

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

FRIDAY 23RD MAY 2025, AT 11.50 A.M.

PRESENT: Councillors J. Clarke, P. M. McDonald and S. A. Robinson

Officers: Mrs. V. Brown, Ms. S. Royall and Mrs. P. Ross

Also in attendance: Mr. and Mrs D. Myatt, the applicants,
Mr. B. Myatt and Mrs. R. Blacker, a local resident.

1/25 **ELECTION OF CHAIRMAN FOR THE MEETING**

The Council's Legal Advisor took the opportunity to apologise to all those present for the Hearing commencing late.

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

RESOLVED that Councillor S. Robinson be appointed Chairman of the Sub-Committee.

2/25 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Prior to the Sub-Committee Hearing commencing, the Reserve Member Councillor D. J. A. Forsythe left the meeting room.

There were no apologies for absence.

3/25 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4/25 **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE WITH REGARDS TO THE DODFORD INN, WHINFIELD ROAD, DODFORD, BROMSGROVE, WORCESTERSHIRE, B61 9BG**

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

In response to the Chairman, all parties in attendance agreed that they were satisfied with the Hearing procedures.

The Sub-Committee then considered an application for a variation to a Premises Licence, submitted by Gina Myatt and David Myatt, in respect of The Dodford Inn, Whinfield Road, Dodford, Worcestershire, B61 9BG.

The variation application was subject to a Hearing in light of 13 valid representations being received from members of the public, as detailed at Appendix 3 to the report. The basis of their representations detailed grounds for:-

- Protection of children from harm
- Public Safety
- The potential for disorder.

The Technical Officer (Licensing) WRS, introduced the report and in doing so highlighted that the applicant was applying for the following variation to their existing premises licence, as follows:-

Sale of Alcohol (on the premises)

Sunday through to Saturday 10:00 to 00:00 hours

The existing premises licence was for:-

Sale of Alcohol (on the premises)

Monday to Thursday 10:00 to 23:00 hours
Friday to Saturday 10:00 to 00:00 hours
Sunday 11:00 to 23:00 hours

Removal of Annex 3 - This condition currently restricts the use of the outside patio area by customers after 23:20 hours. The applicant was requesting its removal to allow continued monitored use of the area.

Extension of the licensed area in accordance with the attached drawings, as included in Appendix 1 to the report. A colour copy the Location Plan was provided to Members, Officers and all parties to the proceedings; in order to clearly show the 'Existing and proposed Premises Licence Boundary'.

Members were asked to note that the applicants had requested an extension of Live and Recorded Music, on their application, until 00:00 Sundays to Thursdays. The proposal to extend the hours for Live and Recorded Music was no longer being pursued by the applicants, therefore this proposal would not be considered as part of the application before Members.

As detailed page 11 of the main agenda pack, the Live Music Act permitted licensed premises to have Live and Recorded Music until 23:00 Sundays to Thursdays.

The Technical Officer, WRS informed Members that no representations had been received from any of the Responsible Authorities.

In response to a question raised by Mrs. R. Blacker, with regards to planning and the change of use to a mixed venue in July 2023; the Council's Legal informed all those present that Sub-Committee Members should consider only those matters directly relevant to the premises under consideration and should disregard any references to any matters that fell outside of the Licensing Act, namely planning issues or conditions.

The Council's Legal Advisor reminded Members that they should address their minds only to those matters which were directly related to the applicant's variation application and premises.

The Chairman then invited Mr. D. Myatt, the applicant, to put forward the case in support of the variation application.

Mr. Myatt explained to Members that the premises was a mixed use venue, a public house and wedding venue. They had held a premises licence for ten year and had a good reputation and well documented hospitality. They had received no complaints from any of the Responsible Authorities during that period.

Having experienced a difficult year, they had decided that the business needed to diversify. The Business needed to be more flexible in order to survive and that's why they were looking at increasing the wedding venue side.

Having diversified, the business had changed and some of the conditions on the existing premises licence were outdated and not relevant for the current business model.

Mr. Myatt reassured Members that he was fully aware of the four licensing objectives and in protecting his customers and residents under those objectives.

