



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING SUB-COMMITTEE**

**WEDNESDAY, 4TH JUNE 2008 AT 10.00 A.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

MEMBERS: Councillors D. Hancox, S. P. Shannon and Mrs. M. A. Sherrey JP

**AGENDA**

1. Appointment of Chairman for the Meeting
2. To receive apologies for absence
3. Declarations of Interest
4. To consider an Application for a Premises Licence in respect of News Express, May Lane, Hollywood (Pages 1 - 28)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

23rd May 2008

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## BROMSGROVE DISTRICT COUNCIL

### LICENSING SUB-COMMITTEE

4TH JUNE 2008

#### APPLICATION FOR A PREMISES LICENCE – NEWS EXPRESS, 61 MAY LANE, HOLLYWOOD

Responsible Portfolio Holder	Councillor Peter Whittaker
Responsible Head of Service	Head of Planning and Environment Services

#### 1. SUMMARY

- 1.1 To consider an application to grant a premises licence in respect of News Express, 61 May Lane, Hollywood.

#### 2. RECOMMENDATION

- 2.1 That Members determine the application. The application may be refused, or it may be granted in whole or in part (with additional conditions, if appropriate), and all of it or part of it may be applied to the whole or part of the premises provided that the Sub-Committee's decision is consistent with the licensing objectives and the Council's Statement of Licensing Policy.

#### 3. BACKGROUND

- 3.1 The Licensing Authority has received an application for a new Premises Licence, in accordance with the Licensing Act 2003.

- 3.2 The application to seeking the following permissions:

##### **Retail sale of alcohol**

- 07.00 a.m. – 23.00 p.m. every Monday through to Sunday.

- 3.3 As part of the application process, applicants are required to carry out a risk assessment of the effect the proposed licence would have on the four licensing objectives and what steps they intend to take in order to promote these objectives should the application be granted.

- 3.4 Details of the measures the applicant is prepared to take are set out at Appendix 'A'. Should the licence be granted, these measures will form part of the licence, which the applicant will have to adhere to.

- 3.5 In accordance with the Licensing Act, anyone residing in the vicinity of a premises for which an application has been made is entitled to make representations. 'Vicinity' is not defined in the Licensing Act.
- 3.6 Representations have been made by 8 residents living near to the premises, as well as Wythall Residents Association and Wythall Parish Council. A copy of each representation is attached at Appendix 'B'. The basis of their representations relate to the potential for an increase in anti social behaviour in the area associated with people being able to purchase alcohol from the premises till 11.00 p.m. They feel that the proposed application would undermine the licensing objective, prevention of public nuisance.
- 3.7 A plan showing the proximity of residential properties is attached at Appendix 'C'.
- 3.8 In addition to local residents, responsible authorities are also entitled to make representations. Responsible authorities include the Police Authority, Planning Authority, the Council's own Environmental Health Department, Fire & Rescue Authority, Trading Standards and the Area Child Protection Committee.
- 3.9 On this occasion, no representations have been received from any responsible authorities.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from this Report. However if either party made a successful appeal to the Magistrates' Court against the decision of the Council, the Council may be liable for any legal costs.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Each party is entitled to appeal to the Magistrates' Court if they are dissatisfied with the decision of the Council, within 21 days from the date of decision.
- 5.2 The Sub-Committee must have regard to the Statutory Guidance, issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 5.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy.
- 5.4 The conduct of the Sub-Committee is governed by the Licensing Act 2003 (Hearings) Regulations 2005, as amended.
- 5.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.



**6. COUNCIL OBJECTIVES**

6.1 This item links with the Council Objective CO2.

**7. RISK MANAGEMENT**

7.1 The main risk associated with the details included in this report are:

- Decision made without having regard to Council Policy, Guidance issued by Secretary of State and governing legislation.

7.2 Currently the risk identified in the bullet point is not addressed by any risk register and will be added to the Planning and Environment Services risk register as follows:

- Ensure that all licensing applications are determined in accordance with the relevant Council Policy, any guidance issued by Central Government and any governing legislation.

**8. CUSTOMER IMPLICATIONS**

8.1 All parties will be notified of the Council’s decision in writing.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 All applicants are dealt with on their own individual merits are accepted in line with legislation and Council Policy.

**10. VALUE FOR MONEY IMPLICATIONS**

10.1 None.

**11. OTHER IMPLICATIONS**

Procurement Issues – None
Personnel Implications – None
Governance/Performance Management – None
Community Safety including Section 17 of the Crime and Disorder Act 1998 – None
Policy – The Council’s Statement of Licensing Policy applies to this application. This reads: <i>“We will consider every application sent to us, on its individual merits. When we make licensing decisions we will promote:</i> <ul style="list-style-type: none"><li>▪ <i>prevention of crime and disorder;</i></li><li>▪ <i>protection of public safety;</i></li><li>▪ <i>prevention of public nuisance, and</i></li><li>▪ <i>protection of children from harm.”</i></li></ul>
Environmental - None

**12. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities and Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

**13. WARDS AFFECTED**

Hollywood & Majors Green Ward.

