

LICENSING SUB-COMMITTEE 5

Tuesday, 25th September, 2007 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors J Martin and Ms Craigie

Officers

Assistant Director Legal and Democratic Services (Legal Advisor), Mrs J Elliott, Licensing Officer and Mrs J Holland (Directorate of Law and Property).

1. **DECLARATIONS OF INTEREST**

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

2. **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 6TH March 2007 be approved as a correct record and signed.

3. **APPLICATION TO VARY A PREMISES LICENCE – MONTY'S WINE BAR, 1 HIGH STREET, SEDGLEY**

A report of the Director of Law and Property was submitted on an application made by Monty's Wine Bar Limited for the variation of the premises licence in respect of Monty's Wine Bar, 1, High Street, Sedgley.

The Designated Premises Supervisor, Ms Anna Spittle, was in attendance at the meeting together with Mr Mark Bradley (Director).

Following introductions by the Chairman, the Legal Advisor outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, presented the report on behalf of the Council.

Mr Alastair Grant, Principal Environmental Health Officer, then referred to appendix 2 to the report submitted and informed the Sub-Committee of the proximity of residential flats to the smoking shelter in question and expressed concern regarding the level of noise that might emanate from people using the smoking shelter. He suggested that drinking not be allowed in the smoking area.

In response to a question from Councillor Ms Craigie, Mr Grant reported that he did not consider that smoke emanating from the smoking shelter would pollute flats through open windows as the smoke would dissipate before reaching them.

Mrs Elliott circulated a map showing the proximity of The Clifton's smoking shelter to residential housing.

In response Mr Bradley stated that The Clifton's smoking shelter was situated nearer to residential premises than the one proposed for Monty's. He expressed concerns regarding "spiking" of drinks if customers left them on the table inside the premises whilst using the smoking shelter. He advised that two CIA doormen would be employed to control the smoking area at weekends. The CIA doormen would be responsible for issuing exit passes to customers wishing to use the smoking area. CCTV would also be installed to allow the doormen to monitor the smoking area at weekends and a sound and picture monitor would be placed on the bar where Managers would be able to monitor the smoking area in the absence of the doormen.

In response to questions Mr Bradley explained that customer access to the premises would be via the front entrance during times of entertainment and that the rear access would be used by those customers wishing to access the smoking shelter only. He confirmed that the smoking shelter would be installed in consultation with the Council's Dudley MBC's Planning Section.

RESOLVED

That the application to vary the premises licence in respect of Monty's Wine Bar, 1 High Street, Sedgley, be approved, in the following terms: -

- (1) Access to the smoking area to be through the rear door whilst entertainment is taking place.
- (2) No entry to premises from the car park while entertainment is taking place.
- (3) CCTV to be fitted to cover the smoking shelter with a monitor sited on the bar to include vision and sound.
- (4) Rear exit of premises to be used for emergencies only.
- (5) Fire escape route in accordance with voluntary condition agreed with the Fire Authority.
- (6) Door Supervisors x 2 to supervise smoking area during periods of entertainment.
- (7) Smoking passes to be issued to customers by Door Supervisors during periods of entertainment.
- (8) Smoking area to be used for smoking only beyond 1.00 am seven days per week. Prior to that, customers to be permitted to consume drinks in the smoking area.

All other Conditions as per Operating Schedule.

Reasons for Decision

That the position of the smoking shelter is unlikely to impact upon local residents in close proximity as there had been no recent complaints from residents and monitoring of the egress and ingress to the smoking shelter from the rear door of the premises would be undertaken by door supervisors during periods of entertainment and by managers at all other times.

The Sub-Committee is of the opinion that the hours set for the sale of alcohol and regulated entertainment already provides an opportunity for greater flexibility and in turn a reduction in customers leaving the premises in large numbers at a set time with consequent nuisance and associated anti-social behaviour to local residents. This approach is consistent with the principles contained within the licensing legislation and our licensing policy.

5. CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13 (c), it was

RESOLVED

That the remaining agenda items be considered in the following order:-

9, 8, 6 and 7.

4. APPLICATION FOR THE TEMPORARY EXTENSION OF LICENSING HOURS FOR A SEX SHOP – UNIT 22 – 23 KING STREET/FLOOD STREET, DUDLEY.

A report of the Director of Law and Property was submitted on an application made by Darker Enterprises Limited for a Temporary Extension of Hours in respect of the Sex Establishment Licence for Unit 4, 22-23 King Street/Flood Street, Dudley, West Midlands.

Mr G Field, representing Darker Enterprises Limited, was in attendance at the meeting.

Following the introductions, Mrs J Elliott, Licensing Officer, Directorate of Law and Property, presented the report on behalf of the Council.

In response to questions from Members, Mr Field clarified that the application was in respect of extended Christmas hours.

RESOLVED

That the application made on behalf of Darker Enterprises Limited for extended hours of opening to over the Christmas period until 8.00 pm Monday to Saturday from 10th December 2007 to 2nd January 2008, be approved.

6. APPLICATION FOR THE VARIATION/RENEWAL OF A CONSENT TO ENGAGE IN STREET TRADING – MR HARRY JAMES JONES

A report of the Director of Law and Property was submitted on an application made by Mr Harry James Jones for the variation/renewal of consent to engage in street trading in Dudley Town Centre.

Mr Jones was represented at the meeting by his substitute, Mr Roberts.

Mr Frank Smith and his son (objectors) were also present.

Following introductions, Mr F Smith read out a statement outlining his concerns with regard to the application.

Arising from this Mr Roberts asked that the hearing be deferred in view of the contents of Mr Smith's statement to allow Mr Jones to attend in person.

RESOLVED

That this matter be deferred until 30th October 2007, so as to allow Mr Jones to attend the meeting personally.

7. APPLICATION TO VARY A PREMISES LICENCE, THE FAIRFIELD, FAIRFIELD ROAD, HALESOWEN

A report of the Director of Law and Property was submitted on an application to vary a premises licence in respect of The Fairfield, Fairfield Road, Halesowen.

The Licensing Officer informed the Sub Committee that the applicant had now withdrawn his application.

8. APPLICATION FOR AMUSEMENTS WITH PRIZE MACHINE PERMIT, THE LAWNSWOOD, LAWNSWOOD ROAD, WORDSLEY

A report of the Director of Law and Property was submitted on an application for a permit for amusements with prize machine in respect of The Lawnswood, Lawnswood Road, Wordsley.

The Licensing Officer informed the Sub Committee that the applicant had now withdrawn his application.

The meeting ended at 12.15 pm

CHAIRMAN