

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**27TH NOVEMBER 2009**

**APPLICATION TO VARY A CLUB PREMISES CERTIFICATE – ROMSLEY AND HUNNINGTON SPORTS CLUB**

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 vary a Club Premises Certificate in respect of Romsley and Hunnington Sports Club, rear of 332 Bromsgrove Road, Hunnington, Halesowen.

**2. RECOMMENDATION**

- 2.1 That Members determine the variation application. 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 existing permissions, in accordance with the Licensing Act 2003.

- 3.2 The current hours of operation, as authorised by the existing Certificate are as follows:

- The supply of alcohol: 11.00 a.m. – 11.00 p.m. Monday to Saturday  
12 noon – 10.30 p.m. on Sunday  
12 noon – 10.30 p.m. on Good Friday  
Christmas Day – must not exceed more than 6 and half hours beginning no earlier than 12 noon and end no later than 10.30 p.m.  
New Year's Eve\*

\*On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

- The retail of alcohol: 11.00 a.m. – 11.00 p.m. Monday to Saturday  
12 noon – 10.30 p.m. on Sunday  
12 noon – 10.30 p.m. on Good Friday  
Christmas Day – must not exceed more than 6  
and half hours beginning no earlier than 12  
noon and end no later than 10.30 p.m.  
New Year's Eve\*

\*On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

3.3 The application to vary the licence has three elements:

- To extend the hours of operation for the supply and retail sale of alcohol;
- To introduce regulated entertainment;
- To remove all conditions retained by the transition process as set out the previous Club Registration Certificate issued by the Magistrates' Court. The conditions are set out at Appendix 'A'.

3.4 The effect of the proposed variation would be as follows:

**Supply sale of alcohol to Members of the Club**

- 10.00 a.m. - 1.00 a.m. into the morning following every Monday through to Sunday.

**Retail sale of alcohol to Guests**

- 10.00 a.m. - 1.00 a.m. into the morning following every Monday through to Sunday.

**Provision of regulated entertainment in the form of live music (inside the premises)**

- 10.00 a.m. - 12.30 a.m. into the morning following every Monday through to Sunday.

**Provision of regulated entertainment in the form of recorded music, anything of a similar description to that of live music, recorded music or performance of dance, facilities for making music (inside the premises)**

- 10.00 a.m. – 01.00 a.m. into the morning following every Monday through to Sunday.

**Actual opening hours of the Club**

- 10.00 a.m. - 1.30 a.m. into the morning following every Monday through to Sunday.

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

these objectives should the variation be granted. 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

Details of the steps the applicant intends to take are set out at Appendix 'B'.

- 3.6 In accordance with the Licensing Act, anyone residing, or a body representing persons 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.
- 3.7 Representations have been made by 13 residents living near to the premises as well as a local business. A copy of each representation is attached at Appendix 'C'. The basis of their representations relate to noise associated with people leaving the premises. They feel that the extension in hours would only exacerbate the problems highlighted and it is considered that the proposed variation would undermine the licensing objective, prevention of public nuisance.
- 3.8 A Representation has also been received from the Parish Council of Hunnington. A copy of their representation is attached at Appendix 'D'.
- 3.9 We have also received 7 letters of support from members of the Club. Copies of their correspondence are attached at Appendix 'E'.
- 3.10 A plan showing the proximity of residential properties is attached at Appendix 'F'.
- 3.11 A plan showing the floor layout of the Club is attached at Appendix 'G'.
- 3.12 No representations have been received from the responsible authorities.

#### **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 INCLUDING HEALTH AND SAFETY CONSIDERATIONS**

- 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. CLIMATE CHANGE AND CARBON IMPLICATIONS

11.1 None

## 12. 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"><li>▪ <i>prevention of crime and disorder;</i></li><li>▪ <i>protection of public safety;</i></li><li>▪ <i>prevention of public nuisance, and</i></li><li>▪ <i>protection of children from harm.”</i></li></ul>
Biodiversity - None

## 13. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Joint Chief Executive	No
Executive Director – Partnerships and Projects	No
Executive 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

#### **14. APPENDICES**

Appendix A – Details of intended measures to address licensing objectives

Appendix B - List of conditions attached to existing Certificate

Appendix C - Letters of objection from local residents

Appendix D - Letter of objection from the Parish Council

Appendix E – Letters of support from Members of the Club

Appendix F - Plan of the area

Appendix G – Floor layout of Club

#### **15. BACKGROUND PAPERS**

Application form received on 6<sup>th</sup> October 2009

Memo received from Environmental Services dated 6<sup>th</sup> March 2008

Letter received from Worcestershire County Council – Safeguarding and Quality Assurance dated 16<sup>th</sup> October 2009

Letter received from Hereford & Worcester Fire and Rescue Authority dated 13<sup>th</sup> October 2009

12 letters of objection received from local residents received during October 2009

Letter of objection received from a local business dated 29<sup>th</sup> October 2009

Letter of objection received from Hunnington Parish Council dated 26<sup>th</sup> October 2009

#### **Contact officer**

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