

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING SUB-COMMITTEE**

**TUESDAY 27TH FEBRUARY 2024, AT 11.00 A.M.**

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

Officers: Mrs. V. Brown, Ms. S. Royall, Mr. P. Morrish (observing) and Mrs. P. Ross

**Also in attendance:** Mr. N. Semper and Mr. C. Lucan, The Licensing Guys, applicant's representatives, Mr. J. Piri, Designated Premises Supervisor (DPS), Mr. M. Rollason, Business Partner. Mr. N. Sawyer, Mrs. M. Sawyer and Mrs. D. Keenan, local residents.

9/23

**ELECTION OF CHAIRMAN FOR THE MEETING**

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

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

10/23

**APOLOGIES**

There were no apologies for absence.

11/23

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

At this stage of the Hearing, Councillor A. M. Dale who was in attendance as the Reserve Member, left the meeting room.

12/23

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE, JPMR RETAIL LTD, 7 STOKE ROAD, BROMSGROVE, B60 3EQ**

The Chairman 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 JPMR Retail Ltd, 7 Stoke Road, Bromsgrove, Worcestershire, B60 3EQ.

The application was subject to a Hearing in light of three representations received. The basis of the representation was on the grounds of potential for noise, crime and disorder, planning permission and parking issues; as detailed at Appendix 3 to the report.

The Technical Officer (Licensing), Worcestershire Regulatory Services (WRS) presented their 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 Conditions had been agreed with one of the Responsible Authorities, namely West Mercia Police, as detailed at Appendix 2 to the report.

The Application sought the following licensable activities: -

<b>Activity</b>	<b>Days</b>	<b>From</b>	<b>To</b>
Sale of Alcohol	Everyday	08:00	22:45

At the invitation of the Chairman the applicant's representative, Mr. C. Lucan, The Licensing Guys, addressed Sub-Committee Members.

Mr. Lucan explained to Members that the premises would be a friendly base to work, hold meetings and to meet with friends during the daytime for coffee; or for craft beers and wines during the evening. The premises was aiming for quality and not quantity, it would be a lounge type bar with ambient background music, therefore being set apart from what other businesses in the area were currently offering. Occasionally they would also offer saxophone / guitar nights, but this would not be loud music. The premises was being sound proofed and the consideration of neighbouring residential properties was being taken into account. There would be no opening windows, therefore preventing any noise being omitted via open windows. There was no late night live or recorded music included on the application form.

The business would also create further employment for local residents.

The applicant showed an aptitude and an understanding of the four licensing objectives and would not undermine those objectives.

The premises would have last sales of alcohol at 22:45pm and would close at 11:00pm, it would not be a late night bar, they were hoping to attract a specific clientele by offering quality craft beers and wine.

It would be a responsible venue not a bar and the applicant would look to maintain a good working relationship with residents living near to the premises.

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 had been agreed, as highlighted by the Technical Officer (Licensing), WRS.

Mr. Lucan reiterated that there was no evidence before Members today, no history of noise nuisance before Members. The police as the lead Responsible Authority for Crime and Disorder had not objected to the application; and no representations had been received from any of the other Responsible Authorities consulted with.

Mr. Lucan further referred to the representations received in objection to the application and in doing so, commented that the Council's Planning Department had raised no objections to the change of use of the building (which used to be a carpet sales shop); and that planning permission was not a consideration for Licensing Sub-Committee Members.

The representations also referred to the potential for Crime and Disorder. The premises would not be a late night venue and as stated during the course of the Hearing; the Police as the lead source for Crime and Disorder had not objected to the application.

Past issues with regards to noise, litter and parking could not be attributed a premises that had not yet opened. Parking was also not a consideration for Members under the Licensing Act, as this was dealt with by the Highways Authority. With regards to an influx of licensed premises in the area, Bromsgrove District Council did not have a Cumulative Impact policy.

Fear and speculation were not evidenced based, there was no real and proper evidence, no history at these premises before Members today. Should Members be minded to grant the premises licence, then should there be any future problems the premises, this could be addressed by a review of the premises licence.

With the agreement of the Chairman, Mr. M. Rollason, Business Partner addressed Sub-Committee Members.

Mr. Rollason stated that they were working closely with other licensed premises. During the daytime, the premises would be for family and friends to meet up, people wanting a quiet place to work or hold meetings. Dog walkers would be welcomed. He was currently liaising with National Childbirth Trusts (NCT) groups with the premises having baby changing facilities.

During the evening high quality beers and wine would be on sale. The venue would be low key and the only comparable premises venue in the area was the Ladybird pub, but their premises would look to attract a different crowd.

