

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

12TH JANUARY 2009

APPLICATION FOR A PREMISES LICENCE – BROMSGROVE MEMBERS CLUB, WORCESTER ROAD, 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 grant a premises licence in respect of Bromsgrove Members Club, 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 new Premises Licence, in accordance with the Licensing Act 2003.
- 3.2 Members may wish to note that the premises does already hold a Premises Licence which is currently subject to a review application, which is scheduled to be determined at the end of January. It may be further noted that the hours of operation on the current Premises Licence are the same as those outlined below.
- 3.2 The new application to seeking the following permissions:

Retail sale of alcohol

- 10.00 a.m. – 12 midnight. into the morning following every Sunday through to Thursday;
- 10.00 a.m. - 1.00 a.m. into the morning following every Friday and Saturday;
- New Year's Eve – 10.00 a.m. till the start of trading on New Year's Day.

Provision of regulated entertainment inside the premises (Performance of a play; exhibition of films; indoor sporting events; boxing or wrestling entertainments; live music; recorded music; performance of dance; anything of a similar description; provision of facilities for making music; provision of facilities for dancing; provision of facilities for entertainment of a similar description;)

- 10.00 a.m. – 12 midnight. into the morning following every Sunday through to Thursday;
- 10.00 a.m. - 1.00 a.m. into the morning following every Friday and Saturday;
- New Year's Eve – 10.00 a.m. till the start of trading on New Year's Day.

Provision of late night refreshment

- 11.00 p.m. – 12 midnight. into the morning following every Sunday through to Thursday;
- 11.00 p.m. - 1.00 a.m. into the morning following every Friday and Saturday;
- New Year's Eve – 11.00 p.m. till the start of trading on New Year's Day.

Actual opening hours of the premises

- 10.00 a.m. – 12.30 a.m. into the morning following every Sunday through to Thursday;
- 10.00 a.m. - 1.30 a.m. into the morning following every Friday and Saturday;
- New Year's Eve – 10.00 a.m. till the start of trading on New Year's Day.

3.3 In addition to the above-mentioned licensable activities taking place on the premises, the applicant has stated in the application form that it is not their intention to use the premises for adult entertainment but it cannot be ruled out in the future. Any such adult entertainment of whatever nature will only be introduced to the premises upon giving at least 14 days notice to the Police Authority.

3.4 Since receiving the application and through the mediation process, the applicant has agreed to also inform the Licensing Authority and the Area Child Protection Committee of any such adult entertainment events taking place on the premises.

3.5 As part of the application process, applicants are required to carry out a risk assessment of the effect the proposed licence would have on the four licensing objectives and what steps they intend to take in order to promote these objectives should the application be granted.

3.6 For ease of reference the four licensing objectives are:

- Prevention of crime and disorder;
- Protection of public safety;
- Prevention of public nuisance;

- Protection of children from harm.
- 3.7 Details of the measures the applicant is prepared to take are set out at Appendix 'A'. Should the licence be granted, these measures will form part of the licence, which the applicant will have to adhere to.
- 3.8 In accordance with the Licensing Act, a responsible authority is 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.
- 3.9 On this occasion, a representation has been received from the Council's Environment Health Section (Pollution Control) on the grounds of public nuisance. A copy of their report is attached at Appendix 'B'.
- 3.10 No representations have been received from the other responsible authorities.
- 3.11 In accordance with the Licensing Act, anyone residing 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.
- 3.12 Representations have been made by 4 residents living near to the premises. A copy of each representation is attached at Appendix 'C'. The basis of their representations relate noise nuisance arising from public entertainment events.
- 3.13 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.
- 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 This risk is being managed as follows:

- Adhere to all licensing policies and legislation when determining applications for all licensing functions.
- Risk Register: Planning and Environment Services
- Key Objective Ref No. 7

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
Policy – The Council's Statement of Licensing Policy applies to this application. This reads: " <i>We will consider every application sent to us, on its individual merits. When we make licensing decisions we will promote:</i> <ul style="list-style-type: none">▪ <i>prevention of crime and disorder;</i>▪ <i>protection of public safety;</i>

<ul style="list-style-type: none"> ▪ <i>prevention of public nuisance, and</i> ▪ <i>protection of children from harm.”</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 - List of conditions attached to existing licence
- Appendix B - Report from Council's Environmental Services (Pollution Control).
- Appendix C – Operating schedule
- Appendix D – Location plan of the premises

15. BACKGROUND PAPERS

- Application form received on 21st November 2008
- Email received from the Police dated 19th December 2008
- Memo received from Environmental Services (Pollution Control) dated 15th December 2008
- Email received from Environmental Services (Health & Safety) dated 27th November 2008
- Letter received from Worcestershire County Council – Safeguarding and Quality Assurance dated 1st December 2008
- Email received from Hereford & Worcester Fire and Rescue Authority dated 1st December 2008

Contact officer

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