



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

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

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

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

AGENDA

1. Appointment of Chairman for the Meeting
2. To receive apologies for absence and notification of substitutes
3. Declarations of Interest
4. To consider an Application for Review of the Club Premises Certificate for Lickey End and District Workmen's Club, Alcester Road, Lickey End, Bromsgrove (Pages 1 - 16)
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

12th June 2008

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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

23RD JUNE 2008

APPLICATION FOR A REVIEW OF A CLUB PREMISES CERTIFICATE – LICKEY END AND DISTRICT WORKMEN'S CLUB, ALCESTER ROAD, LICKEY END, BROMSGROVE

Responsible Portfolio Holder	Cllr. P. Whittaker
Responsible Head of Service	Head of Planning and Environment Services

1. SUMMARY

- 1.1 To consider an application to review a Club Premises Certificate in respect of Lickey End and District Workmen's Club, Alcester Road, Bromsgrove.

2. RECOMMENDATION

- 2.1 That Members review the licence based upon the representations received.

3. BACKGROUND

- 3.1 The Licensing Authority has received an application from a local resident in accordance with the Licensing Act 2003 to review the above-mentioned licence. The grounds for the review are set out at Appendix 'A'.

- 3.2 The current hours of operation are as follows:

Supply and retail sale of alcohol

- 12 midday. - 11.00 p.m. into every Monday through to Thursday;
- 12 midday. – 12 midnight every Friday to Sunday; and
- 12 midday – 12 midnight every Boxing Day and every Monday of each Bank Holiday, namely Easter, early May Bank Holiday, spring Bank Holiday and August Bank Holiday.
- New Year's Eve – till the start of trading hours on New Year's Day.

Provision of regulated entertainment (Recorded music inside the premises)

- 12 midday – 11.00 p.m. every Monday through to Sunday;
- New Year's Eve – till the start of trading hours on New Year's Day.

Provision of regulated entertainment (Indoor sporting event)

- 8.00 p.m. – 10.00 p.m. every Tuesday and Friday.

Provision of regulated entertainment (Performance of live music inside the premises)

- 8.00 p.m. – 11.00 p.m. every Friday through to Sunday;
- New Year's Eve – till the start of trading hours on New Year's Day.

Provision of regulated entertainment (Performance of dance inside the premises)

- 8.00 p.m. – 11.00 p.m. every Tuesday through to Sunday;
- New Year's Eve – till the start of trading hours on New Year's Day.

- 3.3 Details of licence conditions currently attached to the licence are set out at Appendix 'B'.
- 3.4 As part of the review process, responsible authorities and interested parties are entitled to make representations. Responsible authorities include the Police Authority, Planning Authority, the Council's own Environmental Health Department, Fire Authority, Trading Standards and the Area Child Protection Committee.
- 3.5 On this occasion, a representation has been received from the Council's Environmental Health Section on the grounds of public nuisance. A copy of their report is attached at Appendix 'C'.
- 3.6 No representations have been received from the other responsible authorities or interested parties.
- 3.7 A plan showing the location of the premises is attached at Appendix 'D'.

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, in particular the determination of a review. The following is an extract taken from the Statutory Guidance:

"The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- *to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);*
- *to exclude a licensable activity from the scope of the licence;*
- *to suspend the licence for a period not exceeding three months;*
- *to revoke the licence.*

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives."

- 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
<ul style="list-style-type: none">▪ Policy – The Council’s Statement of Licensing Policy applies to this application. This reads: “<i>Conditions will only be attached where, a relevant representation or request for a review has been received, and the condition relates to the representation or request for a review, and it is necessary for the promotion of one or more of the licensing objectives.</i>”
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

All wards.

14. APPENDICES

Appendix A – Details of the review application
Appendix B – Conditions attached to the current licence.
Appendix C – Report from Environmental Health
Appendix D – Location plan of the area.

