

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

MONDAY, 23RD JUNE 2008 AT 10.00 A.M.

PRESENT: Councillors D. Hancox, Mrs. C. J. Spencer and L. J. Turner

Officers: Mrs. D. Warren, Mrs. S. Smith and Ms. D. Parker-Jones

Also in attendance: Mr. K. Richards (Applicant for Review), Miss. C. Burton (partner of Mr. Richards), Mr. R. Lovegrove (Environmental Health Officer), Mr. A. Potts (Partner, Wright Hassall Solicitors - on behalf of the Lickey End and District Workmen's Club - 'the Club'), Ms. M. Phillips (Club Steward), Mr. C. Spencer (Club Secretary) and eight patrons/trustees of the Club.

6/08 **APPOINTMENT OF CHAIRMAN**

RESOLVED that Councillor D. Hancox be appointed Chairman of the meeting.

7/08 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

8/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

9/08 **PROCEDURE**

The Chairman opened the Hearing and introduced the members of the Sub-Committee and officers present to the Applicant for Review ('the Applicant') and the other parties present.

The Chairman invited the other parties to identify themselves, so that the applicant and/or other Interested Parties 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 its decision at the conclusion of the Hearing.

The Legal Adviser to the Sub-Committee advised of a slight amendment to the published procedure to be followed at the Hearing, in relation to the running order of the speakers (meaning the Applicant for Review would present their case first, followed by the Environmental Health Officer and finally the licensee). The Chairman advised that the parties could be represented by a legal representative at their own expense, or by a Ward Councillor.

10/08 **APPLICATION FOR REVIEW OF CLUB PREMISES CERTIFICATE FOR LICKEY END AND DISTRICT WORKMEN'S CLUB, ALCESTER ROAD, LICKEY END, BROMSGROVE**

The Sub-Committee was asked to consider an application for a review of the Club Premises Certificate for Lickey End and District Workmen's Club, Alcester Road, Bromsgrove. The application for review had been made by Mr. K. Richards, a local resident, and a representation had also been received from Mr. R. Lovegrove, the Council's Environmental Health Officer. The basis of the representations made related to public nuisance.

The Principal Licensing Officer introduced the report, following which representations were made by Mr. Richards (accompanied by his partner Miss. C. Burton) and Mr. R. Lovegrove. The case for the Club was then put forward by Mr. A. Potts (Partner, Wright Hassall Solicitors), Ms. M. Phillips (Club Steward) and Mr. C. Spencer (Club Secretary).

Mr. Potts advised that in view of problems which had been encountered at the premises with noise levels from the group 'Fred Zepplin', the group would no longer be playing at the premises. He then went on to offer further conditions, in addition to those already specified in the Club Premises Certificate, that measures would be taken by the licensee to ensure that music would not be audible above the background level at the nearest noise sensitive location and that all fire doors would remain closed at all times except in case of emergency. Mr. Potts added that works would commence to see whether the premises could be made totally sound proof and that the Club Steward would regularly monitor noise levels from outside of the premises. Mr. Potts produced documentary evidence of recent building works carried out at the premises, together with a letter in support of the Club from Mr. A Heard and Ms. V. Perry, residents who lived adjacent to the Club.

Having 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 relevant representations made on behalf of the Applicant for the Review both in writing and at the hearing;
- the relevant representations made on behalf of the Club including the offer to add two additional conditions to the Club Premises Certificate set out at 1 and 2 below; and
- the relevant representations made by the Environmental Health Officer both in writing and at the hearing,

RESOLVED

that the conditions of the Club Premises Certificate be modified by adding new conditions to take immediate effect as follows:

1. Music is not to be audible above the background level at the nearest noise sensitive location;

2. All fire doors are to be kept closed at all times except in case of emergency; and
3. the stage door is to be kept closed at all times except for loading and unloading or in case of emergency.

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

- the Sub-Committee wished to ensure that nearby residents were not disturbed by unreasonable levels of noise; and
- the Sub-Committee considered that the additional conditions would protect nearby residents from disturbance from unreasonable levels of noise.

The Sub-Committee attached no weight to the letter from Mr. Heard and Ms. Perry dated 22nd June 2008 produced on behalf of the Club at the hearing.

The following legal advice was given:

- conditions must be necessary for the promotion of one or more of the licensing objectives and may not be imposed for any other reason; and
- conditions must be proportionate.

The Sub-Committee also made the following additional comments:

- the Sub-Committee welcomes the proactive approach taken by the Club and the offer to engage the services of an acoustic expert;
- if Mr. Richards and Miss. Burton consider that the Club is not adhering to any condition of the licence, they should make a written note of the details and contact the Principal Licensing Officer and/or the Environmental Health team; and
- Mr. Richards and Miss. Burton – if after monitoring the situation for a while you consider that these additional conditions do not resolve the problems you are experiencing, you are entitled to ask for the Club Premises Certificate to be reviewed again.

The Chairman advised that all parties would be notified of the decision in writing within 5 working days and that an appeal against the decision could be made to the Magistrates' Court within 21 days.

The meeting closed at 12.00 p.m.

Chairman