

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

THURSDAY, 10TH AUGUST 2023, AT 10.35 A.M.

PRESENT: Councillors D. J. A. Forsythe, B. Kumar and B. McEldowney

Also in attendance: Mr. R. Botkai, Winckworth Sherwood LLP, legal representative for the applicant and Ms. V. Mihaylova, Operations Manager and named Designated Premises Supervisor on the application.

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. P. Ross

5/23 **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor B. McEldowney be appointed Chairman of the Sub-Committee.

6/23 **APOLOGIES**

There were no apologies for absence.

7/23 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

8/23 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF LOUNGE, 58-60 HIGH STREET, BROMSGROVE, WORCESTERSHIRE, B61 8EX**

The Council's Legal Advisor opened the Hearing and asked for nominations for Chairman of the meeting.

The Chairman then welcomed everyone to the Hearing and asked all parties present to provide a brief introduction.

The Sub-Committee then considered an application for a Premises Licence, in respect of Lounge, 58-60 High Street, Bromsgrove, Worcestershire, B61 8EX.

The application was subject to a Hearing in light of a representation received and a further written representation. The basis of the representation was on the grounds of public nuisance.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS) presented his report and in doing so drew Members' attention to the application and supporting documentation, as detailed at Appendices 1 and 2 to the report.

Members were informed that a representation was initially received from one of the Responsible Authorities, namely West Mercia Police.

However subsequent discussions between the applicant's representatives and the Police had concluded with an agreement being reached that had led the Police to withdraw their representation.

This agreement related to amendments being made to the applicant's operating schedule. Specifically, the applicant and the Police had agreed to a small amendment being made to the wording of one of the steps the applicant proposed to take to promote the licensing objectives; and the inclusion of a number of further steps that the applicant would take in order to promote the licensing objectives. Details of the amendments that the applicant had agreed to make to their operating schedule was attached at Appendix 3 to the report.

Conditions that were consistent with the applicant's operating schedule, as amended by agreement with West Mercia Police, would be attached to any premises licence should Sub-Committee Members be minded to grant the application in whole or in part.

Members were further informed that 'Other Persons' had submitted a representation with regard to Public Nuisance. Then having been given notice of the Licensing Sub-Committee Hearing, had made a further written submission, as they were unable to attend the Sub-Committee Hearing, as detailed on Appendices 4 and 5 to the report.

In response to questions from Members, the Principal Officer (Licensing), WRS confirmed that the premises that was subject to the application (Superdrug) was still currently trading and that he had no information as to when they would cease trading.

At the invitation of the Chairman the applicant's legal representative, Mr. R. Botkai, Winckworth Sherwood LLP, addressed Sub-Committee Members.

Mr. Botkai took the opportunity to thank the Principal Officer (Licensing), WRS for acting as a good conduit when liaising with the Police and the person who had submitted a representation.

Mr. Botkai informed Members that there were around 200 Loungers licensed premises to date. Not all premises were known as 'Lounge', they were called different names, as would the premises in Bromsgrove High Street; should a premises licence be granted.

'Loungers' were informal neighbourhood cafés / bars with a good menu for breakfast, brunch, lunch and early evening, it was not a late night drinking venue. Currently Superdrug were still trading and the new Lounge premises was due to be opened in February 2024.

The premises would look to open until 11:00pm Sunday to Thursday and midnight Friday to Saturday, to include late night refreshments of hot food and drinks.

There would be no loud music only background music. Seating outside would accommodate seven tables with four chairs at each table. The outside seating area was important for people with disabilities to access, thus providing people with disabilities greater flexibility to attend the venue. Staff would follow procedures in order to ensure that the outside seating area was kept clean and tidy. Members were reassured that the outside seating area would not be used after 11:00pm. The tables and chairs would remain outside and then stored inside the premises after the premises had closed.

It would be a responsible venue. It was not going to be a bar or vertical drinking venue. Staff would look to maintain a good working relationship with those living above the existing property.

The premises would be a credit to the High Street, which had lots of empty units, and would bring a fresh look and dining option for families.

Loungers recruited locally and would look to employ between 25/28 staff members.

The application was within the Council's Statement of Licensing Policy and the Secretary of State guidance under the Licensing Act 2003.

The applicant had consulted with the Police and conditions agreed, as highlighted by the Principal Officer (Licensing), WRS.

