

## **LICENSING SUB-COMMITTEE 1**

Tuesday 7<sup>th</sup> December, 2010 at 10.00am  
in The Council Chamber, The Council House, Dudley

### **PRESENT:-**

Councillor Ryder (Chairman)  
Councillors Evans and K. Finch

### **Officers**

Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and Miss H Shepherd (Directorate of Law, Property and Human Resources).

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### **1. DECLARATIONS OF INTEREST**

No member declared an interest in accordance with the Members' Code of Conduct.

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### **2. MINUTES**

#### **RESOLVED**

That, the minutes of the meeting held on 22<sup>nd</sup> January 2010, be approved as a correct record and signed.

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### **3. APPLICATION FOR REVIEW OF PREMISES LICENCE – JAIPUR WINE BAR, 53-54 HIGH STREET, QUARRY BANK**

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Jaipur Wine Bar, 53-54 High Street, Quarry Bank.

Ms Begum (Premises Licence Holder), Mr Ali and a Legal representative from Hollies Solicitors were in attendance.

Also in attendance and objecting to the application were Ms Nellany (Food and Occupational Safety Manager), Miss S Welch (Senior Environmental Health Officer) both of Directorate of Urban Environment, accompanied by Mr K Round (Community Safety and Witnessing Officer) and Mr and Mrs Gray.

The Legal Representative acting on behalf of Ms Begum requested the Chairman to consider deferring the application until the new year, as they had only been instructed on Friday 3<sup>rd</sup> December 2010 and had not been able to put a case together in support of their client in the few days that had elapsed.

The sub-committee were informed that notification had been served on both Ms Begum and Mr Ali on 22<sup>nd</sup> November 2010 and the disclosure bundle served on 26<sup>th</sup> November 2010, all in compliance with the Licensing Act.

Ms Nellany stated that all objecting witnesses had attended the meeting, and it would be an inconvenience to them for the application not to be heard.

At this juncture, the parties withdrew from the meeting for the sub-committee to consider the request to defer the application.

The Sub-Committee having made their decision invited the parties to return. The Chairman stated that after consideration the review would proceed as the Authority had complied with the requirements of the Licensing Act.

The Chairman outlined the procedure to be followed.

The Licensing Officer, Directorate of Law, Property and Human Resources presented the report on behalf of the Council.

Ms Nellany presented the representations of Food and Occupational Safety. She stated that several complaints had been received with regards to the loud music being played at Jaipur Wine Bar since the premises opened in April 2010. Statements had been disclosed by Mr and Mrs Gray stating that the impact from the noise of entertainment at Jaipur Wine Bar had interfered with their every day life and log sheets had been recorded. Mr and Mrs Gray's case was referred to Mr Round, Community Safety and Witnessing Officer for further investigation. On 31<sup>st</sup> August 2010, Mr Round visited Mr Grays property and was witness to the noise nuisance. He re-visited on 4<sup>th</sup> September, 2010, but parked in Victoria Road, and reported hearing base beat from the bar. When inside Mr Gray's property, voices needed to be raised to hold a conversation.

Following the evidence received Ms Nellany stated that a Noise Abatement Notice was served on Mr Ali and Ms Begum on 7<sup>th</sup> September, 2010. An explanation of the notice was given to Mr Ali on the 8<sup>th</sup> September, 2010 by Miss Welch. Mr Round visited Mr Gray's property on 9<sup>th</sup> September and reported that music from the wine bar could be heard in all rooms and he could feel the walls vibrating to the music. When leaving the property, Mr Round walked past Jaipur Wine and stated that there were no customers inside.

Arising from a question raised by the Legal Advisor, Ms Nellany informed the Sub-Committee that once the notice had been served Mr Ali or Ms Begum had 21 days to appeal and no appeal had been received.

In response to a question raised by Ms Begum's Legal Representative, Ms Nellany stated that report logs would be issued upon the second complaint and that other residents had been provided with log sheets but had not completed them.

Mr Gray informed the sub-committee that the wall Mr Round had referred to in his statement was not a party wall, but the courtyard wall to Mr Gray's property.

