

WYRE FOREST DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

21ST JANUARY 2011

**Application for the grant of a Premises Licence:
The Black Boy Hotel, Kidderminster Road, Bewdley,
Worcestershire, DY12 1AG**

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
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APPENDICES:	Appendix 1 – Premises Licence Appendix 2 – Application for New Premises Licence Appendix 3 – Map to show position of premises relative to other residences Appendices 4 and 5 – Letters of Objection Appendix 6 – Photographs (to follow)

1. PURPOSE OF REPORT

- 1.1 To determine an application for the grant of a Premises Licence on behalf of Mr David Smith, The Black Boy Hotel, 14 Kidderminster Road, Bewdley, Worcestershire DY12 1AG.

2. RECOMMENDATION

- 2.1 **The Sub-Committee is asked to CONSIDER the application to:**

Grant a premises licence to The Black Boy Hotel, 14 Kidderminster Road, Bewdley, Worcestershire in accordance with the application under Section 17 of the Licensing Act 2003.

3. BACKGROUND

- 3.1 The Black Boy Hotel is a detached property situated in Kidderminster Road, close to Bewdley town centre.
- 3.2 The Hotel already has a Premises Licence under the Licensing Act 2003 (Appendix 1).
- 3.3 An application is now made to extend the licence to a building known as The Barn (Appendix 2).
- 3.4 The Barn is situated within the car park, adjacent to residential properties at Kidderminster Road and Brunel Court.

- 3.5 The position of the premises relative to residences is shown in the plan attached (Appendix 3).

The Application

- 3.6 An application for the grant of a new premises licence was made to the Council on the 6th December 2010.

- 3.7 The application is to:

Replace the existing Premises Licence, and to include The Barn, to permit the following activities on Monday to Sunday between the hours of 08:00 to 01:00 throughout the area delineated:

- Performance of plays.
- Exhibitions films.
- Indoor sporting events.
- Live Music.
- Recorded Music.
- Performance of Dance.
- Provision of Entertainment similar to Live and recorded Music and Performance of dance.
- Provision of facilities for making music.
- Provision of facilities for dancing.
- Provision of facilities similar to making music and dancing.
- Provision of Late Night Refreshment.
- Alcohol Sales.

Public Notice

- 3.8 Notice of the application was given by the applicant to all Responsible Authorities in accordance with the Licensing Act 2003:

- Public Notices were posted on the premises
- Details were circulated in a local newspaper published in the district

Relevant Representations

- 3.9 Letters of representation have been submitted from residents requesting the Council consider various matters of public nuisance.

- 3.10 A copy of each letter is attached (Appendices 4 and 5).

- 3.11 Photographs of the site and position relevant to residences are attached Appendix 6 (to follow).

4. KEY ISSUES

4.1 Objections by Residents

1. Excessive noise from the use in the past of the unlicensed barn which will no doubt be even worse should its future use be allowed.
2. Noise and anti social behaviour of customers leaving very late at night or early in the morning.
3. Failure of the management to heed the concerns of the residents in the past with no attempt to control the noise and behaviour of customers.
4. Blocking of the right of way at the rear of the hotel with a marquee.
5. Noise from the increased numbers of cars using the restricted access to the Hotel car park.
6. Unauthorised parking by customers of the Hotel on the private car park belonging to the Brunel Mews Residents Company Ltd.
7. Glass and bottles being thrown over the Hotel wall into the private car park leading to personal injury and damage to parked cars.

Responsible Authorities

- 4.2 No objections have been made to the application by the Police or other responsible authorities.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY CONSIDERATIONS

Licensable Activities - Licensing Act 2003

- 6.1 The Licensing Act 2003 specifies those activities which are required to be licensed, including the following:

- Retail sale of alcohol.
- Provision of regulated entertainment.
- Late night refreshment (after 11pm).

6.2 The Licensing Policy adopted by the District states that:

“The Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the District.

The Licensing Authority will consider every application on its individual merits and will promote the four statutory objectives:

- *Prevention of crime and disorder.*
- *Protection of public safety.*
- *Prevention of public nuisance.*
- *Protection of children from harm.*

Licensing Hours

6.3 *The Licensing Authority will have a flexible approach to hours when alcohol can be sold or supplied. It will give more freedom to responsible licensees, but may impose stricter controls on particular licensed premises, such as those affecting residential properties”.*

7. RISK MANAGEMENT

7.1 There are no risk management issues arising from this report.

8. EQUALITY IMPACT ASSESSMENT

8.1 There are no issues arising from the Equality Impact Assessment.

9. CONCLUSION

9.1 It is for the Licensing Authority to determine in the first instance whether or not representations are relevant representations, and should consider whether the individual’s residence is likely to be directly affected by disorder and disturbance occurring, or potentially occurring on those premises, or immediately outside the premises.

9.2 The Licensing Authority cannot impose conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of representations.

10. CONSULTEES

10.1 Director of Legal and Corporate Services.

11. BACKGROUND PAPERS

11.1 Guidance issued under Section 182 of the Licensing Act 2003.

11.2 Statement of Licensing Policy for the District of Wyre Forest.