As stated by the Technical Officer, WRS, the extension for Live and Recorded Music was no longer being sought.

One of the main reasons for the variation application was to accommodate the wedding bookings being taken for the next three years. He was aware that he could apply for Temporary Event Notices (TENs), but this was limited to 15 TENs per year.

In reality with the current business model, although it was very different, very little would change should the variation application be granted.

There were six acres of grounds which were well used for celebratory drinks during wedding celebrations.

Mr. Myatt further informed the Committee that he had offered to meet with residents, however, his invite had not been accepted. He was

disappointed as he would have welcomed the opportunity to discuss any concerns and address any issues with residents.

Having looked at the representations, it highlighted that, no immediate neighbours to the premises, had raised any objections. The Children's Holiday farm, as referred to in the representations received, had not raised any concerns or issues with the variation application. With regards to public nuisance, he had not received any complaints, no issues had been raised.

Mr. Myatt explained that with regards to noise nuisance, he had banned the use of explosives (fireworks). The CCTV system also had a decibel meter fitted and doors would be closed to avoid any noise emanating from the premises. There was air conditioning in all the public areas. Clients were encouraged to use their resident DJ who was used to the sound system, and this would help eliminate any potential noise.

Mr. Myatt stated that he would encourage neighbours to contact him about any issues / concerns; as he wanted to continue to have a good relationship with residents.

There were other venues in the village area that were open until midnight and one venue that used marquees. His premises was a brick built building so noise was mitigated.

In response to questions from Sub-Committee Members with regards to the concerns raised about public nuisance (noise) from the grounds of the premises; Mr. Myatt explained that they operated a circuit of management checks. Whereby doors were checked (that they were closed), the patio and rear terrace areas; and smoking area were also checked. It was a well-managed routine and noise nuisance was governed by the management of these areas. Noise tended to be from within the pub rather than from events held in the grounds. Mr. Myatt assured Members that staff were well trained and would remind customers to keep any potential noise down.

Mr. Myatt further informed Sub-Committee Members that, with regard to the management of the grounds when events were taking place, he employed three full time managers. The three managers were well trained and constantly on site, and walked through the outside areas in order to ensure that noise was kept to a minimum.

In response to further questions from Members about noise monitoring, Mr. Myatt explained that decibel monitoring was located right by the amp system, the bar and within the CCTV system inside the premises. He had not considered any noise monitoring equipment for the outside of the premises; but he would be happy to do so, should Members require him to. There was CCTV fitted on the outside of the premises.

Wedding events were fully within the grounds of the premises on the patio area and lower terrace, should customers choose to use this area

during good weather. The premises was not licensed to sell alcohol in this area, and they would fall foul of the Licensing Objectives if bottled drinks purchased in the licensable area were actually opened in the grounds.

The area at the front of the premises was for car parking, and staff managed this area during wedding events. They had no intention of utilising the car park area for marquees. The car park, if extended would create easy access onto the field for any Corporate events that hired out the premises, they had considered having a burger bar if the whole area was hired out for Corporate events. The field was currently used by children playing games or football, no specific events were currently held on the field, but there was always the possibility that a wedding party might want to utilise this area.

At the invitation of the Chairman, Mrs. R. Blacker on behalf of the 'Other Parties' to the proceedings posed several questions to Mr. Myatt, and in doing so explained to Sub-Committee Members that, in order for Members to understand the impact that these events had on local residents, she would ask Mr. Myatt to confirm as to how many events had they received bookings for during June, July and August 2025?

Mr. B. Myatt (Mr. Myatt's son) confirmed that they had 29 confirmed bookings during this period.

Mrs. Blacker then referred to pages 20, 21 and 28 of the main agenda pack, namely sections E and F – Live Music and Recorded Music and section M – Additional steps to promote the four licensing objectives. Mrs. Blacker further referred to the Sound Management Plan June 2023. The Sound Management Plan was one of the conditions of approval of the planning application for the Dodford Inn to become a mixed use venue, which required doors and windows to remain closed past 8pm (Sunday to Thursday) and 9pm (on Friday and Saturday) evenings. The noise mitigation identified in the new proposed operating schedule was significantly reduced and much less effective than the current specification within the Sound Management Plan as required by Bromsgrove District Council, Planning when the decision to grant approval for a mixed use venue was given two years ago.

