



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING SUB-COMMITTEE**

TUESDAY 2ND AUGUST 2022

AT 11.00 A.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,  
WORCESTERSHIRE, B61 8DA

MEMBERS: Councillors A. B. L. English, C.A. Hotham and M. Thompson

Reserve Member: Councillor S. A. Robinson

### **AGENDA**

#### **LICENSING SUB-COMMITTEE HEARING PROCEDURE** (Pages 1 - 4)

1. Election of Chairman for the meeting
2. To receive apologies for absence and notification of substitutes
3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

4. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item of business containing exempt information:-

**"RESOLVED:** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraphs</u>	
5	1, 2 , 3 and 7	"

5. Application for the review of a Premises Licence - 57 Monkeys, 39 Worcester Road, Bromsgrove, B61 7DN (Pages 5 - 10) **Appendices 1 to 5 TO FOLLOW**

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

25th July 2022

K. DICKS  
Chief Executive

**If you have any queries on this Agenda please contact  
Pauline Ross  
Democratic Services Officer**

**Parkside, Market Street, Bromsgrove, B61 8DA  
Tel: 01527 881406  
Email: [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk)**

## **GUIDANCE ON FACE-TO-FACE MEETINGS**

**At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.**

**If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.**

### **GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON**

Members and Officers who still have access to lateral flow tests (LFTs) are encouraged to take a test on the day of the meeting. Meeting attendees who do not have access to LFTs are encouraged not to attend the meeting if they have common cold symptoms or any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

The meeting venue will be fully ventilated, and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

Members of the public will be able to access the meeting if they wish to do so. Seating will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants. It should be noted that members of the public who choose to attend in person do so at their own risk.

Members of the public who still have access to lateral flow tests (LFTs) are encouraged to take a test on the day of the meeting. Meeting attendees who do not have access to LFTs are encouraged not to attend the meeting if they have any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

**Notes:**

**Although this is a public meeting, there are circumstances when the Sub-Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.**



## **INFORMATION FOR THE PUBLIC**

### **Access to Information**

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

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# Appendix

## LICENSING SUB-COMMITTEE (Premises)

### HEARING PROCEDURE

1. The Chairman will open the hearing and introduce Members of the Sub-Committee and officers present.
2. The Chairman will ask parties to the proceedings to introduce themselves.
3. In the event the Applicant is not represented, the Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Technical Officer, Licensing, Worcestershire Regulatory Services will present the report.
5. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Technical Officer.
6. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
7. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Applicant and/or his/her representative.
8. The Chairman will invite the Responsible Authorities to present their representations. New representations must not be raised. The Responsible Authorities will be allowed a total of 10 minutes to present their case(s). If two or more Responsible Authorities wish to address the Sub-Committee the 10 minutes will be divided between them.
9. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Responsible Authorities.
10. All other Parties to the proceedings will be invited to present their representations or elect a spokesperson to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Parties to present their case(s). If two or more Parties wish to address the Sub-Committee the 10 minutes will be divided between them.

# Appendix

11. **The Chairman will invite Members of the Sub-Committee, the applicant / applicant's representative and the Responsible Authorities to put any relevant questions to the other Parties**
12. **The other Parties will be invited to sum up. A maximum of 5 minutes will be allowed.**
13. **The Responsible Authorities will be invited to sum up. A maximum of 5 minutes will be allowed.**
14. **The Applicant and/or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.**
15. **The Chairman will ask the Legal Advisor if there is any legal advice to be given.**
16. **At the conclusion of the hearing Members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private**
17. **The Sub-Committee's decision will be sent to the Applicant and those parties who made representations within 5 working days.**



# Appendix

**Please Note:**

1. ***Each application coming before the Licensing Sub-Committee will be treated on its own merits, and the Sub-Committee will take its decision based upon:***
  - a) ***the promotion of the four licensing objectives, as given by the Licensing Act 2003, namely:***
    - ***the prevention of crime and disorder;***
    - ***public safety;***
    - ***the prevention of public nuisance; and***
    - ***the protection of children from harm;***
    -
  - b) ***Bromsgrove District Council's Statement of Licensing Policy;***
  - c) ***guidance issued under section 182 of the Licensing Act 2003; and***
  - d) ***the Licensing Act 2003.***
2. ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
3. ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***The decision of the Sub-Committee will be sent to all parties within 5 working days.***
7. ***An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.***

