

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

19TH JULY 2007

**APPLICATION FOR A PREMISES LICENCE - BROMSGROVE MEMBERS CLUB
(formerly known as Bromsgrove Labour Club), 174 WORCESTER ROAD,
BROMSGROVE.**

Responsible Head of Service	Head of Planning and Environment Services
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1. SUMMARY

- 1.1 To consider an application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Bromsgrove Members Club (formerly known as Bromsgrove Labour Club), 174 Worcester Road, Bromsgrove.

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 Premises Licence a copy of which is at Appendix A to permit the following:

Provision of regulated entertainment

- (a) Plays
- (b) Films
- (c) Indoor sporting events
- (d) Boxing or wrestling entertainment
- (e) Live music
- (f) Recorded music
- (g) Performances of dance
- (h) Anything of a similar description to that falling within (e), (f) or (g).

Provision of entertainment facilities

- (i) making music
- (j) dancing
- (k) entertainment of a similar description to that falling within (i) or (j)

(l) Provision of late night refreshment

(m) Supply of alcohol

3.2. The hours proposed for uses (a) – (k) are as follows:

- Monday to Thursday from 10.00 a.m. to 00.00 a.m.
- Friday and Saturday from 10.00 a.m. to 01.00 a.m.
- Sunday 10.00 a.m. to 00.00 a.m.

*On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours New Years Day

*Sundays preceding a Bank Holiday falling on a Monday 10.00 to 01.00 the next day
And

*On up to 30 occasions per calendar year an additional 1 hour on normal permitted time providing the police have been given 14 days prior notice of the event.

- Members may wish to note that all uses (a) – (k) are to take place indoors.

3.3 The hours proposed for the provision of late night refreshment:

- Monday to Thursday from 23.00 p.m.– 00.00a.m.
- Friday and Saturday from 23.00 p.m.- 01.00 a.m.
- Sunday 23.00 to 00.00 a.m.

- Members may wish to note that this is to be provided indoors.

3.4 The supply of alcohol will take place between the following hours:

- Monday to Thursday from 10.00 a.m. - 00.00 a.m.
- Friday and Saturday from 10.00a.m. - 01.00 a.m.
- Sunday from 10.00 until 00.00a.m.

*On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours New Years Day

*Sundays preceding a Bank Holiday falling on a Monday 10.00 to 01.00 the next day
And

*On up to 30 occasions per calendar year an additional 1 hour on normal permitted time providing the police have been given 14 days prior notice of the event.

- Members may wish to note that the supply of alcohol is to be both on and off the premises.

3.5. With regard to adult entertainment, the applicant has provided the following statement:

“It is not at present intended to use the premises for adult entertainment but the applicant cannot rule out such a use in the future. Any such adult of whatever nature will only be introduced to the premises upon giving at least 14 days notice to the Police Authority”

3.6. The hours that the premises will be open to the public are as follows:

- Monday to Thursday 10.00 a.m. – 00.30 a.m.

- Friday and Saturday 10.00a.m. - 01.30 a.m.
- Sunday 10.00 – 00.30 a.m.

*On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours New Years Day

*Sundays preceding a Bank Holiday falling on a Monday 10.00 to 01.30 the next day
And

*On up to 30 occasions per calendar year an additional 1 hour on normal permitted time providing the police have been given 14 days prior notice of the event.

3.7. As part of the application process, the applicant has submitted proposed additional steps that the company intends to take in order to promote the four licensing objectives if the application is granted. These are set out on page 19 of Appendix A. For ease of reference the four licensing objectives are as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

3.8 In accordance with the Licensing Act, anyone residing in the vicinity of premises for which an application has been made is entitled to make representations. "Vicinity" is not defined in the Licensing Act.

3.9. Representations have been made by 120 residents living near to the premises on the following roads:

Barnfield Road – 18 letters of objection by way of the standard letter

Dovecote Road – 16 letters of objection (standard letter) and one independent letter of objection

Millfield Road – 10 letters of objection (standard letter)

St. Peter's Close – 1 letter of objection (standard letter)

Ford Road – 1 letter of objection (standard letter)

Highfields – 22 letters of objection (standard letter) and 5 independent letters of objection

Brook Road – 20 letters of objection (standard letter)

Shrubbery Road – 16 letters of objection (standard letter) and 10 independent letters of objection.

Copies of the representations are attached as Appendix B. The basis of their representations relate to public nuisance through noise and anti social behaviour and the protection of children from harm.

3.10. A plan showing the proximity of residential properties is attached at Appendix C.

3.11. Representations have been received from Environmental Health on the basis of noise nuisance, especially to residents in Shrubbery Road and St. Peters Court (see Appendix D) and suggest that the following additional condition should be attached to the licence:

"The applicant should be required to have an assessment of the sound insulation

of the building envelope carried out by a competent person, and a suitable scheme of noise insulation works including sound proofed mechanical ventilation specified as necessary. The assessment and sound insulation scheme to be submitted to and approved by BDC and implemented before live or recorded music events are held at the premises music”.

- 3.12. No other representations have been received from the other responsible authorities
- 3.13 There is currently a Club Premises Certificate in force for the premises. However, the applicant has confirmed that if and when a new premises licence is granted the Club Premises Certificate will be surrendered.
- 3.14 The applicant proposes to operate the premises as a Members’ Club but this will require a full premises licence, as opposed to a Club Premises Certificate, as the Members’ Club will not be a qualifying club as defined by section 61 of the Licensing Act 2003. Details of how the Members’ Club will operate are set out on in a supporting document in addition to the application form at Appendix A.
- 3.15 If the licence is granted in accordance with the application, the mandatory conditions set out in Appendix E will apply.

4. Policy Implications

- 4.1 Paragraph 4.3 of the Council’s Statement of Licensing Policy applies to this application. This reads: *“The Licensing hours for each premises will be examined on the individual merits of the application, having regard to the nature of activities taking place in the premises, the amount of disturbance likely to occur, the location of the premises and the day of the week, major sporting events, Bank Holidays and seasonal variations. It is however, acceptable to impose stricter conditions with regard to noise control in areas that are residential, in order to satisfy the licensing objectives”*.

5. Financial Implications

- 5.1 There are no direct financial implications arising from this Report. However, if either party is not satisfied by the decision taken by the Council, they can appeal to the Magistrates’ Court and the Council could become liable for costs.

6. Legal implications

- 6.1 Each party is entitled to appeal to the Magistrates’ Court if they are dissatisfied with the decision of the Council.
- 6.2 The Sub-Committee must have regard to the Statutory Guidance, issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 6.3 The Sub-Committee must have regard to the Council’s Statement of Licensing Policy.
- 6.4 The Sub-Committee must have regard to representations.
- 6.4 The conduct of the Sub-Committee is governed by the Licensing Act 2003

(Hearings) Regulations 2005, as amended.

6.5 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.

Appendices:

- A. Application form and rules of the club
- B. Representations from interested parties
- C. Plan
- D. Representations from Environmental Health
- E. Mandatory conditions

Background Papers

None

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