

**REDDITCH BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE**

**MONDAY 24<sup>TH</sup> OCTOBER 2016**

**LICENSING ACT 2003**

**APPLICATION FOR VARIATION OF A PREMISES LICENCE**

**THE OLD RECTORY HOTEL**

<b>PUBLIC HEARING</b>	
<b>Director:</b>	<b>Head of Worcestershire Regulatory Services</b>
<b>Contact Officer:</b>	<b>Sayful Alom Licensing Technical Officer 01905 822799 sayful.alom@worcsregservices.gov.uk</b>
<b>Ward(s) affected:</b>	<b>Matchborough</b>
<b>Appendices:</b>	<b>List of appendices e.g. Appendix 1 – Application Form Appendix 2 – Existing Licence Appendix 3 – Police Agreed Condition Appendix 4 – Representations from other parties</b>

**1. PURPOSE OF REPORT**

1.1 To consider and determine an application for variation of the premises licence in respect of the premises below:

**The Old Rectory Hotel  
Ipsley Lane  
Redditch  
Worcestershire  
B98 0AP**

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

1.2 A copy of the existing licence is attached at **Appendix 2**.

## **2. BACKGROUND**

2.1 On 10 August 2016 an application was received from New Rectory Leisure Ltd for variation of the premises licence in respect of

The Old Rectory Hotel  
Ipsley Lane  
Redditch  
Worcestershire  
B98 0AP

2.2 The application contained all the requisite documentation including the fee.

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 (New Rectory Leisure Ltd) is applying for the following variations to their existing licence:

**1. To amend the hours for licensable activities as follows:**

Live Music Everyday 11:00 – 00:00 Both Indoors and Outdoors

Recorded Music Everyday 11:00 – 00:00 Indoors Only

Sale of Alcohol for consumption on the premise

Monday to Saturday 10:00 – 00:00

Sunday 10:00 – 23:30

All licensable activities extended on New Years Eve/New Years Day until 02:00

The application does not propose changes to the termination times of the hours currently licensed.

**2. To vary conditions in the existing licence by the removal of the following:**

**Annex 2 conditions:**

Grounds are patrolled by staff during functions;

CCTV cameras installed;

No third party catering allowed eg pig roast;

Maximum number of guests restricted to 120 (varied to 150 guests);

No amplified music played outside;  
Discos controlled as supplied exclusively by hotel;  
Risks and responsibilities are discussed with guests who bring children to functions;

### **Annex 3 Condition**

That Regulated Entertainment shall not be provided on more than 4 days in any one week and shall not be provided on more than 3 Sundays in any calendar month.

## **3. REPRESENTATIONS**

### Responsible Authorities

- 3.1 Worcestershire Regulatory Services have received confirmation of a condition agreed between West Mercia Police and New Rectory Leisure Ltd. A copy of the agreed condition is attached as **Appendix 3**. No further representations have been received from any other responsible authority.

### Other Persons

- 3.2 Worcestershire Regulatory Services have received 35 relevant representations objecting to the grant of the variation application on the grounds of Public Nuisance and Public Safety from members of the public. Copies of the representations are attached as **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](mailto:wrsenquiries@worcsregservices.gov.uk)

## **5. LEGAL IMPLICATIONS**

- 5.1 The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives under the Licensing Act 2003, which are:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.
- 5.2 In making its decision, the Sub-Committee is obliged to have regard to the provisions of the Licensing Act 2003 (as amended), the statutory Guidance issued

by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

- 5.3 **The Live Music Act 2012** amended the Licensing act 2003 by exempting certain music provision from the need for a licence. These include:
- A performance of live music or playing recorded music between 08:00 – 23:00 at a premises that is licensed to sell alcohol for less than 500 people;
  - A performance of amplified live music in a workplace for under 500 people, between the hours of 08:00 – 23:00 where there is not a licence to sell alcohol on the premises;
  - Unamplified live music at any place between 08:00 – 23:00.
- 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. Conditions must be appropriate to promote the licensing objectives in accordance with current statutory provisions and guidance.
- 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.