

Licensing

Sub-Committee

30th October 2013

MINUTES

Sub-Committee Members Present:

Councillor Alan Mason (Vice-Chair) and Councillors Pattie Hill and Gay Hopkins

Officers:

K Barnett (Litigation Lawyer, Legal Services)
S Alom (Technical Officer, Licensing, Worcestershire Regulatory Services)
P Ross (Democratic Services Officer)

Applicant's Side:

Mr D McGowan, Representative of the Applicant
Mr A. Bradoo, Applicant

Also in attendance:

Councillor Y Smith, Ward Member for Winyates
Mr N Bell, Objector
Mr P M Berry, Objector
Mr D Wilkins, Objector

1. CHAIR'S WELCOME

The Chair opened the hearing and introduced Members of the Sub-Committee and Officers present.

The Chairman invited all those parties present to identify themselves.

2. APOLOGIES

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

No declarations of interest were declared.

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Chair

Sub-Committee Members asked for it to be noted that they were aware that one of the objectors, namely Mr D. Wilkins had been the beat manager for Winyates Ward with the local policing team in Redditch; prior to his retirement.

4. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - BLUE INN HOTEL, FAR MOOR LANE, WINYATES GREEN, REDDITCH, B98 0SD

The Sub-Committee was asked to consider an application for a variation to a premises license made by Mr Amitabh Bradoo to extend the current hours for playing Recorded Music, to extend the Sale of Alcohol from the current terminal hour and to provide Live Music (indoors and outdoors) for the hours as stated on the application to vary a premises licence as detailed at Appendix 1 to the report.

The application was subject to a hearing in light of 86 representations being received from local residents. The representations related primarily to:-

- Associated nuisance and noise pollution from the music, volume of traffic and the outside smoking area.
- Additional traffic and the parking of vehicles in local streets.
- An increase in crime and disorder to include the potential for anti-social behaviour and other criminal activities by those attending the premises.
- Public Safety in relation to fire evacuation procedures at the premises.
- Light pollution from the external illumination of the premises.
- The general impact upon the quality of life of residents from loud music until the early hours of the morning.
- The protection of children from harm that may be caused by disturbance from both noise and light pollution.

The Technical Officer (Licensing), Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Sub-Committee that 86 representations had been received. 83 of the representations had been made on a pre-printed letter and were identical save for the names and addresses of those making the representation. The Technical Officer (Licensing), WRS further informed Members that no representations had been received from any of the Responsible Authorities.

Mr D. McGowan, the applicant's representative, spoke in support of Mr Bradoo's application. He informed the Sub-Committee that Mr Bradoo intended to hold a small number of private events each month. Entrance to these events would be limited to a maximum of

60/80 people due to the configuration of the room. These organised events would be for residents of the hotel and invitees only. The Hotel would operate a last entry time of 10.00pm. Staff would be trained to deal with any difficult situations or people should the need arise. Mr McGowan informed all those present that due to a recent fire evacuation process at the premises, which had proved to be somewhat hectic, there had been a complete review of the fire evacuation process and procedures at the premises. Mr Bradoo informed the Sub-Committee that following a recent fire risk assessment of the premises, the premises had a maximum capacity of 100 people.

In response to the concerns raised by residents with regard to the external lighting. Mr McGowan informed the Sub-Committee that the external lighting had been in place for 18 months and that no complaints had been received from residents during that period. He further highlighted that Mr Bradoo aimed to meet the licensing objectives and wanted the hotel to be an asset to the Winyates area.

Mr McGowan responded to Councillor P. Hill in respect of section E of the application – “Live music, both amplified and unamplified music for no more than 190 people”. Mr McGowan informed Members that Mr Bradoo had initially looked at outdoor events being held with marquee(s) erected on the car park. On enquiry, however, this had proved not viable so no outdoor events would be held. In response to the Council’s Legal Advisor, Mr McGowan confirmed that Mr Bradoo was amending his application to vary a premises licence to remove sections E and F as detailed on his original application, insofar as they related to the playing of both live and recorded music outside of the premises. Mr McGowan responded to the Council’s Legal Advisor and confirmed that these changes were offered as voluntary conditions/withdrawals to the Operating Schedule.

Mr McGowan further informed the Sub-Committee that 80% of Mr Bradoo’s income came from residential guests using the chalets and he did not want to disturb them or other residents with loud music at 2.00am in the morning. Mr McGowan explained that Mr Bradoo was looking into volume equipment being installed in the premises to ensure that a suitable noise level was set so as not to disturb either the hotel residents or local residents; and that it was Mr Bradoo’s intention to ensure that amplification/speaker equipment in use on the premises did not exceed a maximum capacity that would keep noise within an acceptable level. In response to the Council’s Legal Advisor, Mr McGowan confirmed that a limit on the capacity of amplification/speaker equipment

would be offered as a voluntary condition with such capacity to be agreed with officers from Worcestershire Regulatory Services.