15. BACKGROUND PAPERS

Application form received on 29th April 2008
Email received from the Police dated 2nd May 2008
Memo received from Environmental Services dated 23rd May 2008
Email received from Hereford & Worcester Fire and Rescue Authority dated 12th May 2008

Contact officer

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

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes Y

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

AROUND MAY 2007, NOT LONG AFTER MOVING TO LICKEY END, LOUD MUSIC WAS NOTED FROM THE CLUB. THIS WAS ON MOST EVENINGS BUT CERTAINLY WEEKENDS AND WOULD GO ON SOMETIMES UNTIL 4AM. THIS WAS REPORTED TO BOTH THE COUNCIL AND WEST MERCIA POLICE. THERE WAS LITTLE THAT THE POLICE COULD ASSIST WITH BUT SUGGESTED TO REPORT IT FOR RECORD. BROMSGRAVE COUNCIL PROVIDED A 1 MONTH LOG SHEET FOR A RECORD OF NUISANCE WHICH WAS COMPLETED. THERE WAS NO FURTHER ACTION ON THIS INFO OBTAINED TO MY KNOWLEDGE. THIS PERSISTED FOR SEVERAL MONTHS AND THE COUNCIL THEN APPROACHED THE "CLUB SECRETARY" TO REQUEST SOME CO-OPERATION. THIS WAS STILL NOT THE CASE AND IT CONTINUED TO BE A NUISANCE AND WAS REPORTED BY PHONE TO THE POLICE & BY EMAIL TO ...

Please provide as much information as possible to support the application (please read guidance note 2)

THE COUNCIL

IN SEPTEMBER 2007? THE COUNCIL INSTALLED SOUND EQUIPMENT IN MY PROPERTY OVER THE WEEKEND TO RECORD EVIDENCE HOWEVER IT APPEARED TO HAVE BEEN FAULTY? AND NO FURTHER COMMUNICATION WAS RECEIVED ON THIS. BOTH ROBIN GOUNDRY & RICHARD LOVEGROVE VISITED MY PROPERTY AND COMMENTED "THE VOCAL MUSIC CAN CLEARLY BE HEARD WITH DOORS AND WINDOWS OF MY PROPERTY CLOSED".

AROUND THIS TIME A 28 DAY NOTICE WAS SERVED (21/12/07) ON THE CLUB HOWEVER THE RESPONSE WAS THAT THE CLUB WAS HAVING SOUND INSULATION AND CONTINUED TO PLAY MUSIC VERY LOUD DURING WORKS. IN NOVEMBER 2007 THIS WAS COMPLETE AND THE NOISE CONTINUED ALTHOUGH CEASED AROUND THE END OF DEC?

IN APRIL 2008 THE NOISE PROBLEM RETURNED AND ROBIN GOUNDRY WAS OUT ON ONE EVENING AND CONCURRED "IT WAS LOUD" AND THEY WOULD LOOK AT REQUESTING FURTHER SOUND WORK. THE CLUB ALSO ATTRACTS MANY TEENAGERS WHO MAY NOT BE OF LEGAL AGE HOWEVER DO CAUSE TROUBLE - SMASHING GLASSES AND SHOUTING OBSENIITIES. THE VOLUME OF TRAFFIC THE CLUB PRODUCES HAS BECOME A FURTHER PROBLEM ON ALCESTER ROAD.

CLEARLY IN THE SUMMER MONTHS THE MUSIC IS WORSE DUE TO THE FIRED DOOR BEING OPEN AND THIS CANNOT BE PERMITTED TO CONTINUE. OTHER RESIDENTS ~~AT~~ HAVE ADVISED US OF COMPLAINTS AND DISATISFACTION.

I AM THEREFORE ASKING 1 YR ON FOR THE LICENSE TO BE REVIEWED.

