

BROMSGROVE DISTRICT COUNCIL
MEETING OF THE LICENSING SUB-COMMITTEE
THURSDAY, 19TH SEPTEMBER 2019, AT 6.02 P.M.

PRESENT: Councillors H. J. Jones, C.A. Hotham and S. A. Hughes
Observers: Councillor H. Rone-Clarke
Officers: Mrs. V. Brown, Mr. P. Morrish and Mrs. P. Ross

5/19 **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor H. J. Jones be appointed Chairman of the Sub-Committee for the meeting.

6/19 **APOLOGIES**

No apologies for absence were received.

7/19 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

8/19 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE OLD POST OFFICE, 117 - 121 HIGH STREET, BROMSGROVE, WORCESTERSHIRE, B61 8AA**

The Sub-Committee considered an application for a Premises Licence, submitted by Diana Freeman, on behalf of Amber Taverns Limited, in respect of The Old Post Office, 117-121 High Street, Bromsgrove, Worcestershire, B61 8AA.

The application was subject to a Hearing in light of a representation received from the Chair, Bromsgrove Pubwatch, on behalf of Bromsgrove Pubwatch Committee. The basis of their representation was on the grounds of public nuisance and the prevention of crime and disorder as detailed at Appendix 3 to the report.

At the invitation of the Chairman, all parties present provided a brief introduction.

The Technical Officer (Licensing) Worcestershire Regulatory Services (WRS), introduced the report and informed Members that, as detailed in the report the applicant had agreed the conditions requested by one of

the Responsible Authorities, West Mercia Police, as detailed at Appendix 2 to the report.

The agreed conditions would form part of the premises licence should a premises licence be granted. Subject to the addition of the agreed conditions to any licence granted, West Mercia Police had confirmed that they did not object to the application.

Members were further informed that no further representations had been received from any of the other Responsible Authorities consulted with.

The Technical Officer (Licensing) WRS, drew Members' attention to paragraph 2.4 in the report, which detailed the hours being sought by the applicant for licensable activities, as follows:-

Activity	Days	From	To	Indoors/ Outdoors
Exhibition of Films	Friday to Saturday	09:00	01:00	Indoors
Exhibition of Films	Sunday to Thursday	09:00	00:00	Indoors
Performance of Live Music	Friday to Saturday	09:00	01:00	Indoors
Performance of Live Music	Sunday to Thursday	09:00	00:00	Indoors
Playing of Recorded	Friday to Saturday	09:00	01:00	Both
Playing of Recorded	Sunday to Thursday	09:00	00:00	Both
Performance of Dance	Friday to Saturday	09:00	01:00	Indoors
Performance of Dance	Sunday to Thursday	09:00	00:00	Indoors
Entertainment of a similar description to live music, recorded music or performance of dance	Friday to Saturday	09:00	01:00	Both
Entertainment of a similar description to live music, recorded music or performance of dance	Sunday to Thursday	09:00	00:00	Both
Late Night Refreshment	Friday to Saturday	23:00	01:00	Both
Late Night Refreshment	Sunday to Thursday	23:00	00:00	Both
Sale of Alcohol	Friday to Saturday	09:00	01:00	Both
Sale of Alcohol	Sunday to Thursday	09:00	00:00	Both

At the invitation of the Chairman, the applicant's legal representative, Mr. J. Smith, Partner, Poppleston Allen, put forward the case in support of the application.

In response to Councillor Hotham with regard to page 26 of the main agenda report - 'Sunday - hours the premises are open to the public'; the applicant's legal representative, Mr. Smith apologised and stated that this was a mistake. The application form should show that the end time for Sunday was 00:30 and that his client was happy for the application to be amended as follows:

- Hours premises are open to the public – Sunday to be changed from 01:30 to 00:30.

At the request of the Chairman, the Democratic Services Officer noted the amendment.

At the invitation of the Chairman, Mr. Smith continued to put forward the case in support of the application.

Mr. Smith thanked the Sub-Committee Members for their time and explained that he was here to represent the applicant, Diane Freeman, Compliance Manager, Amber Taverns Limited.

Mr. Smith further informed Members that the concerns raised by West Mercia Police, as detailed on pages 37 and 38 of the main agenda report, had been acknowledged and agreed to by Diane Freeman. Therefore West Mercia Police no longer objected to the application.

