



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING SUB-COMMITTEE**

**MONDAY 31ST OCTOBER 2022**  
**AT 10.30 A.M.**

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

MEMBERS: Councillors S. P. Douglas, C.A. Hotham and M. Thompson  
Reserve Member: Councillor R. J. Deeming

**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. Application for the Review of a Premises Licence in respect of The Golden Lion, Austin Road, Bromsgrove, Worcestershire, B60 3PB (Pages 5 - 8) –  
**Appendices 1 to 5 TO FOLLOW**

Parkside  
Market Street

K. DICKS  
Chief Executive

BROMSGROVE  
Worcestershire  
B61 8DA

21st October 2022

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.**



## **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 Review)

### HEARING PROCEDURE

1. The Chairman will open the hearing and ask Members of the Sub-Committee and officers present to introduce themselves.
2. The Chairman will ask all parties to the proceedings to introduce themselves.
3. The Charman will ask all parties if they are satisfied with the hearing procedure to be followed. Any variation to the hearing procedures will be at the discretion of the Chairman.
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 for the review and/or their representative to present their case and call any witnesses. A total of 15 minutes will be allowed.
7. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Applicant for the review and/or their representative.
8. The Chairman will invite the Responsible Authorities to present their representations. A total of 15 minutes will be allowed.
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. A total of 15 minutes will be allowed.
11. The Chairman will invite Members of the Sub-Committee, and all parties to the proceedings to put any relevant questions to the Other Parties.
12. The Chairman will invite the Premises Licence holder and/or their representative to present their case and call any witnesses. A total of 15 minutes will be allowed.

# Appendix

13. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Premises Licence Holder and/or their representative.
14. The Applicant for the review will be invited to sum up. A total of 5 minutes will be allowed.
15. The Responsible Authorities will be invited to sum up. A total of 5 minutes will be allowed.
16. The Other Parties will be invited to sum up. A total of 5 minutes will be allowed.
17. The Premises Licence Holder will be invited to sum up. A total of 5 minutes will be allowed.
18. The Chairman will ask the Legal Advisor if there is any legal advice to be given.
19. The Chairman will close the Hearing so that the Sub-Committee can reach its decision in private.
20. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations within 5 working days.
21. If any party to the proceedings wishes to appeal against the Sub-Committee's decision an appeal must be commenced by the appellant giving a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

## **NB**

In considering any representations or notice made by a party the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or with the consent of all other parties at the hearing.



**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.***
  - e) ***The report presented to the Sub-Committee by the Technical Officer, and all relevant written and oral representations.***

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## BROMSGROVE DISTRICT COUNCIL

### LICENSING SUB-COMMITTEE

31<sup>ST</sup> OCTOBER 2022

### LICENSING ACT 2003

## APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

### THE GOLDEN LION

<b>PUBLIC HEARING</b>	
<b>Director:</b>	<b>Head of Worcestershire Regulatory Services</b>
<b>Contact Officer:</b>	<b>Tom Phelan Licensing Technical Officer 01905 822799 enquiries@worcsregservices.gov.uk</b>
<b>Ward affected:</b>	<b>Rock Hill</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:

The Golden Lion, Austin Road, Bromsgrove, Worcestershire, B60 3PB

## 2. BACKGROUND

- 2.1. On 6 September 2022 an application was received from Councillor Harrison Rone-Clarke for a review of the premises licence in force in respect of:

The Golden Lion  
Austin Road  
Bromsgrove  
Worcestershire  
B60 3PB

- 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 all responsible authorities.
- 2.4. A copy of the existing premises licence can be seen at Appendix 2. The premises licence holder is Marston's PLC. The designated premises supervisor identified on the premises licence is Joshua Matheson.

## 3. REPRESENTATIONS

### RESPONSIBLE AUTHORITIES

- 3.1. A representation has been received from PC Angeline Stanley on behalf of West Mercia Police supporting the review application with reference to the prevention of crime and disorder. A summary of complaints received in respect of the premises has also been provided as part of the representation submitted.
- 3.2. A representation was initially received from Public Health Worcestershire, but this was later withdrawn.
- 3.3. No other responsible authorities have submitted representations in respect of the application.
- 3.4. The representation received from PC Stanley can be seen at **Appendix 3**.

### OTHER PERSONS

- 3.5. Five representations supporting the Councillor's application for review of the premises licence have been received from residents living close to premises. 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.

- 3.6 Copies of the representations in support of the review application can be seen at **Appendix 4**.

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

- 3.7 Four 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.
- 3.8 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.

# Agenda Item 4

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.

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.