

LICENSING SUB-COMMITTEE 4

Tuesday 9th August, 2005, at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Donegan and Mottram

Officers

Senior Solicitor (Directorate of Law and Property - Legal Advisor)
Ms K Smith (Directorate of Law and Property)

MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 5th August, 2005, be forwarded to the next meeting for approval.

DECLARATIONS OF INTEREST

No member made a declaration of interest in accordance with the Members' Code of Conduct.

APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs Coulter and Wright.

APPOINTMENT OF SUBSTITUTES FOR THIS MEETING OF THE SUB-COMMITTEE

It was noted that Councillor Ryder and Mottram had been appointed to serve as substitutes for Councillor Wright and Councillor Mrs Coulter respectively, for this meeting of the Sub-Committee only.

APPLICATION TO VARY A PREMISES LICENCE, THE YEW TREE , HOCKLEY LANE, NETHERTON

A report of the Director of Law and Property was submitted on an application made by John Gaunt and Partners, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Yew Tree, Hockley Lane, Netherton.

The licensee of the premises, Ms Jones, was in attendance at the meeting together with her partner Mr Aston and M Rymer, Business Manager of the Union Group. Also in attendance was Mrs Blunt, objector to the application.

Following introductions the Legal Adviser outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, then presented the report on behalf of the Council.

The Sub-Committee received written and oral representations from the objector present. These included concerns regarding the proposed extended operating hours and the potential increase in noise, nuisance and inconvenience for local residents particularly during unsociable hours. Concern was expressed regarding the issue of unsupervised children in the Beer Garden and subsequent vandalism that had occurred on land between the public house and to local residents boundary fences. Consideration was also given to objections submitted in writing by local residents unable to attend the meeting attached as appendix 2 to the report.

On behalf of the applicant, Mr Rymer outlined the application made by John Gaunt & Partners, addressed the comments and concerns raised by the objector and responded to associated questions. Mr Aston and Mr Rymer, Area Business Manager, indicated that they wished to work positively with the local community to ensure that any problems were minimised and dealt with accordingly.

The objector and the appellants summed up their cases and left the meeting.

Following an adjournment, all the parties were invited to return and the Chairman outlined the decision and the associated reasons.

RESOLVED

- (1) That the application to convert the existing licence into a premises licence and to vary the premises licence in respect of the Yew Tree, Hockley Lane, Netherton be approved subject to the conditions set out in the operating schedule but subject to the following amendment:-

That the requirement for extended opening on up to 20 occasions, B2M paragraph 2, withdrawn.

CONDITIONS

1. B2M paragraph 4, amended to require 14 days written notice to Police with Police having right to object by written notice within a further 7 days.
2. The beer garden shall be closed at 10.30pm and all customers cleared and bottles and glasses removed at that time
3. The fire door to be kept closed at all times leaving/entry to the beer garden from the bar only
4. Prominent signs shall be displayed in the premises requiring the customers to leave quietly and orderly
5. Prominent signs shall be displayed in the beer garden warning customers that they are responsible for the behaviour of their children and requiring them to supervise their children at all times.

NOTED

That the applicants are considering erecting a fence in order to prevent access to that adjoining land by customers. That the applicants are considering installing air conditioning in the premises.

REASONS FOR DECISION

The Sub-Committee is of the opinion that the hours set for the sale of alcohol and regulated entertainment will provide an opportunity for greater flexibility and in turn a reduction in customers leaving the premises at a set time with consequent nuisance to local residents. This approach is consistent with the principles contained within the licensing legislation and the Council's Licensing Policy.

However, the Sub-Committee recognise the legitimate concerns of local residents but believe that their concerns can be met through the licensing conditions and appropriate enforcement.

CONDITIONS

The conditions are required on the grounds of public safety or the prevention of public nuisance. The conditions have been agreed by the applicant taking into account the views of the local residents.

APPLICATION TO VARY A PREMISES LICENCE, THE RED LION, BULLRING, SEDGLEY

This item had been withdrawn from the agenda.

The meeting ended at 11:25 am

CHAIRMAN