

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

WEDNESDAY, 15TH APRIL 2009 AT 2.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent, D. McGrath and S. P. Shannon

Officers: Mrs. D. Warren, Mrs. S. Smith and Ms. P. Ross

Also in attendance: Mr. A. Potts (Partner, Wright Hassell Solicitors – on behalf of Lickey End Working Men’s Club, Mrs. M. Phillips (Designated Premises Supervisor), Mr. C. Spencer (Club Secretary), Mr. R. Lovegrove (Environmental Health Officer), Mrs. Calloway, Mr. Howard, Mr. Kennington, Mrs. Kennington, Mr. Richards and Mr. Spencer

26/08 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor Mrs. R. L. Dent be appointed Chairman of the Sub-Committee for the meeting.

27/08 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

28/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

29/08 **PROCEDURE**

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

The Chairman invited the other parties to identify themselves, so that the applicant and/or 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.

30/08 **APPLICATION FOR A PREMISES LICENCE - LICKEY END WORKING MEN’S CLUB, ALCESTER ROAD, LICKEY END, BROMSGROVE**

The Sub-Committee was asked to consider an application for a premises licence in respect of Lickey End Working Men's Club, Alcester Road, Lickey End, Bromsgrove. The application was subject to a Hearing in the light of representations which had been made by a number of residents living near to the premises. The basis of their representations related to noise nuisance arising from public entertainment events and parking. A representation had been received from the Council's Environmental Health (Pollution Control) Section on the grounds of public nuisance. No representations had been received from any other Responsible Authorities.

The Principal Licensing Officer introduced the report and asked Members to note that the premises already held a Club Premises Certificate which had been subject to a review application in July 2008, at the request of a local resident, due to noise nuisance arising from regulated entertainment events held at the premises. Furthermore the premises had been served with a noise abatement notice in October 2007. The Principal Licensing Officer informed those present that Members of the Sub-Committee had carried out an announced Site Visit to the premises prior to the Hearing.

Mr. Potts then put forward the case for the applicant. He then went on to provide information on the measures put in place to reduce noise levels. Representations were also put forward by the Council's Environmental Health Officer. At the Hearing, the Interested Parties who had given notice of their intention to attend the Hearing called Mr. Howard to act as their spokesperson, and he made representations on the grounds of noise nuisance arising from public entertainment and concerns over increased parking creating obstructions along the Alcester Road in the vicinity of the Club. Mr. Howard, Mr. Richards, Mr. Kennington, Mrs Kennington, Mr. Spencer and Mrs Calloway (all Interested Parties who had given notice of their intention to attend the Hearing) and Members of the Sub-Committee put questions to the applicant.

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

RESOLVED that the new premises licence be granted subject to the Operating Schedule and the additional conditions offered by the applicant at the hearing namely:

- All fire doors to be kept closed at any time during which the concert room is being used; and
- The stage doors to remain closed at any time there is regulated entertainment taking place at the premises.

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

- The Sub-Committee noted the professional opinion of the Environmental Health Officer that the measures recently undertaken including the installation of a noise limiter would limit the noise from events to an acceptable level;
- The Sub-Committee noted that the Environmental Health Officer would be monitoring the premises to ensure that the noise limiter was set at an appropriate level and adjusted if necessary. The Sub-Committee requested that the Environmental Health Officer notified the Principal Licensing Officer once he was satisfied that the noise limiter was set to the correct level and that the Principal Licensing Officer notified the residents accordingly;
- The Sub-Committee had taken into account the Department of Culture Media and Sport guidance under Section 182 of the Act that the licensing authority should not impose conditions to control the anti-social behaviour of customers once they are beyond the control of the licence holder;
- The Sub-Committee noted that many of the representations from local residents had focussed on parking issues. The Sub-Committee had listened carefully but noted that there were no double yellow lines on the Alcester Road and therefore parking on the road is permitted; and
- It was noted that there was no evidence that any litter problems were caused directly by these premises.

The Sub-Committee was encouraged by the applicant's statement that further sound-proofing measures would be carried out by double glazing the windows of the toilets. The Sub-Committee welcomed the Club's offer to provide local residents with a direct contact number to report problems and disturbances. The Sub-Committee also welcomed the fact that taxis would be directed to wait off the street.

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 the decision could be made to the Magistrates' Court within 21 days from the date of the decision.

The meeting closed at 4.26 p.m.

Chairman