With the agreement of the Chairman, the Council's Legal Advisor reiterated to all those present, that Licensing Sub-Committee Members could not consider any planning issues or any existing planning conditions, Members could only be mindful of the Licensing Objectives with regard to the variation application as applied for.

In response Mr. B. Myatt stated that as highlighted by the Technical Officer, WRS, that the proposal to extend the hours for Live and Recorded Music was no longer being pursued.

In response to further questions from Mrs. Blacker on mitigating noise nuisance from loud music, the Council's Legal Advisor also explained

that the applicants were no longer looking to extend the hours for Live and Recorded music. Therefore, Members could only consider the variation application before them, and not what was shown on the existing premises licence.

The Chairman then invited the 'Other Parties' to the proceedings to put forward their representations in objection to the variation application.

Mrs. Blacker then read out a comprehensive speech, which in summary highlighted the following:-

She was addressing Sub-Committee Members on behalf of 8 households, with 6 of those households located on Whinfield Road, and a further household on Alfred's Well. Some of the families she was speaking on behalf of had older children with homework and studying to do. The potential for additional late night noise was extremely worrying for these families.

All of the residents who had submitted representations were objecting to the variation application on the grounds of public nuisance. Some had also raised concerns and were objecting namely on the grounds of Public Safety and the Protection of children from harm.

The Dodford Inn had been a public house longer than any of the residents in Dodford. Residents had moved into the area knowing that there was a pub on the road. However, the pub had applied for a change of use to a mixed use venue and public house in May 2023 and this change had brought challenges to residents.

The growing wedding and events side of the business had had big implications for local residents. A wedding party was a very different event to the general public coming to enjoy the restaurant and pub. The music and noise generated by such events, particularly as evenings progressed and inhibitions were lowered, had proved to be both loud and intrusive. This was also much louder after 9pm during the warmer months than in the late Autumn and through the Winter.

Currently the restriction on the use of the terrace and patio area prevented it from being used after 11:20pm. The proposed variation was asking for this restriction to be removed and if granted, there would be no limit as to the times at which the outside area could be used. The current premises area licence for alcohol was the immediate area around the building, as shown on the diagram submitted with the application. The proposed variation to the premises licence was asking for this restriction to be removed and for the whole site to be licensed. This would mean that the whole premises could be used for events.

Mrs. Blacker then referred to the pub field and the pub's car park. Highlighting that the pub field was already used to enable guests to park, and on occasion, to camp in teepees provided as part of the wedding venue package. This field backed onto residents houses. Should any

restrictions be removed on the licensed area, it was hard for residents not to imagine that pop up gin bars, Pimm's tents and festival type events could take place. This would further increase the noise that would be carried to local homes.

Mrs. Blacker continued and in doing so reiterated that there was a clear risk of cumulative impact on nearby residents' amenity, well-being and sleep; particularly given that the property was located in a Conservation Area. A rural, quiet area with limited ambient noise to mask event related disturbances, this would constitute a significant and ongoing public nuisance.

The current restrictions in place provided a reasonable balance between the business's operations and the residents' right to peaceful enjoyment of their homes, as referred to in the Council's Statement of Licensing Policy 2024-2029, General Principles - Part 5 (5.4):-

"However the licensing authority will also always try and balance the needs of the wider community, local community and commercial premises, against the needs of those whose quality of life may be adversely affected by the carrying on of licensable activities, particularly within residential areas".

Mrs. Blacker emphasised that the proposed changes would remove that balance and be in total favour of the business.

Mrs. Blacker concluded that residents would ask Members to read their individual representations and consider the huge negative impact that would be placed on their families and households if the proposed variation was granted. They would respectfully urge the Licensing Authority to refuse the application to vary the licence on the basis that it undermined the objective of preventing public nuisance.

In response to questions from Sub-Committee Members and no representations being received from any of the responsible authorities; Mrs. Blacker stated that no formal complaints had been lodged, some residents had phoned but had not officially lodged any complaints to the relevant responsible authority. However, residents were now aware of addressing any noise issues via the correct formal way of reporting noise nuisance by contacting Worcestershire Regulatory Services.

