

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

WEDNESDAY, 9TH APRIL 2008, AT 10.00 A.M.

PRESENT: Councillors S. P. Shannon, Mrs. C. J. Spencer and L. J. Turner

Officers: Mrs. S. Sellers, Mrs. S. Smith, Mr. N. Poole and Mr. A. Jessop

Also in attendance were Mr. J. Woodcraft, Solicitor, TLT Solicitors, Bristol; Mr. R. Gannon, Premises Licence Holder and Designated Premises Supervisor, The Hill Tavern, Adams Hill, Clent; Mrs. L. Gannon, The Hill Tavern, Adams Hill, Clent; Councillor Mrs. J. M. Boswell (Local Ward Councillor); Mr. A. Sherrey, Mr. S. Gannon, Mr. K. Whinfield and ten other local residents.

14/07 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor S. P. Shannon be appointed Chairman of the meeting.

15/07 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

16/07 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

17/07 **PROCEDURE**

The Chairman opened the Hearing and introduced members of the Sub-Committee and officers present to the applicant and the other parties present.

The Chairman invited the other parties to identify themselves, so that the applicant and/or the objectors were able to satisfy themselves that no person who may be in a position to influence the Sub-Committee remained in the room when the Sub-Committee considered their decision at the conclusion of the Hearing.

The Chairman reminded all parties of the procedure to be followed during the Hearing and that those parties present could be represented by a legal representative at their own expense, or by a Ward Councillor.

18/07 **APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE HILL TAVERN, ADAMS HILL, CLENT**

The Sub-Committee were asked to consider an application to vary a premises licence in respect of the Hill Tavern, Adams Hill, Clent. The application was subject to a Hearing in the light of thirty five objections which had been received from nearby residents, who had expressed concern (inter-alia) over noise associated with people leaving the premises, parking congestion, and higher traffic volumes due to a likely increase in trade. Representations had also been received from the National Trust, a local business, and from a "responsible authority", namely the Council's Environmental Health Officer.

At the outset, it was reported by Mr. Jeremy Woodcroft, the applicant's representative, that a meeting had recently been held with local residents, and that, as a result of such meeting, the applicants had revised their application. It was also indicated that the National Trust had subsequently withdrawn their objection. Details of the revised application were then reported.

The Council's Licensing Officer outlined the factors which needed to be considered in this matter, and was followed by Mr. Woodcroft, who put forward the applicant's case. Representations were also made from the Council's Environmental Health Officer, and finally from Councillor Mrs. J. Boswell (local Ward Councillor), and Mr. A. Sherrey, Mr. S. Gannon and Mr. K. Whinfield, who spoke on behalf of nine other local residents.

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 Act
- the application and representations made on behalf of the Applicant
- the relevant representations made by the Interested Parties
- the relevant representations made by the Responsible Authorities, namely Environmental Health, the Sub-Committee

RESOLVED

- (a) that the following hours be approved for the sale of alcohol:-
Sunday to Thursday – 9am to last sale of alcohol 11.30 p.m., plus 30 minutes drinking up time – customers to leave by midnight;
Friday/Saturday – 9a.m. to last sale of alcohol, midnight, plus 30 minutes drinking up time – customers to leave the premises by 12.30 a.m.;
Christmas Eve, Christmas Day and Boxing Day – 9a.m. to last sale of alcohol 12.30 a.m., plus 30 minutes drinking up time – customers to leave by 1.00 a.m.;
Fridays and Saturdays falling on Bank Holiday weekends (i.e. Easter weekend, May Day weekend, Whitsun weekend and August bank holiday) – 9a.m. to last sale of alcohol, 12.30 a.m., plus 30 minutes drinking up time – customers to leave by 1.00 am.;
Sunday and Mondays of the Bank Holiday weekends referred to above - 9a.m. to last sale of alcohol, midnight, plus 30 minutes drinking up time – customers to leave the premises by 12.30 a.m.;

New Year's Eve – existing hours to continue

(Please note that Maundy Thursday is not treated as a bank holiday, but as a normal Thursday).

- (b) that the following hours be approved for the provision of Late Night Refreshment:-
Sunday to Thursday – additional hours as per application – ends midnight;
Friday/ Saturday – additional hour as per application – ends 12.30 a.m.
Christmas Eve, Christmas Day and Boxing Day – additional 2 hours as per application – ends 1.00 a.m.;
New Year's Eve – no change;
Sunday and Mondays of the Bank Holiday weekends referred to above – additional one hour and 30 minutes – ends 12.30 a.m.; and
Friday and Saturdays falling on Bank Holiday weekends (i.e. Easter weekend, May Day weekend, Whitsun weekend and August bank holiday) – additional 2 hours as per application – ends 1a.m.; and
- (c) that the application to remove the conditions contained in the old justices licence and the old public entertainments licence be granted.

In addition the Members agreed to impose the following conditions (including those which were volunteered by the applicant):

- No first admission of new customers after 2300 hours;
- No use of the outside areas for the consumption of alcohol, soft drinks or food after 2300 hours; and
- That the premises licence holder take all reasonable steps to ensure that patrons leave the premises quietly so as not to disturb local residents, and that signs reminding patrons of this are placed at the exits from the premises.

Members also made the following comments (as advice, not conditions):

- (a) that the existing practice of encouraging patrons to use taxis instead of driving to and from the premises be continued; and
- (b) that the bar staff check the outside areas at 2300 hours to ensure that all patrons have left or moved inside the building, and also clear any glasses or rubbish from outside.

Members also encouraged all parties to continue to communicate should any problems arise.

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

- (i) with reference to extending the hours there have been no objections from the police, and in light of the changes to the application, Environmental Health had also expressed their concurrence subject to the condition on leaving quietly referred to above;
- (ii) Environmental Health also expressed that there were no complaints of nuisance on their records relating to the Hill Tavern;

- (iii) the concerns about parking and traffic levels were noted. However when considering the evidence heard, members were of the opinion that these concerns were not so significant as to outweigh the granting of the extended hours in part; and
- (iv) members took into account the evidence of the applicant that the extended hours were not to become the new standard opening hours but were to be used as and when needed, to provide a more flexible service to customers.

The following legal advice was given:

- Conditions must be necessary for the promotion of one or more of the licensing objectives
- Conditions may not be imposed for any other reason
- The licensing authority may not impose conditions if its discretion has not been engaged following the making of a relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised
- Conditions must be proportionate
- The licensing objective of preventing public nuisance is aimed primarily at noise nuisance from a premises, and noxious smells and litter.

The Chairman reported that the applicant, Interested Parties and Responsible Authorities would be notified of the decision in writing within 5 working days, and that an appeal against this decision may be made to the Magistrates' Court within 21 days from the date of the decision.

Furthermore, the Chairman advised the local residents present that they could apply for a review after a "reasonable interval" should there be a problem with the extended hours.

The meeting closed at 1.05 p.m.

Chairman