At the invitation of the Chairman, Mr N. Bell, resident of Kingham Close, addressed the Sub-Committee. Mr Bell advised the Sub-Committee that he wished to introduce evidence which related to planning matters. Following consultation with the Council's Legal Advisor the Chairman advised that such evidence would not be permitted and that planning matters were dealt with in a different arena. Mr Bell then highlighted that the map of the area provided was somewhat deceiving. Residents did not want the venue to be open until 2.00am. The Hotel provided parking for 50 vehicles and residents were concerned that if the car park was full this would lead to vehicles parking in Kingham Close. This would lead to an increase in noise with people and cars leaving the area or walking through the area. Mr Bell raised the question "Would the police be able to cope with a potential increase in anti-social behaviour and noise nuisance from people leaving the premises?"

At the invitation of the Chairman, Mr P. M. Berry, resident of Kingham Close addressed the Sub-Committee. Mr Berry informed the Sub-Committee that he had a young family and had started to record a log of incidents due to late night drinking at the premises, loud music, shouting and abusive language. In response to the Council's Legal Advisor, Mr Berry confirmed that the evidence he was providing had not been detailed in his original representation. He had started to record a log of incidents following receipt of a letter from Mr S. Alom, Technical Officer (Licensing), Worcestershire Regulatory Services regarding the Sub-Committee hearing date. Mr Berry informed Sub-Committee Members that he had sent an email to the Council's Democratic Services to inform them that he had been keeping a log of incidents which he intended to present to the Sub-Committee.

Members agreed that the meeting be adjourned to seek legal advice on the submission on new evidence and Mr Berry's comments that he had provided the new evidence to the Council's Democratic Services.

Accordingly the meeting stood adjourned from 7.25pm to 7.30pm.

Having reconvened, Mr Berry responded to the Council's Legal Advisor and referred to his email to the Council's Democratic Services informing them that he intended to produce evidence at the hearing and asked if this was something he should submit beforehand. Mr Berry confirmed that he had not sent the actual recorded log of incidents to the Council's Democratic Services. In response to this the Council's Legal Advisor informed all those

present that under regulation 18 of The Licensing Act 2003 (Hearings) Regulations 2005 that any new evidence should be provided either before the hearing or, with the consent of all the other parties, at the hearing. At the request of the Chairman, Mr Berry provided the applicant with the recorded log of incidents. Having perused the document provided by Mr Berry, Mr Bradoo informed the Sub-Committee that he had not received any complaints previously and that he did not agree to this new evidence being provided at the hearing. In the circumstances the Chairman advised Mr Berry that he would not be permitted to provide this evidence at the hearing. Mr Berry requested that it be noted that he had informed the Council's Democratic Services of the recorded log and felt that communication was poor.

Mr Berry also raised issue as to whether, or not, the changes made by Mr Bradoo to his application, during the course of the hearing, in respect of withdrawing those parts relating to the playing of music outside and limiting the capacity of equipment; meant that the current application should not proceed and a new amended application should be made. At the request of the Chairman, the Council's Legal Advisor explained that the making of concessions or suggestion of voluntary conditions in an attempt to address the concerns of objectors, did not require a new application to be made and could properly be dealt with at the hearing.

At the invitation of the Chairman, Mr D. Wilkins, resident of Kingham Close addressed the Sub-Committee. Mr Wilkins commented on the fact that Mr Bradoo had now altered his original application. Mr Wilkins informed Members that prior to retiring he was the police beat manager for Winyates Ward. His concerns were in respect of the prevention of crime and disorder and the impact on the quality of life of residents of Kingham Close due to the close proximity of the Blue Inn Hotel. Mr Wilkins reiterated Mr Bell's concerns with regard to the police being able to cope with the likelihood of an increase in anti-social behaviour and potential parking problems in Kingham Close. He was of the opinion that residents would deal with any issues themselves. Mr Wilkins also expressed his concerns with regard to the significant increase in noise and the fact that this would disturb those children living in Kingham Close.

At the invitation of the Chairman, Councillor Y. Smith, Ward Member for Winyates Ward read out her concerns. Stating that based on the evidence now presented, 80 revellers would have an impact on impending traffic and parking, leading to friction and rowdy misbehaviour in a currently low crime area. The Blue Inn Hotel had parking facilities for 50 vehicles which would result in dangerous conditions with people leaving the Blue Inn Hotel to

access their vehicles parked on Kingham Close in the early hours. The loud noise from the music would result in sleep deprivation for the residents of Kingham Close due to the close proximity of the Blue Inn Hotel. There could be bad language from people leaving the premises and the noise from this and the loud music would disturb those children living in Kingham Close, as already highlighted by Mr Berry. The authority has a duty to protect children from harm and she would therefore ask the Sub-Committee to please reject the application.

Mr Bradoo responded to questions from the Technical Officer (Licensing), Worcestershire Regulatory Services (WRS) and in doing so confirmed that the extended hours he had applied for would give people the opportunity to hold social events as he was trying to build an image for the Blue Inn Hotel. The extended hours would enable him to add choice for events to be held. He highlighted that he was looking to hold one or two events per month.

