

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

11TH AUGUST 2016

LICENSING ACT 2003

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

BELBROUGHTON RECREATION CENTRE

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Sayful Alom Licensing Technical Officer 01905 822799 sayful.alom@worcsregservices.gov.uk
Ward(s) affected:	NEW WARD - Belbroughton And Romsley
Appendices:	List of appendices e.g. Appendix 1 – Application Form Appendix 2 – Representation from RA - withdrawn Appendix 3 - Representations from other parties Appendix 4 – Representation in Support of application

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for grant of a premises licence in respect of

**Belbroughton Recreation Centre
The Recreation Community Centre
Hartle Lane
Belbroughton
Bromsgrove
Worcestershire
DY9 9TG**

A copy of the application is attached at **Appendix 1**.

2. BACKGROUND

2.1 On 17 June 2016 an application was received from Belbroughton Beer Festival Ltd for grant of a premises licence in respect of

Belbroughton Recreation Centre
The Recreation Community Centre
Hartle Lane
Belbroughton
Bromsgrove
Worcestershire
DY9 9TG

2.2 The application contained all the requisite documentation including the fee and a plan of the premises.

2.3 It can be confirmed that the application has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and that the application has also been served on all responsible authorities.

2.4 The applicant is applying for the following licensable activities:-

Activity	Days	From	To	Indoors/Outdoors
Anything of a Similar Desc to RE	Everyday	11:00	- 23:00	
Performance of Live Music	Everyday	11:00	- 23:00	Both
Playing of Recorded Music	Everyday	11:00	- 23:00	Both
Sale of Alcohol	Everyday	11:00	- 23:00	

2.5 The designated premises supervisor identified in the application is Ronald Geoffrey Morgan.

3. REPRESENTATIONS

Responsible Authorities

3.1 A relevant representation was received from Toby Hardmann-Dodd (Worcestershire Regulatory services Environmental Health Officer) on the 15th July 2016 on the grounds of Public Nuisance. Following mediation the Environmental Health Officer has agreed the conditions and therefore has withdrawn their representation. **Appendix 2** has been withdrawn.

Other Persons

3.2 Worcestershire Regulatory Services are in receipt of 12 relevant representations which were received during the consultation period from members of the public objecting to the grant of the premises licence on the grounds of Public Nuisance, Crime and disorder. Copies of the representations are attached at **Appendix 3**.

3.3 On the 15th July 2016 Worcestershire Regulatory Services were in receipt of a representation in support of the premise licence application. A copy of the representation is attached at **Appendix 4**.

4. LOCAL POLICY CONSIDERATIONS

4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.

4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email wrsenquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

5.1 The matters to be considered are Paragraph 2.14 of the s182 Guidance under the Licensing Act 2003 ("the s182 Guidance") states The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the soecific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

5.2 The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.3 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

5.4 The Sub-Committee must also have regard to the representations made and the evidence it hears.

5.5 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) Grant the application as requested

- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
 - (c) Reject the application in whole or in part.
- 5.6 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
- 5.7 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.8 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 5.9 The hearing should be conducted in accordance with the agreed procedure.
- 6. FOR DECISION**
- 6.1 The Sub-Committee must consider and determine the application.