

LICENSING SUB-COMMITTEE 4

Friday, 5th August, 2005, at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Blood (Chairman)
Councillors Mrs Coulter and Donegan.

Officers

Director of Law and Property (Legal Advisor)
Mr S Griffiths and Mrs K Farrington (Directorate of Law and Property)

3 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 4th July, 2005, be approved as a correct record and signed.

4 DECLARATIONS OF INTEREST

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

5 APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor Wright.

6 APPOINTMENT OF SUBSTITUTE FOR THIS MEETING OF THE SUB-COMMITTEE

It was noted that Councillor Blood had been appointed to serve as a substitute for Councillor Wright, for this meeting of the Sub-Committee only.

7 APPLICATION TO VARY A PREMISES LICENCE, THE BLACK HORSE, ILLEY LANE, HALESOWEN

A report of the Director of Law and Property was submitted on an application made by the Spirit Group Ltd., to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Black Horse, Illey Lane, Halesowen.

The manager of the premises, Mr J Edge, was in attendance at the meeting together with Ms J Probert, Business Manager of the Spirit Group Ltd. And Mr A Davidson, of Counsel instructed by the applicants. Also in attendance were Ms G Phelps and Mr A Wheatley, objectors to the application.

Following introductions the Director of Law and Property outlined the procedure to be followed.

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

Mrs D Nellaney, Food and Occupational Safety Manager, Directorate of the Urban Environment presented her evidence and commented on the information contained in Appendix 2 to the report submitted. Ms Nellaney outlined additional conditions, for consideration by the Sub-Committee, to minimise noise and nuisance to local residents and in the interests of public safety.

The Sub-Committee received written and oral representations from the objectors. 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 increase in the frequency of vehicles travelling to and from the public house and the attraction of people from outside the area to engage in late night drinking. The objectors were of the opinion that the application was inappropriate in view of the rural setting of the licensed premises.

On behalf of the applicants, Mr Davidson outlined the application made by Spirit Group Ltd., addressed the comments and concerns raised by the objectors and responded to associated questions. The applicants indicated that they wished to work positively with the local community to ensure that any problems were minimised and dealt with accordingly. In this respect, the applicants had adopted operational policies and protocols and established their position on responsible drinking.

The applicants envisaged that they would only take advantage of the flexibility afforded by the increased opening hours in appropriate circumstances and on occasions where there was demonstrable customer demand or commercial viability. The applicants indicated that they would take reasonable action to limit noise levels from the premises and considered that any potential conditions requiring the closure of windows or the provision of double glazing to be unnecessary.

The objectors 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 Black Horse, Illey Lane, Halesowen be approved subject to the conditions set out in the operating schedule but subject to the following amendment:-

That the words “if appropriate” be deleted from the second paragraph of Section Q(d) of the operating schedule (to provide that notices will be displayed asking customers to respect neighbours when leaving the premises);

- (2) That all power sockets serving the stage/performance area and any other socket outlet likely to be used for the purpose of providing electrical power to regulated entertainment equipment shall be protected by a Residual Current Device (RCD), having rated residual operating current not exceeding 30 milliamps.
- (3) That a designated area be provided, marked and used in the bar area for any karaoke activities.

Reasons for Decision

Variation of Premises Licence

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.

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APPLICATION TO VARY A PREMISES LICENCE, PICKS, 91 HIGH STREET, HALESOWEN

This item had been withdrawn from the agenda.

The meeting ended at 12.10pm

CHAIRMAN