

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING SUB-COMMITTEE**

**FRIDAY, 20TH JULY 2007**

PRESENT: Councillors Ms. J. A. Marshall, D. L. Pardoe and L. J. Turner

Officers: Mr. D. Hammond, Mrs. D. Warren, Mr. R. Goundry, Mrs. J. Williams, Mrs. A. May and Mr. A. Jessop

Also in attendance were Mr. M. Horton (Punch Taverns - Owners), Mr. J. Kay (Managing Director, Hop Pole Inn Ltd.), and Mr. D. Helliwell (local resident)

Observer: Rev. A. Stand, Curate, St. Johns Church

5/07 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor Ms. J. A. Marshall be elected Chairman of the meeting.

6/07 **APOLOGIES**

No apologies for absence were received.

7/07 **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 to identify themselves.

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.

8/07 **TO CONSIDER AN APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE WISHING WELL PUBLIC HOUSE, MARKET STREET, BROMSGROVE**

The Sub-Committee were asked to consider an application to vary a premises licence in respect of the Wishing Well Public House, 16 St. John Street, Bromsgrove. The application was subject to a Hearing in the light of four objections which had been received from local residents expressing their concern over noise associated with people using the beer garden at the premises being exacerbated by the proposed extended hours.

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. Horton, who put forward the applicants case. Representations were then made from the Council's Environmental Health Officer, and finally from Mr. Helliwell, who 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**

- (a) that it be agreed that the hours for the playing of recorded music indoors be extended as follows:  
Monday to Thursday, from 10.00 a.m. until midnight.  
Friday and Saturday, from 10.00 a.m. until 00.30 a.m.  
Sunday, 12 noon to midnight  
plus an additional hour to the above on the non-standard timings on the dates set out in part F of the application;
- (b) that an additional condition be included that all doors and windows to the property are to remain closed after 11.20 p.m.;
- (c) that the request to remove the following condition, namely "Customers shall not be allowed to utilise the external patio/rear beer garden after 12 midnight on any evening" be refused; and
- (d) that the request to add the following condition, namely "Staff to regularly to patrol outside areas during all hours when the property is open to the public" be refused.

(NOTES:

- (1) The reason for limiting the times to those listed at (a) and (b) above was to prevent public nuisance in the form of leakage of noise from the premises late at night causing disturbance to residents in nearby properties; and
- (2) The reasons for the refusals in (c) and (d) above are that the Sub-Committee has heard first hand evidence of disturbance to residents in nearby properties in the form of both talking and bursts of music, and believe that this would be exacerbated by the proposed variation).

The meeting closed at 1.35 pm

Chairman