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**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**TUESDAY 2<sup>ND</sup> AUGUST 2022**

**LICENSING ACT 2003**

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**

**57 MONKEYS, 39 WORCESTER ROAD, BROMSGROVE, B61 7DN**

<b>PUBLIC HEARING</b>	
<b>Director:</b>	<b>Head of Worcestershire Regulatory Services</b>
<b>Contact Officer:</b>	<b>Dave Etheridge Principal Licensing Officer 01905 822799 <a href="mailto:enquiries@worscsregservices.gov.uk">enquiries@worscsregservices.gov.uk</a></b>
<b>Ward(s) affected:</b>	<b>Sanders Park</b>
<b>Appendices:</b>	<b>Appendix 1      Review Application and Supporting Documentation Appendix 2      Existing Premises Licence Appendix 3      Representations from Responsible Authorities Appendix 4      Representations from other persons supporting the application for review Appendix 5      Representations from other persons supporting the premises licence holder</b>

**1.      PURPOSE OF REPORT**

- 1.1      To consider and determine an application for the review of the premises licence in force in respect of:

**57 Monkeys, 39 Worcester Road, Bromsgrove, Worcs, B61 7DN**

## 2. BACKGROUND

- 2.1 On 9<sup>th</sup> June 2022 an application was received from PC Kirsty Norris acting on behalf of the Chief Officer of West Mercia Police for a review of the premises licence in force in respect of:

57 Monkeys  
39 Worcester Road  
Bromsgrove  
Worcestershire  
B61 7DN

- 2.2 A copy of the review application and the supporting documentation that accompanied it, can be seen at **Appendix 1**.
- 2.3 It can be confirmed that the application has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and that the application has also been served on the licence holder and all of the responsible authorities.
- 2.4 A copy of the existing premises licence can be seen at **Appendix 2**. The premises licence holder is Allsaint Leisure Limited. The designated premises supervisor identified on the premises licence is Adam Reading.

## 3. REPRESENTATIONS

### Responsible Authorities

- 3.1 A representation has been received from Chris Poole, Acting Principal Officer in Community Environmental Health at Worcestershire Regulatory Services. The representation submitted expresses support for West Mercia Police's proposals in the review application with reference to the prevention of public nuisance licensing objective. A summary of complaints received in respect of the premises has also been provided as part of the representations submitted.
- 3.2 A representation has been received from Public Health Worcestershire. This representation supports the review application submitted by West Mercia Police. The representation also provides data from West Midlands Ambulance Service in respect of the postcode relating to 57 Monkeys.

- 3.3 A representation has been received Worcestershire Children First. This representation supports the revocation of the licence on the basis of the protection of children from harm licensing objective.
- 3.4 No other responsible authorities have submitted representations in respect of the application.
- 3.5 The representations received from responsible authorities can be seen at **Appendix 3.**

#### Other Persons (In support of the Police's review application)

- 3.6 Two representations supporting the Police's application for review of the premises licence have been received from residents of Worcester Road, Bromsgrove. Those making these representations set out the impact they believe the premises is having on the the prevention of crime and disorder and the prevention of public nuisance licensing objectives.
- 3.7 Copies of these representations supporting the Police's application for review of the premises licence can be seen at **Appendix 4.**

#### Other Persons (In support of the premises licence holders)

- 3.8 Nine representations have been received from other persons who express support for the premises licence holders and the way that the premises is operated by them.
- 3.9 Copies of the representations expressing their support for the premises licence holders can be seen at **Appendix 5.**

## **4. LOCAL POLICY CONSIDERATIONS**

- 4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.
- 4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk)

## 5. LEGAL IMPLICATIONS

5.1 The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.

5.4 The Sub-Committee must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5.5 The Sub-Committee is asked to note that it may not take such steps merely because it considers it desirable to do so, it must actually be appropriate in order to promote the licensing objectives.

5.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.

5.7 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.

# Agenda Item 5

5.8 The hearing should be conducted in accordance with the agreed procedure.

## 6. **FOR DECISION**

6.1 The Sub-Committee must consider and determine the application.

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