance to the Club requesting Members to respect the local residents and to leave the premises and the area quietly; and
 - (vii) that any regulated entertainment shall be inaudible at the boundary of the nearest noise sensitive premises;
- (e) that the reasons for the decisions taken at (a) to (d) above, are as follows:
- (i) that the applicant has responded to the representations of the interested parties by withdrawing the following parts of the application:
 - Off sales
 - Extended opening hours on Saturdays preceding Bank Holidays
 - Additional one hour opening time on 30 occasions per year
 - (ii) that the premises are in a residential area, and that there have been objections against the application and also a petition raised from other residents indicating their support
 - (iii) that the Police have raised no objections and there does not appear to be a history of disorder at the premises, and
 - (iv) that the conditions agreed between the applicant and Environmental Health would address the issue of any public nuisance due to noise leakage.

(NOTES:

- (1) Members noted that the Club Members Rules attached to the application were incorrect insofar as the number of accompanying guests was stated to be three, and it was agreed by the applicant that this should indicate a limit of two and that the rules would be amended to reflect this;
- (2) Members also noted that in evidence Mr. Cartwright stated that the applicant company was planning to invest the sum of £150,000 upwards to improve the premises; and
- (3) It was reported that the applicant, or any person who made relevant representation, had the right to appeal against the decision of the Sub-Committee to the Magistrates Court within 21 days, beginning with the day on which the appellant was notified by the licensing authority of the decision).

The meeting closed at 3.10 pm

Chairman