Mr. Smith continued and highlighted that should a licence be granted, Amber Taverns Limited would look to invest £850,000 to refurbish the proposed premises and would also purchase the freehold. Amber Taverns Limited was a privately owned company and had been operating for twelve years and had 145 public houses. Diane Freeman, Compliance Manager was in charge of licencing training, Mr. M. Beaver, Regional Manager looked after 80 public houses and Mr. J. Smith, Area Manager, supported the Regional Managers and looked after 8/10 public houses.

Mr. Smith (Poppleston Allen) reassured Members that door staff would be deployed under a risk assessment and that all door staff would be Security Industry Authority (SIA) registered. Mr. Smith continued and reiterated that the concerns raised by West Mercia Police, with regard to security staff, had been addressed, as detailed on page 38 of the main agenda report.

Mr. Smith commented that, as highlighted earlier, by the Technical Officer, WRS, none of the other Responsible Authorities had raised any objections to the application.

Mr. Smith stated that Amber Taverns Limited had never had any of their 145 premises licences called in for review over the twelve years they had been operating or received any prosecutions.

The Old Post Office, 117-121 High Street, Bromsgrove, had been vacant since 2017. Amber Taverns Limited was anxious to reopen the premises in a few months' time after renovating the premises. They had been searching for a suitable site for five years.

Amber Taverns Limited was passionate about their public houses and ensured that premises were refurbished to a very high standard. They operated 'wet-led' pub models and currently had 145 freehold pubs. The pubs provided sky sports, children were not allowed into their licensed premises. Their target age group was 25 to 70. They did not serve food at any of their 145 pubs. They were proud to operate as 'wet-led' pubs and had very high standards in all of their premises, which had enabled them to open a lot of licensed premises when other licensed premises were closing down.

He would reiterate that risk assessments would be carried out at weekends and Bank Holidays and that, as agreed with West Mercia Police, two SIA trained security staff would be present during the hours of 19:00 until closing on Friday, Saturday and any Bank Holidays. Amber Taverns Limited wanted to ensure that all of their pubs were well managed.

Sixteen high resolution digital CCTV cameras would be installed at the proposed premises, which would display the correct date and time and would be able to store information for six months.

Mr. Smith drew Members' attention to Amber Taverns Limited, Induction and Training Workbook, copies of which were provided to all Members of the Sub-Committee. Initially before a premise was open, Diane Freeman, Compliance Manager would conduct face to face training with staff, following that on-line training was available to staff. Reports could be provided which would detail any pubs that had not carried out the required training. The area manager would be informed of this.

All premises operated a Challenge 25 policy, copies of the policy had been provided to all Members of the Sub-Committee. Mystery shopper visits were conducted and there was a prompt on tills to remind staff about the Challenge 25 policy. If a customer failed to produce valid photo identification the sale would be refused and recorded in the refusal register.

Mr. Smith referred to the representation received from the Chair, Bromsgrove Pubwatch, on behalf of Bromsgrove Pubwatch Committee. He commented that it would have been useful if there had been a representative from Bromsgrove Pubwatch at the Hearing. Amber Taverns Limited did not want to get into a price war. They sold alcohol responsibly, which included selling alcohol at a reasonable price. They

had reviewed the cost of alcohol in licensed premises within Bromsgrove town centre and would price their alcohol appropriately.

Mr. Smith drew Members' attention to the concerns raised by Bromsgrove Pubwatch Committee with regard to "the fear of a venue opening in the high street that sells alcohol for 15 hours a day". He would ask Members to note the 'Premises Comparison' document, a copy of which was provided to all Members of the Sub-Committee. The document detailed the hours for 'sale of alcohol' of licensed premises in the town centre and his client's application was not out of line with the hours or conditions of other licensed premises.

Mr. Smith further commented that with regard to the concerns raised by Bromsgrove Pubwatch Committee, in respect of Crime and Disorder and the lack of SIA door supervisors; that Diane Freeman, Compliance Manager, had taken on board the concerns highlighted by West Mercia Police and had agreed to the conditions as requested by West Mercia Police. Therefore West Mercia Police and none of the other Responsible Authorities had made any representations to the application.

Mr. Smith reiterated that Amber Taverns Limited had never had any of their 145 premises licences called in for review over the twelve years they had been operating or received any prosecutions.

In response to questions from Members, Mr. Smith, Area Manager, Amber Taverns Limited, stated that he visited his sites every week to ensure that they were being run correctly and that he spoke to every operator most days. With regard to live/recorded music, during the first few weeks at the proposed premises there would be no live/recorded music, as staff would gauge what their potential customers wanted. A risk assessment would be carried out on nearby residential properties and staff would also liaise with the police.

