

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

Tuesday 11th September 2007

**APPLICATION FOR A PREMISES LICENCE VARIATION – HOP POLE INN,
BIRMINGHAM ROAD, BROMSGROVE**

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

- 1.1 To consider an application to vary a premises licence in respect of the Hop Pole Inn, Birmingham Road, Bromsgrove.

2. RECOMMENDATION

- 2.1 That Members determine the variation application taking into account the relevant representation which has been received. The variation 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 to vary the Premises Licence as follows:
- To extend the hours until 12 midnight during which the playing of recorded music indoors is permitted on every Thursday, Friday and Saturday;
 - To permit all forms of regulated entertainment on Good Friday and Christmas Day. Regulated entertainment in accordance with the current licence includes performance of live music, playing of recorded music, performance of dance, entertainment facilities for dancing and entertainment of a similar description to that falling within entertainment facilities for making music or dancing;
 - To remove the following conditions from the current premises licence:
 - The outside drinking area to be closed and cleared by customers by 10.45 p.m.
 - The licensed premises shall not be used for public entertainment on Christmas Day and Good Friday; and
 - After 11.00 p.m. the side exit/entry on Blackmore lane is not to be used as an exit/entry point for customers.

- 3.2 As part of the application process, the applicant has submitted proposed additional steps that he intends to take in order to promote the four licensing objectives if the variation is granted:
- Staff to regularly patrol outside areas during all hours when the property is open to the public.

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.
- 3.3 All other hours of operation and licensable activities remain unchanged.
- 3.4 Attached at Annex 'A' is a copy of their premises licence which sets out their current hours of operation for each licensable activity, together with the details of all licence conditions.
- 3.5 The effect of the proposed variation would be to extend the hours currently available for the playing of recorded music inside the premises every Thursday, Friday and Saturday by 40 minutes and that all forms of regulated entertainment currently permitted on the licence to be available on Christmas Day and Good Friday.
- 3.6 Members may wish to note that, the consumption of alcohol can take place both within the premises and outside in the beer garden. Secondly, Members may wish to note that regulated entertainment can only take place inside the premises.
- 3.7 In accordance with the Licensing Act, anyone residing or has business interests in the vicinity of a premises for which an application has been made is entitled to make representations. 'Vicinity' is not defined in the Licensing Act.
- 3.8 A representation has been made by a person who is involved in a business in the vicinity of the premises. A copy of the representation is attached at Appendix 'B'. The basis of the representation relates to noise nuisance arising from the use of beer garden. It is felt that the extension in hours would only exacerbate the problem of nuisance to local residents and it is considered that the proposed variation would undermine the licensing objective, prevention of public nuisance.
- 3.9 A plan showing the proximity of residential properties is attached at Appendix 'C'.
- 3.10 No representations have been received from any of the responsible authorities.

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 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.

Background Papers

Application form received on 12th July 2007

Email received from the Police dated 17th July 2007

Email received from Environmental Health dated 25th July 2007

Letter received from the Fire Authority dated 25th July 2007

Letter received from Child Protection Committee dated 18th July 2007

Letter received from objector dated 9th August 2007

Contact officer

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