The Council House, Burcot Lane, Bromsgrove,
Worcestershire, B60 1AA
Telephone: 01527 881288



Bromsgrove
District Council
www.bromsgrove.gov.uk

Licensing Act 2003

Club Premises Certificate

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Club Details

NAME OF CLUB IN WHOSE NAME THIS CERTIFICATE IS GRANTED AND RELEVANT POSTAL ADDRESS OF CLUB

Lickey End & District Workmens Club

333 Alcester Road, Burcot, Bromsgrove, Worcs, B60 1BQ.

Telephone 01527 587979

IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

17 Alcester Road, Lickey End, Bromsgrove, Worcestershire, B60 1JT.

Telephone 01527 878092

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for dancing
- the supply of alcohol
- the supply of alcohol

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Tuesday	8:00pm	10:00pm
	Friday	8:00pm	10:00pm
E. Performance of live music (Indoors)	Friday	8:00pm	11:00pm
	Saturday	8:00pm	11:00pm
	Sunday	8:00pm	11:00pm
	New Year's Eve		Till the start of trading hours on New Year's Day
F. Playing of recorded music (Indoors)	Monday to Sunday	Noon	11:00pm
	New Year's Eve		Till the start of trading hours on New Year's Day
G. Performance of dance (Indoors)	Tuesday	8:00pm	11:00pm
	Wednesday	8:00pm	11:00pm



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THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
G. Performance of dance (Indoors) continued ...	Thursday to Saturday	8:00pm	11:00pm
	Sunday	8:00pm	11:00pm
	New Year's Eve		Till the start of trading hours on New Year's Day
J. Provision of facilities for dancing (Indoors)	Tuesday	8:00pm	11:00pm
	Wednesday	8:00pm	11:00pm
	Thursday to Saturday	8:00pm	11:00pm
	Sunday	8:00pm	11:00pm
	New Year's Eve		Till the start of trading hours on New Year's Day
L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises	Monday to Thursday	Noon	11:00pm
	Friday	Noon	Midnight
	Saturday	Noon	Midnight
	Sunday	Noon	Midnight
	Christmas Eve	Noon	Midnight
	Boxing Day	Noon	Midnight
	New Year's Eve		Till the start of trading hours on New Year's Day
	Non Standard Timings:	Noon	Midnight
			Refer to Annex 1 for a list of notable days
L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place	Monday to Thursday	Noon	11:00pm
	Friday	Noon	Midnight
	Saturday	Noon	Midnight
	Sunday	Noon	Midnight
	Christmas Eve	Noon	Midnight
	Boxing Day	Noon	Midnight
	New Year's Eve		Till the start of trading hours on New Year's Day
	Non Standard Timings:		Refer to Annex 1 for a list of notable days



Licensing Act 2003

Club Premises Certificate

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THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
Monday to Sunday		At the discretion of the club

WHERE THE CERTIFICATE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises
- L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

ANNEXES

ANNEX 1

Mandatory Conditions

- (a) The supply of alcohol must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (b) If any alcohol supplied for consumption off the premises it must be in a sealed container.
- (c) The supply of alcohol for consumption off the premises must be made to a member of the club in person.

Other Conditions - Non-Standard Timings

- (a) With reference to Non-standard timings, this relates to the following notable days/dates:
 - Every Monday of each Bank Holiday, namely Easter, early May Bank Holiday, Spring Bank Holiday and August Bank Holiday.

Annex 2

Conditions consistent with the operating schedule

(a) General - all four licensing objectives

- (1) The Club has a strict code of conduct on behaviour, with a committee committed to endorse the rules.

(b) The prevention of crime and disorder

- (2) The Club has a door entry system to which all members have a key and CCTV is in place to monitor the entrance and the car park.

(c) Public safety

- (3) The Club has all emergency exits well lit and clearly marked and equipment is regularly inspected by





Licensing Act 2003

Club Premises Certificate

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ANNEXES continued ...

qualified companies;

(4) Recent Fire Authority recommendations to fire doors etc. have recently been applied.

(d) The prevention of public nuisance

(5) The Club is situated in the centre of the village with the car park being at the rear of the building.

(6) Members are politely asked to leave quietly at the end of the evening;

(7) The car park is well lit and music levels are controlled with doors kept shut.

