

LICENSING SUB-COMMITTEE 3

Tuesday, 1st July, 2008 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Blood (Chairman)
Councillors Mrs Cowell and J Finch

Officers

Assistant Director Legal and Democratic Services (Legal Advisor), Mrs J Elliott, Licensing Officer and Mrs K Farrington (Directorate of Law and Property), together with Ms Susan Kalamchi, Work Experience.

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 20th November, 2007 be approved as a correct record and signed.

3 APPLICATION TO VARY A PREMISES LICENCE, THE BULLS HEAD, 62 HIGH STREET, WOLLASTON

A report of the Director of Law and Property was submitted on an application received from TLT Solicitors, on behalf of Punch Taverns, to vary the premises licence issued, in respect of The Bulls Head, 62 High Street, Wollaston.

Mr M Horton, Business Manager of Punch Taverns was in attendance at the meeting together with Mr A Ebon, Business Manager of Punch Taverns, Mr Khan and Mr Rahman.

Also in attendance and objecting to the application were Councillor N Barlow and Mrs Shepherd. It was noted that five objection letters and a petition consisting of thirty signatures had also been received from residents, which had been circulated to the Sub-Committee prior to the meeting.

Following introductions, 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. It was noted that the representations from Environment Health, Appendix 2 to the report, had now been withdrawn.

At this juncture, the Legal Advisor sought clarification as to the reason why a variation of licence had been applied for, as this was not clear from the report and Appendix 1 of the report submitted to the meeting. Mr Horton confirmed that the application had been submitted to extend the licensing hours so that late night refreshment could be sold in line with the hours they are permitted to sell alcohol, as the intention was to convert the Bulls Head into an Indian Restaurant.

Following the presentation of the report, Mrs Elliott confirmed that the complaint received in June 2007 from local residents in respect of disorderly conduct and breach of condition of licence in respect of secondary glazing had been dealt with and that secondary glazing had now been installed.

Councillor Barlow, having been informed of the plans to convert the Bulls Head into an Indian Restaurant, stated that as long as the establishment was managed satisfactory and the conditions adhered to, residents would have little concern as to the variation of licence. He stated that the concerns residents had raised were in relation to historical problems, in that the premises did not adhere to the licensing hours, problems with noise nuisance and anti-social behaviour, all of which were submitted on the assumption that the Bulls Head was to be reopened as a public house.

In response to a question from the Licensing Officer, Mr Horton confirmed that Ms Rachel Poppitt was no longer the Designated Premises Supervisor of the Bulls Head and that a new Designated Premises Supervisor would be appointed in the near future.

Mr Horton then re-iterated the intention to convert the Bulls Head into an Indian Restaurant and emphasised to the Sub-Committee that the conditions originally imposed on the licence would be adhered to at all times. He stated that the application was submitted to enable hot food to be served from 23.00pm until midnight, Monday to Thursday and from 23.00pm until 01.00am, Friday and Saturday, to be consistent with the permitted hours for the sale of alcohol. He further stated that gentle background music or a small band would be used to entertain customers throughout the main part of the evening only.

In response to a question from the Legal Advisor, Mr Khan confirmed that the premises would strictly be a licensed restaurant, which would incorporate a take away service with no delivery being offered.

In responding to a further question from the Sub-Committee in relation to controlling the noise level of customers taking advantage of the take away service late at night, Mr Khan reported that he had a further restaurant in the Wollaston area, which he had managed successfully for fifteen years. He stated that the Wollaston restaurant was mainly used for take away meals and his intention was to use the Bulls Head primarily for sit down meals, which would reduce the volume of vehicles visiting the establishment.

At the request of the Chairman the parties withdrew from the meeting to enable a decision to be made.

The Sub-Committee, having made their decision all the remaining parties were invited to return and the Chairman then outlined the decision and the reasons for the decision.

RESOLVED

That the application received from TLT Solicitors, on behalf of Punch Taverns, to vary the premises licence issued, in respect of The Bulls Head, 62 High Street, Wollaston, be approved, subject to the following conditions and based on the reasons indicted:-

Late Night Refreshment

Monday – Thursday	23.00 – 00.00
Friday and Saturday	23.00 – 01.00

Bank Holiday	Additional hour Friday, Saturday, Sunday and Monday for May Spring, Whitsun, August. Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday. Additional hour every Christmas Eve and Boxing Day. Permitted hours on New Years Eve to New Years Day.
Christmas Day	
Boxing Day	

CONDITIONS

Previous conditions, as set out in paragraph 7 of the report submitted to remain in force.

REASONS FOR DECISION

The change of operation from a public house to a restaurant should resolve the historical problems of noise and anti-social behaviour caused by these premises.

RESOLVED

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act, 1972, as indicated below; and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

Description of Item

Relevant Paragraph of Part 1 of Schedule 12A

Application for a Personal Licence – Mr MPJ

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APPLICATION FOR A PERSONAL LICENCE – MR MPJ

A report of the Director of Law and Property was submitted on an application received from Mr MPJ, for the grant of a personal licence.

With the agreement of the Sub-Committee and the applicant, Ms Susan Kalamchi was invited to sit in on this part of the meeting.

Mr MPJ, together with his partner, was in attendance at the meeting

Also in attendance, objecting to the application was PC David Smith, West Midlands Police representative.

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.

PC D Smith then expanded on representations made in Appendix 2 of the report submitted, and on further representations, which had been circulated to the Sub-Committee prior to the meeting, with particular reference to Mr MPJ's relevant unspent conviction. In the light of the representations made, he did not consider that Mr MPJ would uphold the crime prevention licensing objective and therefore the application for the grant of a personal licence should be refused.

At this juncture, the Legal Advisor sought clarification from Mr MPJ as to whether the information received was correct, to which he confirmed that it was.

In presenting his case, Mr MPJ stated that he had made mistakes in the past that he was not proud of but that he had now been given a chance to redeem himself and prove that he can uphold the crime prevention objectives. He further stated that he had experience of working in a public house and felt that he had the right attitude for that type of work.

Mr MPJ then responded to questions asked by the Sub-Committee in relation to his catalogue of offences, in particular, to the relevant unspent conviction, which he had committed in August 2004.

In responding to a question from the Legal Advisor, Mr MPJ confirmed that he had been assisting a relative in a licensed premises, serving behind the bar, collecting glasses and serving hot and cold food. He stated that he had been offered a full-time position in the premises, which he would like to accept. PC D Smith then stated that Mr MPJ did not require a personal licence to work at licensed premises. In responding, Mr MPJ stated that his relative had offered him the position of Designated Premises Supervisor so that he could take the pressure off the current Designated Premises Supervisor as he had been working long hours.

Having summed up their respective cases, all parties withdrew from the meeting to enable a decision to be made.

Following a lengthy discussion, the Sub-Committee, having made their decision all the remaining parties were invited to return and the Chairman then outlined the decision.

RESOLVED

That the application received from Mr MPJ, for the grant of a personal licence, be refused.

Reason for Decision

The applicant has a relevant unspent conviction for having an article with a blade in the Merry Hill Centre. The conviction was at Dudley Magistrates Court on 16th August, 2004. This conviction conflicts with our licensing objective to prevent crime and disorder.

The applicant was informed that he had a right of appeal, against the decision, to the Magistrates' Court.

The meeting ended at 12.05pm

CHAIRMAN