

# Licensing Sub- Committee

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Wednesday, 21 April 2021

## MINUTES

### Present:

Councillors Michael Chalk, Julian Grubb and Mark Shurmer

### Also Present:

Paul Hawkes, Dave Wheeler, Anthony Barnfield

### Officers:

Vanessa Brown and Paul Morrish

### Democratic Services Officer:

Sarah Sellers

### 1. ELECTION OF CHAIR

Councillor Mike Chalk was elected to act as chair for the meeting.

### 2. CHAIR'S WELCOME

The Chair welcomed the Committee members, officers, applicant and other parties to the virtual Licensing Sub-Committee meeting being held via Microsoft Teams. The Chair explained that the meeting was being live streamed on the Council's YouTube channel to enable members of the public to observe the committee.

### 3. APOLOGIES

There were no apologies for absence.

### 4. DECLARATIONS OF INTEREST

Councillor Mike Chalk declared an other disclosable interest in that one of the representatives of the applicant, Mr Dave Wheeler, was known to him as a former employee of Redditch Borough Council.

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Chair

Councillor Mark Shurmer also declared an other disclosable interest in that he knew Mr Dave Wheeler in his capacity as a former employee of the Council and in relation to a past sporting connection.

Having made the declarations in the interests of transparency, both Members participated fully in the debate and decision making on the application.

## 5. **PREMISES LICENCE APPLICATION : PITCHEROAK GOLF COURSE PLYMOUTH ROAD REDDITCH B97 4PB**

The Sub-Committee were asked to consider an application for a variation of the Premises Licence in respect of the clubhouse at Pitcheroak Golf Course, Plymouth Road, Redditch, B97 4PB.

The application had been made by Rubicon Leisure Limited who had taken over the running of the golf course from Redditch Borough Council in February 2020.

The application had been referred for a hearing before the Sub-Committee in light of representations received from local residents who had raised concerns about the potential for noise disturbance and crime and disorder under the amended hours. Mr Anthony Barnfield, one of the three persons who had made representations in objection, had attended the hearing in order to address the Sub-Committee. The other parties present on behalf of the Applicant, were Mr Paul Hawkes who managed the golf course and Mr Dave Wheeler from Rubicon Leisure.

The Licensing Technical Officer, Worcestershire Regulatory Services (WRS) introduced the report and in doing so explained that under the existing licence the following licensable activities were authorised: -

### Sale of Alcohol

Monday to Saturday 10:00 to 23:00

Sundays 12:00 to 23:00

Members were referred to the existing licence attached at Appendix 2 of the report.

It was explained that the Applicant was seeking to amend the hours for the sale of alcohol so that the same standard hours of 08:00 to 23:00 would apply every day.

The application also included permission to use live and recorded music every day from 08.00 to 23:30. However, under the Live Music Act 2012 venues which held a licence for the sale of alcohol were automatically permitted to carry out live and recorded between the hours of 8:00 and 23:00. Therefore, in relation to live and recorded music, Members could only consider the additional half an hour every day from 23:00 to 23:30.

Members were referred to the additional hours of sale of alcohol sought broken down to specific days as set out at paragraph 2.6 of the report.

It was noted that the Application had been publicised in accordance with the statutory requirements, and that no representations had been made from any of the Responsible Authorities.

Six representations had been received from local residents, three in objection and three in support, and Members were referred to these documents at Appendix 3 of the report.

At the invitation of the Chair, Mr Paul Hawkes, the manager of the golf course, addressed the Sub-Committee in support of the application.

By way of background Mr Hawkes explained that Pitcheroak Golf Course had in 2020 passed to the ownership and control of the newly formed Rubicon Leisure limited. Although Rubicon Leisure as a company was owned by the Council, in terms of operational control, the day to day running and management of the golf course was the responsibility of the company.

Mr Hawkes explained that the intentions behind the variation application were not to make any significant changes to the current use and trading hours of the club house, and he wanted to reassure residents on this point.

The basis of the variation application was to open up a few more opportunities for the sale of alcohol, and for the occasional hiring out of the venue for private functions. Mr Hawkes outlined the approach that Rubicon was intending to take and in doing so commented as follows: -

- Whilst it was hoped some events would take place, for the majority of the time the pattern of trading of the club would continue as previously with closing time at 10.00pm.
- There was no intention to turn the club into a live music venue. With regard to noise from occasional events, the

music would be turned down from 11.00 pm to background music whilst the evening came to a close.

- The extension to 11.30 pm would allow more time for those present to gradually disperse at the end of the evening and it was hoped that a staggered release of customers would be quieter for local residents.
- The morning extension of hours was to cover anyone who might ask for an early drink and might occasionally be relevant if the clubhouse was open to cover a significant sporting event or a wedding breakfast.
- With regard to the objections from nearby residents about historical issues of noise, the soundproofing of the clubhouse had been improved with the installation of new double glazed doors and windows.
- There was no intention to hire out the venue for rowdy parties say for 18<sup>th</sup> or 21<sup>st</sup> birthdays. All hirers would have to sign an agreement setting out the rules that applied to the use of the venue.
- There was CCTV in place to monitor the car park area. This had been installed due to past anti-social behaviour although this was no longer a problem.