Mr. Smith (Popleston Allen) informed Members that there would also be noise limiters inside the premises.

In response to the Chairman, with regard to music on the roof terrace of the proposed premises; Mr. Smith (Popleston Allen) confirmed that there would be no outdoor entertainment on the roof terrace. Customers could use the roof terrace during good weather as there would be bar servery facilities, but his client was happy to amend the application as follows:

- Provision of Recorded Music – Indoors only.
- Provision of anything of a similar description to live music, recorded music or performances of dance – Indoors only.

At the request of the Chairman, the Democratic Services Officer noted the amendment.

In response to Councillor Hotham with regard to New Year's Eve and the proposed premises being open for 24 hours, Mr. Smith (Poppleston Allen) informed Members that under the Licensing Act 2003, flexible opening hours for licensed premises was introduced; with the potential for licensed premises to stay open for up to 24 hours. Some licensed premises used this flexibility for New Year's Eve; from the end of permitted hours New Year's Eve to the commencement of permitted hours New Year's Day.

In response to Councillor Hotham with regard to risk assessments, Mr. Smith (Poppleston Allen) continued and informed Members that risk assessments were carried out on Friday / Saturday nights, Bank Holidays and New Year's Eve. Each pub operator would send a risk assessment to their area manager who would look at each of the pubs needs and what was required to be put in place on top of the basic risk assessment. There was no minimum / maximum number of staff required at individual pubs. Staffing requirements would be determined on how busy the pub was on specific nights of the week / at particular times in the day.

Mr. M. Beaver, Regional Manager, Amber Taverns Limited, further commented that generally premises were overstaffed, but staff would reassess hourly / daily. Staff, glass collectors, staff walking the floor and area managers also assessed staffing requirements. Staff could easily be recognised as they wore uniforms with the company logo.

Having been asked to sum up, Mr. Smith (Poppleston Allen) stated that there was nothing more he could add and would like to take the opportunity to thank Members for allowing him additional time in order to present his client's case.

The Council's Legal Advisor informed Members that they should consider the four licensing objectives and the written and oral representations as presented during the course of the Hearing.

She would remind Members that the initial representation received from West Mercia Police had been withdrawn following further discussions and specific conditions as agreed with the applicant; and that no representations had been received from any of the other Responsible Authorities consulted with.

The Council's Legal advisor also drew Members' attention to the additional conditions offered on behalf of the applicant by Mr. Smith, Poppleston Allen.

The Sub-Committee must only consider those matters directly relevant to the premises and in making their decision; Members should have regard to the evidence attributed to the premises, whilst taking into account that the premises had not actually opened.

The Council's Legal Advisor reminded all parties of the review process that applied to any premises that failed to promote the licensing objectives; and that any party was able to request a review of a licence where evidence indicated that the licensing objectives were not being met.

With the agreement of the Chairman, Mr. Smith (Poppleston Allen) requested if the Sub-Committee would consider announcing their decision, with regard to his client's application, before the Chairman closed the Hearing.

With the agreement of the Chairman the meeting stood adjourned from 18:47 p.m. to 19:04 pm whilst Sub-Committee Members made their deliberations.

Upon their return, the Chairman announced that the Sub-Committee had decided to grant the application for a premises licence relating to The Old Post Office, 117 – 121 High Street, Bromsgrove, Worcestershire, B61 8AA, as set out in the Application with amendments to the application as requested by West Mercia Police and the amendments offered by the applicant's representative during the course of the Hearing.

The applicant and all relevant parties to the proceedings would receive a copy of the full decision of the Sub-Committee within five working days.

Having had regard to:

- The licensing objectives set out in 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, Licensing, Worcestershire Regulatory Services.
- The application and oral representations made at the Hearing by Mr. J. Smith, Partner, Poppleston Allen, the Applicant's representative, the Applicant, Diana Freeman, Compliance Manager, Mr. M. Beaver, Regional Manager and Mr. J. Smith, Area Manager, Amber Taverns Limited.
- The written representation submitted by the Chair, Bromsgrove Pubwatch on behalf of Bromsgrove Pubwatch Committee.
- The conditions sought by West Mercia Police, as a Responsible Authority, submitted by PS 2458 R. Field, Sergeant, Harm Hub, North Worcestershire.