(e) The protection of children from harm

(8) We have a family room where children must be supervised by their parents at all times;

(9) Children are not allowed on the Club premises without parental supervision.

Annex 3

Conditions attached after a hearing by the licensing authority

Not applicable.



Report to Licensing Committee
Lickey End Working Mens Club, Alcester Road, Lickey End.

This report will only deal with noise caused by events within the structure of the club and not alleged nuisance from people arriving or leaving the premises or using the car park at the rear of the premises. Legislation enforced by this Section does not relate to these activities.

In May 2007 this Section was contacted by a local resident regarding noise from events held at this club. The resident lives in a small row of terraced properties on the south side of Lickey End Working Mens Club and is the only complainant we have on record regarding noise nuisance from the club.

Contact was made with the club advising them of the complaint and asking for their cooperation in resolving the situation. Diary sheets were also sent to the complainant and were returned showing the times of the alleged nuisance and stating the type of noise concerned.

As complaints continued to be received in August 2007 the decision was made to monitor the situation both by the installation of recording equipment and by a visit by an officer from this department. The club were also contacted to obtain a list of the events to be held over the following 6 – 8 weeks

Mr Robin Goundry, Environmental Health Officer, visited the premises on the evening of 21 September 2007 between 10 pm and 10.55pm when a tribute band, "Fred Zepellin", were playing. Mr Goundry did not enter the club or make them aware of his presence. Assessments were made outside the concert/function room and within the complainants property and, in Mr Goundry's opinion, the noise was a statutory nuisance as defined by Environmental Protection Act 1990.

The club secretary was advised of our findings on 24 September 2007 and a site meeting arranged to discuss the matter. At this point the club were also advised that an Abatement Notice would be served under Section 80 Environmental Protection Act 1990 to ensure to nuisance was resolved. This notice was served at the premises on 5 October 2007.

Assessments made by the club and their contractors showed that there was no sound insulation material within the roof space of the structure and that the doors on the side nearest the residential property were in poor condition. A further site meeting was held with the Club Secretary to discuss the proposed work when it was stressed that it was not possible to state that any work, whilst improving the situation, would result in the abatement of the statutory nuisance. This could only be assessed once work was completed and further monitoring had taken place.

In early December we were notified that the work had been completed and arrangements were made for Mr Goundry to carry out further monitoring on the evening of 7 December 2007 when a "Northern Soul" disco was to be held.

This monitoring was undertaken during the late evening and, in Mr Goundry's opinion, whilst there had been a great improvement in the situation there was still significant noise escaping through the doors on the side of the building and further insulation work was required in these areas.

The Club Secretary was contacted and advised of our findings and a verbal undertaking was given on behalf of the club to carry out further noise insulation work in the relevant areas.

No further contact was received from our complainant until early April 2008 when they stated that it had been relatively peaceful since late 2007 but there had been a recent significant increase in noise level.

Arrangements were again made for Mr Goundry to carry out monitoring on 4 April 2008 when the same tribute band, "Fred Zepellin", were due to appear. Visits were made during the late evening and in the opinion of Mr Goundry although there was a significant improvement since the last time he heard this band perform at the club the noise was still a statutory nuisance and was a clear contravention of the notice served on 2007.

On 7 April an email was sent to the Club Secretary advising him of Mr Goundry's findings and of comments made by the complainant. It was recommended at that time that the Club should employ a noise consultant to carry out a full assessment of the premises and recommend any further remedial work to ensure compliance with the statutory notice. It was further explained that this department would be happy to comment on these recommendations but that as the legal enforcing authority for noise nuisance we were unable to carry out the assessment for them.

A telephone call was received on 25 April 2008 from the club secretary confirming they were undertaking further noise assessments and looking into the possibility of installing a noise limiting device.

No further contact has been made with any officer of the club as we were advised that the licence was to be reconsidered by the Committee.

Richard Lovegrove
Environmental Health Officer.



Lickey End & District Workmen's Club

Date 10/6/2008

Scale 1/962

Centre = 397059 E 272852 N

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