In response to questions from Sub-Committee Members, Mr. Botkai explained the following: -

- The hours applied for would provide some flexibility for nights when the premises proved to be busy during different times of the year.
- There would be no service to the outside seating area after 11:00pm.
- The whole remit of the premises was family orientated with a café / dining venue. It would not be a cheap place to drink. Disorder was not something that had been experienced in a 'Lounge' venue. The premises would therefore be low risk with the sort of clientele visiting the premises.
- He would welcome the idea of working with the residents who lived above the premises and maybe this was something that the Principal Officer (Licensing), WRS could facilitate.

- Standard Incident Logs would be used.

Ms. V. Mihaylova, Operations Manager, further added that she had worked with Loungers for over seven years and 6 years as a General Manager. Loungers did not attract disruptive crowds. Middle aged people and families visited Loungers premises; hence the reason she enjoyed working with Loungers as their premises did not attract a disruptive crowd.

With the agreement of the Chairman, the Council's Legal Advisor took the opportunity to comment that specific contact details could be made available to the resident who lived above the premises, in order to maintain a line of communication with Ms. Mihaylova, as the named Designated Premises Supervisor (DPS).

In response to further questions from Sub-Committee Members in respect of other empty properties on the High Street not being applied for, Mr. Botkai stated that he had no idea why. However, the company acquisitions would have scoped the following: -

- What premises were available.
- The size of the premises.
- The outside seating area.

With regard to staff training, there was different types of training; training for managers, front of house staff, kitchen staff and development training for staff who wanted to grow and progress.

Ms. Mihaylova further responded with regard to disruptive clients and stated that staff would follow a procedure, which would initially involve asking anyone being disruptive to leave the premises. If they did not leave the premises then the Police would be contacted for assistance, if needed. However, Ms. Mihaylova reiterated that this did not usually happen with the sort of clients that visited Loungers premises.

Mr. Botkai further added that Security Industry Authority (SIA) staff would be employed / used when it was deemed necessary, as agreed on the agreement reached with West Mercia Police, as detailed on page 35 of the main agenda report. Members should look to the Police as the main source of any Crime and Disorder, and none had been identified. Mr. Botkai commented that it could be detrimental to the proposed premises should SIA staff be visible outside of the premises on a regular basis, people may not want to visit such premises. SIA staff were generally not needed at these sort of venues (Loungers) and he did not expect SIA staff to be required.

Ms. Mihaylova further highlighted that Loungers tended not to have live music, they did host open mike nights, but not DJ's or live music events.

Mr. Botkai and Ms. Mihaylova further responded to questions from the Chairman on drink spiking; whereby Ms. Mihaylova explained that

customers were usually served at their tables. Each Loungers venue also operated schemes such as “Ask Angela”.

Mr. Botkai further added that people seated outside would be using glasses and not plastic glasses, however, they would receive waiter / waitress service. Anyone leaving from inside the premises would be asked not to carry any glassware outside. Loungers premises did not usually have an issue with underage sales, as clients were usually dining.

Mr. Botkai responded to the Chairman with regards to CCTV and the method of providing CCTV footage to the Police, and in doing so highlighted that methods of providing CCTV footage to the Police changed all the time.

In response to the Chairman with regard to any potential noise emanating from the premises to the residents living above the premises. Mr. Botkai informed Members that he was unsure as to what sound proofing would be installed in the premises, but he was sure that any potential noise nuisance would be considered as they would not want any complaints.

Mr. Botkai responded to further questions about staff first aid training and a Bleed Control Kit being kept on the premises.

The Council's Legal Advisor took the opportunity to briefly explain the Bleed Control Kit initiative being undertaken by WRS and suggested that Mr. Botkai and Ms. Mihaylova could seek further information from the Principal Officer (Licensing) WRS, should Members be minded to grant a premises licence.

At the invitation of the Chairman to sum up, Mr. Botkai asked Sub-Committee Members to grant the premises licence, as per the operating schedule and the agreement reached with West Mercia Police. Should Members be minded to vary the operating schedule or add conditions, then he would appreciate Sub-Committee Members letting him know before the Hearing ended.

The Hearing stood adjourned from 11:14 hours until 11:18 hours in order for Sub-Committee Members to consider if they had received all of the information required to make a decision.

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 2003 Act.
- The report presented by the Principal Officer (Licensing), Worcestershire Regulatory Services.
- The application and representations made at the Hearing by Mr. R. Botkai, Winckworth Sherwood LLP, legal representative; and

Ms. V. Mihaylova, Operations Manager/ Designated Premises Supervisor.

- The written representations included in the report, made on behalf of residents.

The Sub-Committee decided to grant the application for a premises licence in the terms as set out in the application with the amended text as agreed between the applicant and West Mercia Police.

The meeting closed at 11.18 a.m.

Chairman