In responding to a question, Mr Round stated that he had 17 years experience and that he would not make judgements, but followed the music to ensure it was coming from Jaipur Wine Bar. He also informed the sub-committee that on one occasion he had seen two speakers on tripod stands in the vicinity.

The legal representative on behalf of Ms Begum then presented their case. She stated that if Ms Begum's licence was suspended, she would lose her livelihood. She also stated that Ms Begum would be willing to make the structural improvements referred to in Appendix 1 to the report to alleviate the problems residents had been experiencing.

Arising from a question raised, Ms Begum stated that since she had been aware of the complaints regarding noise, she had been ensuring all windows and doors had been closed, and walking into the street to listen for any noise escaping.

In responding to a question raised Ms Begum stated that she is in attendance at the Jaipur Wine Bar on Fridays and Saturdays and occasionally Thursdays.

In summing up, Ms Nellany, requested that all information outlined in the report submitted to the meeting and the comments made at the meeting be considered.

In summing up, the legal representative for Ms Begum reiterated comments previously made.

The parties then withdrew from the meeting in order to enable the sub-committee to determine the application.

The sub-committee having made their decision, invited the parties to return and the Chairman outlined the decision.

RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Jaipur Wine Bar, 53-54 High Street, Quarry Bank:-

- (1) The installation of a sound limiting device to be calibrated and set to the satisfaction of Environmental Health Officers in conjunction with residential neighbours.
- (2) Sealing of the hole in the kitchen wall surface with materials which will prevent the transmission of sound.
- (3) Replace the self closing device on the front entrance door with a self closing device that ensures that the door always returns to the closed position after being used.
- (4) In consultation with the Fire Officer, either replace the light weight and ill fitting door leading from the kitchen into the rear yard with a purpose made fire door or alternatively consider removing the doorway by construction a brick wall. (This work must not proceed without consultation with the Fire Officer).
- (5) A documented policy for the management of noise to be produced and implemented to the satisfaction of Environmental Health and to include staff training, procedures to deal with noise complaints and the monitoring of noise levels by staff at agreed intervals and locations in the vicinity of the premises during regulated entertainment.
- (6) Installation of sound insulation to the party walls and ceilings, to the satisfaction of the Environmental Health Officer.

These conditions to be complied with, in full, within three months from the date of the meeting.

**REASONS FOR DECISION:-**

Having heard evidence from both parties, the Sub-Committee feels that the conditions to be applied will address the complaints received, whilst giving Ms Begum the opportunity to continue the business to the satisfaction of all parties.

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4. APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING –  
MR C M DAVIS

A report of the Director of Corporate Resources was submitted on an application on behalf of Mr Christopher Maurice Davis for the grant of a consent to engage in street trading at a site in Foster Street, Stourbridge.

Mr Davis was in attendance at the meeting.

The Chairman outlined the procedure to be followed and the Licensing Officer then read out the content of the report submitted.

Mr Davis explained his reasons for the application, informing the Sub-Committee that he had been standing in Coventry Street, Stourbridge on Wednesdays for the past two years and the public were still unaware that he was there. He also stated that he was the only fishmonger within Stourbridge Town Centre apart from the stand within the Waitrose store.

Mr Davis informed the Sub-Committee that he had submitted a letter to the Licensing Officer requesting to stand in his current position in Coventry Street, Stourbridge on Saturdays, trading only three out of the four weeks due to the farmers market attending one Saturday of each month. The Chairman stated that this request would need to be dealt with as a separate application and only the application to trade in Foster Street would be considered at the meeting.

Arising from a question raised from a Member, Mr Davis stated that it was due to the economic climate that he had decided to trade on a Saturday and that he had traded from Dudley Town Centre for twenty years.

Reference was made to the appendices to the report submitted relating to town wide events, Mr Davis confirmed that he would be happy to move location during these events or not trade at all on those particular days.

The parties were then asked to withdraw from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made their decision, invited the parties to return and the Chairman then outlined the decision.

#### RESOLVED

That, following careful consideration of the information contained within the report and as reported at the meeting, the application made by Mr C M Davis for the grant of consent to engage in Street Trading at a site in Foster Street, Stourbridge be granted.

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The meeting ended at 12 noon.

CHAIRMAN