The Sub-Committee decided to grant the application for a premises licence relating to The Old Post Office, 117 – 121 High Street, Bromsgrove, Worcestershire, B61 8AA, as set out in the Application with the following amendments to the Application as requested by the applicant during the course of the Hearing:

- **Hours premises are open to the public – Sunday to be changed from 01:30 to 00:30.**

- **Provision of Recorded Music – Indoors only.**
- **Provision of anything of a similar description to live music, recorded music or performances of dance – Indoors only.**

Additionally the conditions requested and agreed with West Mercia police and the applicant as detailed below:-

- **The premises licence holder must ensure that CCTV cameras are located within the premises to cover all public areas including all entrances and exits.**
- **The system records clear images permitting the identification of individuals.**
- **The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.**
- **The CCTV system operates at all times whilst the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.**
- **The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.**
- **There are members of trained staff at the premises during operating hours able to provide viewable copies on request to the police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 2018 and GDPR regulations.**
- **If the DPS is not available a list of fully authorised and trained duty managers and/or trained staff will be made available to the police and local authority officers and they will be present during the hours of trading.**
- **Door supervisors will be deployed under a risk assessment, should such be deployed they shall be Security Industry Authority (SIA) registered, a record shall be kept showing their names, SIA badge number and expiry date, and the date and time that they were employed. The door company details the company trading name and business address will also be recorded. Further to this a minimum of two SIA trained security staff must be present during the hours of 19:00-closing on Friday & Saturday nights and any Bank Holiday as defined by Gov.uk.**
- **An incident book to record any incident of crime, disorder, first aid incidents or when medical treatment was required. This will**

be made available if requested by the police, local authority or authorised personal.

- **The windows and doors of the premises are to remain closed during regulated entertainment after 22:00 hours apart from the front door which will aid security staff with the prevention of crime and disorder.**
- **The security staff to be Security Industry Authority (SIA) licensed.**
- **A Challenge 25 Policy.**
- **A full Event Management Plan (EMP) and Fire Risk Assessment to be submitted to the Fire Authority for comment and approval and other regulatory bodies a minimum of 2 months prior to the events taking place; as agreed between the applicant and the Fire Authority prior to the hearing.**
- **Signage to be placed prominently at the site, reminding customers that they are in a residential area and to keep noise levels to a minimum, by leaving in a quiet, orderly and respectful manner.**

The Sub-Committee's decision was as follows:

- The Sub-Committee considered the written application submitted and the oral representations made by and on behalf of the applicant Diane Freeman, Compliance Manager, Amber Taverns Limited.
- The Sub-Committee considered that the methods by which the applicant intended to control the sale of alcohol, as detailed in their application and supporting documents, together with their other standard operating procedures and policies, were such that they had every confidence that the applicant was a responsible organisation that would make every effort to promote the four licensing objectives.
- The Sub-Committee noted the written representation from the Chair, Bromsgrove Pubwatch on behalf of Bromsgrove Pubwatch Committee with regard to the concerns raised under the licensing objectives – 'The Prevention of Crime and Disorder' and The Prevention of Public Nuisance'.
- The Sub-Committee considered the Premises Comparison document that had been compiled by the applicant from publically available information. This provided a comparison with other establishments in the area and indicated that this application was not out of line with the hours or conditions of other licensed premises.

- The Sub-Committee did not find any evidence within the objections that was directly attributable to the premises or any evidence that the grant of the licence would undermine the licensing objectives.
- The Sub-Committee considered it of note that the applicant had engaged with West Mercia Police and that conditions had been agreed.
- The Sub-Committee would remind all parties of the review process that applied to any premises that failed to promote the licensing objectives. Any party was able to request a review of a licence where evidence indicated that the licensing objectives were not being met.

The following legal advice was given:

- That the Licensing Objectives must be the paramount consideration.
- Each application must be considered on its own merits and determined based the representations and evidence submitted.
- That the Sub-Committee may only have regard to the representations which promote the four licensing objectives.
- The Sub-Committee must consider only those matters directly relevant to the premises under consideration and only those matters that fall under the Licensing Sub-Committee's jurisdiction.
- The Sub-Committee may not modify the conditions or reject the whole or part of the application merely because it considered it desirable to do so. Conditions must be appropriate in order to promote the licensing objectives.
- The review process was available to any party if evidence was established to indicate that the licensing objectives were not being met.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision was received by the Applicant.

The meeting closed at 7.06 p.m.

Chairman