They were also looking to partner with local restaurants in the area (Dick's Smokehouse, Ascott's), enabling their customers to have food from local food outlets delivered to their tables.

Mr. Rollason commented that he was confident that the local people he had spoken to understood that a different type of premises was being offered.

In response to the Chairman, Mr. Semper explained that the building was being sound insulated. The only outward opening window was in the Manager's office and that this was being closed up. There was no yard at the rear of the premises. Mr. J. Piri, the Designated Premises Supervisor (DPS) and Mr. M. Rollason both lived locally and would address any issues should they arise.

Mr. Rollason confirmed that the office window would be closed up and that extensive sound proofing was being undertaken. The frontage of the premises was being improved visually. He was sympathetic of the local area having residential properties nearby, but the venue would not be a late night venue. There would be no loud music only ambient background music. He would ensure that what they did fitted and benefited the local community.

In response to the Chairman with regards to security, Mr. Rollason explained that security was not required, but should they feel that it was required, they would look at this. But in his opinion, it was not a local necessity.

With the agreement of the Chairman, Mr. J. Piri, DPS, added that No.3a, another local neighbourhood bar and eatery, closed on Mondays and Tuesdays, so they were hoping to pick up that trade to serve coffee to commuters using the train station.

Mr. Rollason further informed Members that the premises had a small private function room, which they were looking to develop into a meeting room that commuters could use. The room was like a board room and accommodated 15/20 people.

At the invitation of the Charman, those who had submitted representations in objection to the application addressed Sub-Committee Members.

Mr. N. Sawyer stated that he had lived in the area since 1989 and had seen a lot of changes taking place. It was originally a commercially based area with local businesses operating between 09:00am and 17:00pm.

The current climate in the area was for eating out and coffee, with a lot of these places having opened, he was concerned that another alcohol based premises would be opening.

Mrs. D. Keenan further added that the yard at the rear was blocked off, therefore the only place for customer to smoke would be at the front of the premises; this would create noise for local residents.

Mr. Piri, DPS confirmed that customers would be smoking outside the front of the building.

In response to the resident's concerns, Mr. Semper offered up the following condition on behalf of the applicant that: -

"The outside of the premises will be regularly monitored to manage the behaviour of those patrons smoking at the front of the premises."

In further response to the concerns raised by local residents, Mr. Rollason added that he and Mr. Piri knew the area well, it was a busy road outside of the premises and he doubted that anyone outside smoking / talking would be heard above the traffic noise.

Mrs. D. Keenan stated that you could hear noise outside. It was already noisy outside of her property, outside of her front door, with noise issues from the existing six premises nearby. They had attended today's Hearing as local residents who lived opposite the premises and there was also a family living next door to the premises

Mr. Semper commented that his clients could not be responsible for the other premises. There would be CCTV at the front of the premises which was covered under the relevant legislative guidelines.

Mr. Sawyer further highlighted that alcohol fuelled premises always had people outside creating noise issues. On the odd occasion music could be heard, inside double glazed residential properties, from existing businesses, people waiting for taxis, leaving the premises, as noise echoed. He would like to see no alcohol licence or early closing at 7pm.

In response Mr. Semper added that he understood that Aston Fields had changed. His client had permission for change of use of the premises. The premises would enhance the area and his client could not be responsible for the behaviour of customers from other premises. His client had stated that the front of the premises would be actively monitored by CCTV and that staff would carry out regular checks, and no alcohol would be allowed to be taken outside.

In response to the Chairman, Mr. Piri stated that he was willing to provide the residents with his and Mr. Rollason's personal mobile phone numbers. Should they have any concerns, he and Mr. Rollason would sort it out. Mr. Rollason further added that they were not looking to open a sports bar or pub.

Mrs. Keenan explained that residents were unaware until a few weeks ago that an application had been submitted. The sign in the shop window was small and didn't stand out.

In response Mr. Semper explained that once an application was submitted, that the size of the signage to be displayed and the

timescales to display such signage was determined under the Licensing Act 2003 regulations. There was also a requirement under the act to advertise the details of the application in a local newspaper, which had been done.

At the invitation of Chairman to sum up, Mr. Sawyer highlighted that he was glad that they had voiced their concerns. There was a lack in local businesses consulting with local residents, it had happened all the time. Simply putting a flyer through local residents doors in order to consult with them would have been appreciated.

Mrs. M. Sawyer added that people who lived right by the front of the premises heard noise.

Mrs. Keenan stated that she understood that what had previously happened was not the applicant's concern.