All parties then had the opportunity to sum up their cases. The Technical Officer (Licensing), WRS referred to the Live Music Act 2012 and that any condition attached to the Premises Licence relating to live music would cease to have effect in respect of live music when offered between 8.00am and 11.00pm. In summing up Mr Wilkins had noted the variations made by the applicant to his application during the meeting but was unsure as to how residents would benefit from these changes. In summing up Mr Bradoo reiterated that events would be from prior booking only and terms and conditions would apply. Mr Bradoo informed all those present that he had offered the voluntary conditions to the Operating Schedule after receiving representations from local residents; even though none of their issues had been brought to his attention previously or during the last three years. Mr Bradoo believed that the extended hours applied for would not cause any issues for residents.

Final submissions having been made the Chairman adjourned the meeting for the Sub-Committee to make their decision in private.

Accordingly the meeting stood adjourned from 7.54pm to 9.05pm.

Having reconvened, the Chairman requested that the Council's Legal Advisor read out the decision of the Sub-Committee.

the Sub-Committee RESOLVED that
the application for a variation for a premises licence for The Blue Inn Hotel, Far Moor Lane, Winyates, Redditch. B98 0SD be

GRANTED in the terms as set out in the Operating Schedule, as amended by the applicant during the hearing.

Whilst the Council's Legal Advisor was reading out the decision of the Sub-Committee there was disruption in the public gallery with some members of the public becoming verbally abusive and displaying potentially threatening behaviour to Members and officers. The Chairman therefore adjourned the meeting to allow order to be restored.

Accordingly the meeting stood adjourned from 9.08pm to 9.10pm

Due to the continued disruptive behaviour and shouting from some members of the public, the Chairman was then forced to close the meeting.

In the circumstances the full decision notice could not be detailed to the applicant; those residents who had submitted representations and other members of the public who were sat quietly in the public gallery. The Democratic Services Officer endeavoured to answer questions with regard to the decision notice and informed, where possible, members of the public that those who had sent in representations would be provided with the full details of the decision notice in the post.

The Sub-Committee's full decision, which was only partially heard at the meeting was as follows:

The Sub-Committee has considered an application for a variation to a Premises Licence in respect of the Blue Inn Hotel, Far Moor Lane, Winyates Green, Redditch, B98 0SD, submitted by Mr Amitabh Bradoo.

The Sub-Committee has taken into account both the written application made by the applicant and the oral representations made by both him and Mr McGowan.

The Sub-Committee has also considered the written and oral representations received from local residents and the Ward Member for Winyates with regard to their concerns in respect of:

- Associated nuisance and noise pollution from the music, volume of traffic and the outside smoking area.
- Additional traffic and the parking of vehicles in local streets.
- An increase in crime and disorder to include the potential for anti-social behaviour and other criminal activities by those attending the premises.

- Public Safety in relation to fire evacuation procedures at the premises.
- Light pollution from the external illumination of the premises.
- The general impact upon the quality of life of residents from loud music until the early hours of the morning.
- The protection of children from harm that may be caused by disturbance from both noise and light pollution.

Whilst the Sub-Committee fully appreciated the concerns regarding potential problems they took the view that there was insufficient evidence to support the view that the proposed variation was likely to lead to any greater problems than may currently exist, in respect of which alleged problems there appear to have been few, if any, reports to the applicant or any of the responsible authorities. Should such problems occur, however, the Sub-Committee would remind both the applicant and those others in attendance that an application may be made to Review the licence.

Sub-Committee Members have had to disregard those representations raised that fell outside of the licensing objectives, namely parking and planning matters; and the current licensing policy, and have only had regard to the representations which promote the licensing objectives relevant to the premises.

The Sub-Committee have noted that no representations had been made by any of the Responsible Authorities.

In the circumstances the Sub-Committee has therefore decided to grant the application for a variation to a premises licence for the Blue Inn Hotel, Far Moor Lane, Winyates Green, Redditch, B98 0SD, in the terms as set out in the Operating Schedule, as amended at the hearing, to include:-

- The removal of those parts of the application relating to the playing of both live and recorded music **outside** of the premises (sections E & F)
- A last entry time for late night functions of 10pm
- A maximum volume and capacity for amplified speakers to be agreed with officers from Worcestershire Regulatory Services

together with the standard Mandatory Conditions and the imposed condition that signs to be displayed at all exits from the premises requesting that patrons be quiet whilst leaving the premises and respect the rights of people living nearby to a peaceful night.

The Sub-Committee did consider the imposition of a condition on the licence limiting capacity to 80 persons in accordance with the proposals put forward by the applicant however, as the premises already has a capacity limit under other legal requirements, it was felt inappropriate to make such a condition.

The following legal advice has been given:

- that the Licensing Objectives must be the paramount consideration;
- that the Sub-Committee may only have regard to representations which promote the four licensing objectives; and
- that the Sub-Committee must consider only those matters relevant to the premises.

In reaching its decision the Sub-Committee has had regard to the representations made; the provisions of the Licensing Act 2003, the Statutory Guidance issued under Section 182 of the Act and the Redditch Borough Council Statement of Licensing Policy.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision was received by the Applicant.

The Meeting commenced at 7.00 pm
and closed at 9.11 pm