In response the Council's Legal Advisor stated that Members would have the Council's Statement of Licensing Policy 2024 – 2029, to refer to.

The Chairman then invited the 'Other Parties' if they wanted to 'sum up'.

In summing up Mrs. Blacker acknowledged that residents understood that the business had its needs and of course the owners wanted it to grow and become more successful. However, the noise nuisance experienced by residents from the increasing number of events was

already considerable and would be even more so with removing the current restriction on the use of the terrace and patio area after 11:20pm. This would see no limit to the times at which these areas could be used. It was unreasonable for residents to be disturbed and to experience their sleep and their children's night sleep being disturbed. There needed to be some balance for the wider community living in a residential area. The proposed variation application would remove any balance.

The Council's Statement of Licensing Policy 2024-2029 referred to the importance of seeking local community views, quoting:-

"Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them".

The Chairman then invited Mr. Myatt, the applicant to 'sum up'.

In summing up Mr. Myatt stated that there was a presumption that the business was doing well. Moving in the direction of holding weddings events / Corporate events was a testament that the business was not doing well. Covid-19 had created a huge array of problems for the hospitality industry. Prior to Covid-19 he had employed 27 people, he now employed 10 people. He only opened for 25/30 hours a week due to the remoteness of the pub, it was difficult to run a pub after Covid-19 and they had had to regroup and reflect on what they could do as a business; hence having the outside area manicured in order to suit the premises for holding such events.

They would potentially open for 25/30 hours specifically for events, they did not erect marquees; and had banned the use of fireworks at events. They ran a very highly respected business and wanted to work with neighbours. They had offered to have meetings with neighbours to address any concerns, however their invite was not taken up. In his opinion, speculation promoted rumours and there was a large number of people who supported the business. The Children's farm had not submitted a representation and were in full support of the business. Their business website contained a lot of information and included their opening hours and events being held, they were open and honest.

At the invitation of the Chairman, the Council's Legal Advisor informed Members that they should consider the variation application as applied for. Members were not here to determine what had previously existed on the premises licence or live and recorded music.

Furthermore, Members should consider the four licensing objectives, the written and oral representations as presented during the course of the Hearing, section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy 2024-2029. Any concerns raised with regards to planning matters and conditions were not a matter for Members consideration.

Members should consider all of the information provided during the course of the Hearing and the agenda papers before them; and consider what weight to give and where to give it.

Members should give no less weight to the representations received from those who were unable to attend and address the Sub-Committee during the course of the Hearing due to their commitments.

Members were reminded that when considering the representations received, that they were only able to have regard to matters that were within their remit.

The Council's Legal Advisor referred to the Live Music Act 2012, in that the applicant could have live music and recorded music at the premises in accordance with paragraph 12A of Schedule 1 and section 177A of the Licensing Act 2003.

At this stage in the Hearing the Chairman announced an adjournment in order for Sub-Committee Members to determine if they had all of the information needed to make an informed decision.

Accordingly, the Hearing stood adjourned from 13:05 to 13:25 hours.

The Democratic Services Officer explained that Members had received all of the information they required. The Democratic Services Officer thanked everyone for attending and explained that the Decision Notice would be issued within five working days to the applicant and all those who had submitted representations.

Having had regard to:

- The licensing objectives set out in the Licensing Act 2003.
- The Guidance issued under section 182 of the Act.
- The Council's Statement of Licensing Policy.
- The report presented by the Technical Officer, Licensing, Worcestershire Regulatory Services.
- The application and oral representations made at the Hearing by and on behalf of the applicant.
- The written and oral representations submitted by other parties, as detailed on pages 47 - 71 of the main agenda pack.

The Sub-Committee decided to grant the variation application for the Dodford Inn as presented to the Sub-Committee, the licence variation therefore excluded any changes to Live and Recorded Music as the applicant no longer sought to include that as part of the application.

A copy of the Decision Notice was sent to all parties to the proceedings.

All parties were made aware 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 was received.

The meeting closed at 1.05 p.m.

Chairman