At the invitation of the Chairman to sum up, Mr. Semper that the premises was highly unlikely to have a cumulative impact on the area. Any future issues could be addressed via a review of the premises licence.

Mr. Lucan further added that the premises would operate within the operating schedule applied for and that the licensing objectives would not be undermined. No objections had been put forward by any of the Responsible Authorities. There was no recorded history at the premises with anti-social behaviour, drugs or alcohol.

Sound proofing measures would mitigate any concerns with noise. The applicant would work in conjunction with local residents and conditions had been agreed with West Mercia Police; and whatever additional conditions that Sub-Committee Members may decide to include.

At the invitation of the Chairman, the Council's Legal Advisor addressed the Sub-Committee and in doing so stated that the application detailed the operating schedule and that conditions had been agreed with West Mercia Police.

Mr. Semper on behalf of the applicant had also offered an additional condition with regards to staff regularly monitoring that front of the building to mitigate any noise nuisance.

Members should be mindful of the four licensing objectives and all of the evidence presented both written and oral during the course of the Hearing.

Members could: -

- (a) Grant the application as requested

- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
- (c) Reject the application in whole or in part.

At this stage in the Hearing, the meeting stood adjourned in order for Members to consider if they had received all of the information required to make their 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 Technical Officer, Licensing, Worcestershire Regulatory Services.
- The application and representations made at the Hearing by Mr N. Semper and Mr C. Lucan, The Licensing Guys, legal representatives, and Mr J. Piri (DPS) and Mr M. Rollason, (Business Partner).
- The written and oral representations submitted by three local residents.

The Sub-Committee decided to grant the application for a premises licence.

The Licence was granted in the terms set out in the Operating Schedule and the conditions agreed with West Mercia Police, as detailed at Appendix 2 to the report. The licence would include an additional condition as submitted on behalf of the applicant: "The outside of the premises will be regularly monitored to manage the behaviour of those patrons smoking at the front of the premises."

The reasons for the Sub-Committee's decision were as follows:

- In considering the application, Members noted the submissions made on behalf of the applicant, that this was to be a business targeting a clientele seeking a venue with a quiet and relaxed atmosphere. During the day, the café environment would attract those meeting friends or a place to work from and in the evening a bar selling high-end craft beers and wines.
- Members accepted and gave weight to the submissions that this café/bar style business was not attractive to those seeking cheap beer or late-night entertainment, the premises would mainly have background music, which would deter patrons seeking a vertical bar or music venue.

- Members did not consider that the applicant's lack of experience in this type of business hindered his ability to promote the licensing objectives. Members were satisfied that the applicant had sought advice and engaged with the police which demonstrated an understanding of the duty and responsibilities that attach to the operation of a licensed premises, particularly in an area where there was a mix of business and residential properties.
- It was also of note that the business partners were local to the area and would be involved in the day-to-day running of the business; they confirmed that they were keen for residents to know that they would be available and willing to discuss any concerns or issues around the operation of the business.
- Members considered the written and oral representations submitted by the residents. The comments centred around the impact on residents with the number of restaurant/bars increasing in what had historically been a residential and retail area. Members noted the main concern that the addition of another licensed premises had potential to cumulatively increase crime and disorder, parking/road safety and noise.
- In considering the representations Members were only able to consider matters within the Licensing Act 2003, responsibility, for example, parking, road safety, and change of use of the building rested with other agencies and were outside of the Licensing Sub-Committee's remit.
- Members noted the s182 Guidance regarding Crime and Disorder, and that they should look to the police as the main source of advice. The applicant had engaged with the police prior to the hearing and as a result several conditions were agreed confirming that the police did not have concerns regarding the grant of the licence.
- Members further noted that there were no representations from any of the other Responsible Authorities.
- Members understood the concerns of the residents, that over time businesses had changed from retail to café/bar establishments and whilst this was not a matter for Members in terms of the licence, they would expect a new applicant to be mindful of the surrounding area. Members believed that the applicant had demonstrated a responsible attitude and a desire for this business to operate as a good neighbour to those in the surrounding area.
- Members were unable to have regard to representations relating to existing businesses or the suggestion that there was no need for any further licensed premises as a new business, and those



operating it, could not be held accountable for the conduct of patrons from other establishments.

- Members concluded that those operating this business had included conditions that promoted the licensing objectives, and whilst understanding the residents' concerns and speculation around the opening of the premises, they did not find that there was evidence that required modification or amendment to the conditions applied for.
- Members 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.

An appeal by any party 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 being received.

The meeting closed at 11.42 a.m.

Chairman