**14. APPENDICES**

Appendix A - List of proposed conditions by the applicant  
Appendix B – Letters of objection received from local residents, Wythall Parish Council and Wythall Residents Association.  
Appendix C – Location plan of the premises.

**15. BACKGROUND PAPERS**

Application form received on 9<sup>th</sup> April 2008  
Email received from the Police dated 9<sup>th</sup> April 2008  
Letter received from Worcestershire County Council – Safeguarding and Quality Assurance dated 22<sup>nd</sup> April 2008  
Letter received from Hereford & Worcester Fire and Rescue Authority dated 15<sup>th</sup> April 2008

**Contact officer**

Name: Sharon Smith, Principal Licensing Officer  
E Mail: sharon.smith@bromsgrove.gov.uk  
Tel: (01527) 881626

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

Please see training manual attached - outlining existing policies and procedures in place particularly in relation to Age restricted sales.

**b) The prevention of crime and disorder**

The policies in place as mentioned in relation to underage sales will tackle any potential crime and disorder in that area. CCTV will also be in store.

**c) Public safety**

Save for age related sales - there are believed to be no issues relating to public safety that could arise from the day to day running of the store. Of course day to day policies and procedures govern other aspects of trade.

**d) The prevention of public nuisance**

The usual policies and practices in place would be adopted depending on the particular nuisance however again due to the opening hours of the store there are believed to be no major issues or existing causes that could pose to be a nuisance.

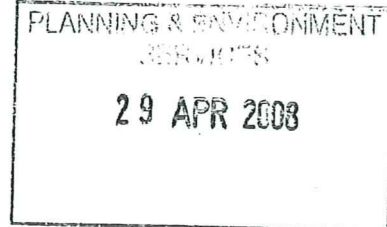
**e) The protection of children from harm**

The training manual used in connection with Age restricted sales would be a tool used to protect children from harm- staff would be trained in accordance with the manual- Challenge 21 will be adopted and a refusals log will be maintained in store.

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25 April 2008

Alcester Road  
Hollywood  
Birmingham



**Objection to Application for Premises Licence under Section 17 of the Licensing Premises Act 2003 in respect of 61 May Lane Hollywood B47 5PA.**

Dear Sir,

Please take note of my objection to a license to sell alcohol at the above premises.

I regularly note gangs of youths hanging around the area of the shops as well as the library premises opposite. The level of anti-social offences such as graffiti, litter, vandalism and worse is a recognised problem locally. A shop selling alcohol will only attract more of this.

I know that the Co-op is a reputable business and they would not knowingly sell alcohol to underage drinkers. However, see the enclosed article in The Telegraph (24 April edition). Clearly under-age drinkers consider the corner shop as the easiest place to obtain alcohol. Also one person over 18 can provide a whole gang outside with alcohol.

This is a completely unnecessary application, it is not a service to the local community, rather it would fuel problems that already exist and I do not want the license granted.

Yours faithfully

## IN BRIEF

### Young drinkers 'easily served' at corner shop

Convenience stores are the easiest places for under-age drinkers to get served, a poll of youngsters has found.

Some 85 per cent said the shops offered them the best chance of obtaining alcohol. But 78 per cent also admitted they would simply ask their parents for drink.

Charlie Mowat, the director of Serve Legal, which organised the poll, said: "It's important retailers send out a strong message of zero tolerance."

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PLANNING & ENVIRONMENT SERVICES  
30 APR 2008

May Lane  
Hollywood  
Worcester

27.04.2008

Dear Sir or Madam. Re proposed off license at 61 May Lane Hollywood

I would like to voice my objections to the proposed off license in the Co- op Shop 61 May Lane, Hollywood trading as Star News.

Having had a business at 65 May Lane for more than 40 Years, we have had to put up with a disruption of an off license before. This was at 67 May Lane, It caused not only to myself, but other occupants of the flats above the shops and local residents a great deal of concern, with late night noise, rubbish and drunken behavior.

Opposite the proposed site for the off license, is the old Health Centre , which is now boarded up.

The grounds of this site are grassland and open to all. To the rear of this is a small park and nature reserve.

When we had an off license before, this was a meeting point for youths with motor-bikes and cars.

This involved a large amount of people causing a great deal of noise and a disruption to the people who lived nearby, as well as a large amount of rubbish which they inevitably left behind.

I would also like to add that we have a fish and chip shop next to the proposed siting of the off- license, so you can imagine the mix of cans, bottles and fish and chip containers which we could have strewn on the pavement and roads especially with the long summer nights ahead of us.