In responding to questions from Members Mr Hawkes confirmed that: -

- Events in the past had taken place infrequently, say once or twice a year.
- There was no intention to market the venue, the changes sought were intended to aid the holding of events when requests were received.
- There had actually only been one recent event when there had been live music being a band from 6pm to 8pm. As already stated, it was not planned for the venue to hold live music events.
- There had never been a need for doormen or security; in the summer under normal trading the clubhouse usually closed by 9.30 to 10.00 pm.
- The location was very out of the way and there had never been an issue with late night drinkers from other pubs calling in there.

At the invitation of the Chair, Mr Anthony Barnfield addressed the sub-committee. He explained that he and his wife lived opposite the golf club. Whilst having listened to the comments of Mr Hawkes his concerns had to some degree been addressed, Mr Barnfield set out the original reasons why he had made an objection

In summary, it was the view of Mr and Mrs Barnfield that there was a potential risk for public nuisance arising from the application and also for noise disturbance. Whilst they had no objection to the current arrangements for selling alcohol and use of the clubhouse for social events, they had been concerned that the application might lead to changes in the operation of the venue, and that from a noise point of view this could impact on nearby residents both during the day and late into the evening. Use of the clubhouse as an “events” venue would also increase disturbance as to cars/customers coming and going. It was a residential area with houses close to the clubhouse and car park.

Mr Barnfield referred to an incident in September 2014 when loud music had been played by the club well into the night. He added that since then the club had been well managed, but he had been concerned that the application might lead to noisy late night events taking place.

Mr Barnfield responded to Members questions that he had formally reported the incident in 2014, that his main concern was around possible changes in the future and that he understood that residents could ask for a review of the licence if there were major concerns going forward.

There were no further closing comments from the applicant or the Licensing Technical Officer.

Legal advice was given that Members were only considering the variation application, being the 30 minutes additional music from 11.00pm to 11.30 pm and the additional hours for sale of alcohol as set out in paragraph 2.6 of the report. Members had to take into account the licensing objectives, of which relevant to this application were public nuisance and noise. No objections to the application had been made by any of the Responsible Authorities. The Members needed to consider the oral comments made in support of the application and by Mr Barnfield, in addition to the written representations received, and all should be given the same weight.

The Chair thanked the participants for their contributions and the meeting was closed as 1.45 pm. It was explained that the decision would be issued within five working days.

## Decision

The Sub-Committee decided to grant the application for a Variation of the Premises Licence relating to Pitcheroak Golf Course, Plymouth Road, Redditch B97 4PB.

The reasons for the decision were as follows:

- In considering the objections and concerns raised, the Sub-Committee gave weight to the representations submitted by the applicant with regards to the intended use of the premises should the variation to the licence be granted.
- The Sub-Committee was advised by the applicant that the primary function of the premises was to remain as traditional club house. It was not intended that the premises would become a live music venue. The premises would continue to hold private functions such as weddings or the Captain's Charity Day as it has done previously.
- The Sub-Committee considered the written representations and the concerns with regards to loud music and anti-social behaviour. Members noted the concerns. However, it was clear that references to previous incidents pre-dated the use of the premises under the current ownership/management and therefore Members did not consider that they provided evidence in relation to the premises licence.
- The Sub-Committee also considered the oral representations made by Mr Barnfield who referred to one previous occasion when loud music could be heard coming from the premises. That incident dated back to September 2014 and since that time Mr Barnfield's view was that the premises was "well managed".
- The Sub-Committee did not consider that reference to one incident in 2014 was evidence of a public nuisance and specifically the Sub-Committee gave weight to Mr Barnfield's views regarding the current management of the premises.
- With regard to live and recorded music, the Sub-Committee was only able to consider the 30-minute period between 23:00hr to 23:30 hrs as any regulation between 08:00 and 23:00 was outside their remit and governed by the Live Music Act 2012.

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- The Sub-Committee did not consider that there was evidence that the public nuisance licensing objective would be undermined by allowing the variation application.
- In relation to the crime and disorder licensing objective, the Sub-Committee did not consider that there was evidence that the additional hours being sought would result in crime and disorder.
- The usual and primary source of information in relation to crime and disorder would be the police and they had not made representations or raised any concerns.
- The Sub-Committee was of the view that all of the information presented to it, rather than those matters of simple conjecture, pointed to the fact that this was a responsible operator, and the promotion of the licensing objectives would best be served by granting the application applied for.
- If evidence subsequently came to light regarding actual problems at the premises, rather than perceived problems, then the licence could be reviewed by Sub-Committee.

## The following legal advice was 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.

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 is received by the Applicant.

The Meeting commenced at 1.00 pm  
and closed at 1.45 pm