

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

FRIDAY, 15TH AUGUST 2008, AT 10.00 A.M.

PRESENT: Councillors Ms. J. A. Marshall, Mrs. M. A. Sherrey JP and Mrs. C. J. Spencer

Officers: Mrs. S. Sellers, Mrs. S. Smith and Ms. R. Cole

Also in attendance: Mr. J. Impey (Applicant), Mr. W. Box, Mrs. S. Clarke, Mr. I. Howarth and Mr. R. Oulsnam.

11/08 **APPOINTMENT OF CHAIRMAN**

RESOLVED that Councillor Mrs. M. A. Sherrey JP be appointed Chairman of the meeting.

12/08 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

13/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

14/08 **PROCEDURE**

The Chairman opened the Hearing and introduced the 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.

15/08 **APPLICATION FOR A PREMISES LICENCE - WOODLANDS, COOPERS HILL, ALVECHURCH**

The Sub-Committee was asked to consider an application for a premises licence in respect of Woodlands, Coopers Hill, Alvechurch. The applicant had originally sought to provide the following:

- Retail sale of alcohol (outdoors) Midday to 12.30am every Friday and Saturday
- Regulated entertainment (outdoors) 7.00pm to 12.30am every Friday and Saturday
- Retail sale of alcohol (indoors) 24 hours for hotel guests only

Following a large number of objections from local residents the applicant had revised the original application so that all references to outside permissions had been withdrawn and the revised application therefore related solely to the sale of alcohol (indoors) to hotel guests only on a 24 hours basis. Whilst a number of objections from local residents had been withdrawn following the revision of the application there were still 12 objections outstanding. The basis of the objections was that the proposed application would undermine the licensing objective, prevention of public nuisance. No representations had been received from any of the responsible Authorities to the revised application.

The Principal Licensing Officer introduced the report and advised that references therein to "hotel" should read "bed and breakfast". Mr. J. Impey, the applicant put forward the case for the application and Mr. Howarth, Mr. Oulsnam and Mr. Box (on behalf of a number of other residents) made representations largely on the grounds of noise and public nuisance.

Having listened to the representations of interested parties, Mr Impey advised he would not be opposed to the licence being granted for less than 24 hours.

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

RESOLVED:

that the application for a premises licence for the retail sale of alcohol (indoors) to bed and breakfast guests between the hours of 11.00am and 12.30am seven days a week be granted

Subject to the condition that alcohol be only sold to staying guests.

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

- No objections were made by the responsible authorities.

- It was noted that the part of the application relating to outside sale of alcohol/entertainment had been withdrawn. In relation to the sale of alcohol indoors it was noted that Mr Impey had indicated that he would not be opposed to Members granting the application for reduced hours.
- Members did not hear any evidence that the provision of an honesty bar located in the dining room would cause a noise nuisance or compromise the 4 licensing objectives.
- Members considered that serving alcohol between the hours of 11am and 12.30 am would be appropriate for the bed and breakfast.
- Members interpreted the phrase “guests only” on the application form as meaning staying guests and not guests of guests.

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 only application before the committee today relates to the sale of alcohol/ premises licence. Any extension of the licensable activities at the premises will require a new licensing application to be made which would trigger a fresh round of consultation with the local residents and be decided on its own merits at a later date.

The Chairman reported that the applicant and Interested Parties would be notified in writing 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.

The meeting closed at 12.30 p.m.

Chairman