

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