There are already three off licenses within walking distance of May Lane. One in Spar Drakes Cross. One in Simon's Store in Hollywood Lane, and Victoria Wines at Grimes Hill.

I do hope that you can see the dis-advantage of having another off license sited at 61 May Lane, and reject the application.

Yours Sincerely.



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RE licence app. Lane  
for 61 May Hollywood  
1347 SPA.

PLANNING & ENVIRONMENT  
SERVICES  
24 APR 2008

Easton Grove  
Hollywood

22/04/08.

Dear Sir / Madam.

We object to the plans advertised in the Redditch Advertiser last week 16/04/08. This shop is in a residential area and is an area with an alcohol restriction. I attended the PACT meeting last Monday and a fair amount of time was spent discussing alcohol problems in public areas.

This plan is totally unsuitable for the area around May Lane.

Yours faithfully

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PLANNING & ENVIRONMENT  
SERVICES

30 APR 2008

LICENSING

THE PLANNING OFFICER

CORBETT RD  
HOLLYWOOD

25 APRIL 08

BRONSGROVE DISTRICT COUNCIL

Dear Sir

I understand the Newagent shop in May have has been purchased by Co-op with the intention of selling beers and spirits.

I do ask you not to let this go ahead. Problems we already have here in Hollywood will be increased with the sale of alcohol.

About 30 of us "oldies" were at our Forum at the library last Monday evening when the youth ~~of~~ of our area were making a real nuisance of themselves outside the library.

This got worse - frightening many of us with an object being thrown at the building. Can you imagine what will happen with booze being sold just opposite! /

PTO

fish & chip papers to deal with -  
plus chips being dropped on pavement  
making it dangerous if you don't  
happen to see them.

We really don't need anything else  
bringing our area down. It was  
once so nice to live round  
here.

I hope you listen to the concerns  
of us in our area. We really  
do like our area to look pleasant

Thank you

Yours faithfully

1, LEE ROAD  
HOLLYWOOD

TO The Principal Licensing Officer  
Bromsgrove District Council  
The Council House



Burcot Lane. Worcester  
B6D. 1.A.A.

22 APRIL 08

Dear Sirs

RE. APPLICATION FOR A LIQUOR LICENSE  
for 61. MAY LANE B.47.5PA. ("STARS" SHOP)

I wish to oppose the above.

My reasons are:-

- a) The area has quite enough vandalism as it is, ie:-
  - i) The chemists shop (adjacent to 61.) sees fit to have a stout roller shutter door secured by 4 huge padlocks (they've had break ins)
  - ii) The telephone box is vandalised; (it has smashed windows as I write.
  - iii) The Library opposite is a haunt for yobs; (they gather in front of the library).  
Last night I attended a "Forum" meeting there - and it was disturbed by yobs

opening and closing the automatic doors, and finally throwing something at the window to cause a big "bang". They ran off eventually. The police were phoned but did not respond, (no comment!)

b) Recently this estate peaceful shopping frontage has been graced with:-

- i) A chip shop
- ii) A Chinese take-away
- iii) An India take-away / restaurant.

This has resulted in increased smell, noise, traffic and litter. This application will cause more vandalism and drunken behaviour.

c) There are plenty of liquor outlets locally.

Granting a license from 7.00 AM to 11.00 pm is most undesirable - because the shop gets hoards of school children (some of whom are accomplished thieves - (my late wife worked in "Stars" for some time. - she had to try and stop them)

yours faithfully  
Pilly



Alcester Rd

Hollywood

OBJECTION.



Planning Application  
Midcounties Co-operative Ltd

May hane  
Hollywood  
B475PA.

24.04.08.

I would like to object to the planning application proposed by the Midcounties Co-operative Ltd. Some years ago there was a drinks outlet at the same premises and it caused many problems including noise, underage drinking and ultimately ran raids on the premises. Problems spill from the area, to the footpath joining May hane and the Alcester Rd. This footpath is already used for the drinking of alcohol by teenagers and for drugs use. Local residents, very pleased at the closure of the last outlet will not be pleased at the opening of the cooperative outlet.

Yours Sincerley

Neighbourhood Watch  
Alcester Rd

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May Lane,  
Hollywood,  
Birmingham,

25<sup>th</sup> April, 2008.

Dear Sir,

**Re: Application of drinks licence  
Stars Newsagent 61 May Lane, Hollywood.**

I wish to register the strongest possible objection to the application for a licence to sell alcoholic drinks from 7.00am until 11.00pm.

This mainly residential area has already been seriously affected by the introduction of three fast food takeaways (fish and chips, Chinese and Indian) which open late into the evening and attract traffic and groups of mainly young people resulting in unacceptable levels of noise and increasing amounts of litter. I already spend time every week collecting cans, bottles, chip papers, crisp packets and other various item of litter from my front garden. The last thing we need is an outdoor facility open late into the night to act as a further magnet and inevitably, add to these problems.

