

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING SUB-COMMITTEE**

**TUESDAY, 11TH SEPTEMBER 2007**

PRESENT: Councillors D. Hancox, Mrs. M. A. Sherrey JP and L. J. Turner

Officers: Mrs. D. Warren, Mrs. S. Smith and Mr. A Jessop

Also in attendance were Ms. S. Tipton, Business Relationship Manager, Punch Taverns, Mr. M. Horton, (previous) Business Relationship Manager, Punch Taverns, Mr. G. Kay, Managing Director, Hop Pole Inn Ltd., Mr. A. Lyons (Objector) and Ms. S. Collins (advisor to Mr. Lyons).

9/07 **APPOINTMENT OF CHAIRMAN**

**RESOLVED** that Councillor Mrs. M.A. Sherrey J.P. be elected Chairman of the meeting.

10/07 **TO RECEIVE APOLOGIES FOR ABSENCE**

No apologies for absence were received.

11/07 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

12/07 **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.

13/07 **TO CONSIDER AN APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE HOP POLE PUBLIC HOUSE, BIRMINGHAM ROAD, BROMSGROVE**

The Sub-Committee were asked to consider an application to vary a premises licence in respect of the Hop Pole Public House, Birmingham Road, Bromsgrove. The application was subject to a Hearing in the light of one objection which had been received from a person who was involved in a

business in the vicinity of the premises, who had expressed concern over noise associated with people using the beer garden at the premises being exacerbated by the proposed extended hours for the playing of recorded music.

No representations had been received from any “responsible authority.”

A request was made by the Interested Party to introduce late evidence, namely a Noise Survey dated 10 September 2007. The Sub-Committee considered whether to take this late evidence into account and decided that, although it related to the licensing objective of prevention of public nuisance, they were concerned about the late submission of this evidence, and, furthermore, considered that the appropriate authority for giving technical, expert noise evidence was the Environmental Health authority - therefore it was decided that this late evidence should not be admitted. However, the Sub-Committee noted that it would hear and take into account any factual evidence from Interested Parties on noise nuisance issues and so considered that the Interested Party was not prejudiced by the exclusion of this evidence.

The Council’s Licensing Officer outlined the factors which needed to be considered in this matter, and was followed by Mr. Kay, who put forward the applicants case. Representations were then submitted by the objector, Mr. Lyons.

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; and
- Relevant representations made by an Interested Party both in writing and at the Hearing, the Sub-Committee

**RESOLVED**

- (a) that the application to extend the hours until 12 midnight during which the playing of recorded music is permitted on every Thursday, Friday and Saturday be allowed;

(The reason for this was that the Sub-Committee considered that the existing conditions adequately safeguarded residents)

- (b) that the application to permit all forms of regulated entertainment on Good Friday and Christmas Day be allowed;

(The reason for this was that the Sub-Committee considered that the existing conditions adequately safeguarded residents)

- (c) that the application to remove the condition that the outside drinking area be closed and cleared by customers by 10.45 p.m. be allowed in

part, i.e. that the condition should remain but the time be varied by substituting 11.00 p.m. instead of 10.45 p.m;

(The Sub-Committee acknowledged the reality of the issues arising from the introduction of the smoking ban and had taken account of the interests of residents and the risk of noise nuisance. The Sub-Committee had tried to strike a balance between the competing interests of residents, the applicant and customers)

- (d) that the application to remove the condition that the licensed premises shall not be used for public entertainment on Christmas Day and Good Friday be allowed;

(The reason for this was that the existing conditions adequately safeguarded residents)

- (e) that the application to remove the condition that, after 11.00 p.m., the side exit/entry on Blackmore Lane was not to be used as an exit/entry point for customers be refused, and that the condition be varied by the addition of the words "...except as an emergency exit";

(The reason for this was to take into account the interests of residents and to prevent noise pollution and noise leakage and the congregation of customers which might disturb residents and cause a public nuisance. The Sub-Committee had added wording to this condition in the interests of clarity), and

- (f) that it be noted that these variations would take effect from Wednesday 12 October 2007.

(NOTES:

- (1) In reaching this decision, the Sub-Committee had not taken account of the complaints and issues raised by the Interested Party about the Council and its officers as these were not within the remit of the Sub-Committee; and  
(2) The parties were advised of the rights of appeal).

The meeting closed at 12.30 p.m.

Chairman