Groups of young people already gather around the now defunct Health Centre and cause nuisance. The addition of alcohol will make this intolerable.

Finally, given that as a nation we all now recognise that we have a serious binge drinking problem, I believe that it would be irresponsible on the part of the authorities for this application to be granted.

I trust you will take due notice of this objection.

Yours sincerely,

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Alcester Road,  
Hollywood,  
Wythall,  
Worcestershire,

28<sup>th</sup>. April 2008.

Mrs. Sharon Smith,  
Principal Licensing Officer,  
Bromsgrove District Council,  
Burcot Lane,  
Bromsgrove. B60 1AA.

Dear Mrs. Smith,

**Re : Application to sell alcohol, Co-op Newsagents, May Lane, Hollywood.**

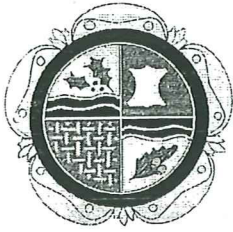
I write to express my objection and concern regarding the above application on three grounds :

1. Need. There are already at least 3 outlets selling alcohol within half a mile of the application site – The Packhorse Inn on the Alcester Road, Spar Stores at Drakes Cross Parade, and the Off-Licence at the junction of Station Road and Lea Green Lane. There is, therefore, no shortage of outlets selling alcohol.
2. Alcohol Free Zone. May Lane is in the centre of the AFZ covering Drakes Cross and Hollywood. Premises selling alcohol would add to the monitoring duties of the local police team.
3. Impact on residents. Unlike the other sites listed above, there are residents above every shop in May Lane, except one. I recall that when there was an off-licence in May Lane some years ago, the residents suffered a great deal of disruption from noisy callers, banging doors etc. and did not have the peaceful enjoyment of their homes. I would not like to see that situation happen again.

I should be grateful if you would put my objections before the Licensing Committee at the appropriate time.

Yours sincerely,

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# WYTHALL PARISH COUNCIL

Council Office  
Beaudesert Road  
Hollywood  
WORCS.B47 5DP

PLANNING & ENVIRONMENT  
SERVICES

23 APR 2008

**CLERK TO THE COUNCIL:**  
Miss Patricia Harrison

Tel: 01564 823149

Tel/Fax: 01564 826294

E-mail: [wythallpc@tiscali.co.uk](mailto:wythallpc@tiscali.co.uk)

E-mail: [pat@wythallpc.org](mailto:pat@wythallpc.org)

Website: [www.wythallpc.org](http://www.wythallpc.org)

21 April 2008

Miss S. Smith  
Principal Licensing Officer  
Bromsgrove District Council  
The Council House  
Burcot Lane  
BROMSGROVE B60 1AA

Dear Miss Smith,

**Re: Licensing Application – 61 May Lane Hollywood**

Having seen the Press Notice my Council have instructed me to write and object in the strongest possible terms to this Application bearing in mind that, when there was an Off-Licence in this block of retail outlets, the problems emanating there from were totally unacceptable, particularly as this is very much a residential area.

If this Application is allowed then we feel sure that the problems will re-occur coupled with the fact that there are empty premises opposite (formerly Doctors Surgery) where young people gather in the evenings in a covered area of the building fronting May Lane.

We trust the above comments will be borne in mind when this Application comes before the Licensing Committee.

Yours sincerely,

**Miss P. Harrison**  
**CLERK TO THE COUNCIL**

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# Wythall Residents Association

Hon Secretary:

29th April 2008

Miss S. Smith,  
Principal Licensing Officer,  
Bromsgrove District Council,  
The Council House,  
Burcot Lane,  
Bromsgrove,  
Worcs. B60 1AA



Dear Miss Smith,

Notice of Application For Premises Under Section 17 of the  
Licensing Act 2003

We notice from the Public Notices in the Redditch Advertiser published on 16th April that Midland Co-operative Ltd. t/a News Express at 61 May Lane, Hollywood proposes to licence their premises for the sale by retail of alcohol.

We wish to object to this application as we fear a recurrence of the problems experienced when there was an off-licence in this block of shops, particularly at the present time as there are empty premises opposite (the former Wythall Health Centre) where young people are apt to gather in the covered entrance in the evenings. There are three other retail liquor outlets within walking distance of May Lane and we question the need for another.

We are concerned that the shop will be open until 11 p.m. thus allowing the late night sale of alcohol to potential trouble makers. We feel that responsible persons would purchase their alcohol earlier in the evening, say up to about 8 p.m.

May we request that our concerns will be borne in mind when the application is considered by the Licensing Committee.

Yoursincerely,

A handwritten signature in cursive script, appearing to read "Maffin".

Hon. Secretary

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61 May Lane

Date 19/5/2008

Scale 1/962

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