

LICENSING SUB-COMMITTEE 3

Monday, 12th December, 2005, at 10.00 am
in the Council Chamber, Council House, Dudley

PRESENT

Councillor Blood (Chairman)
Councillors Mrs Coulter and Finch

OFFICERS

Principal Solicitor (Legal Advisor) and Mr J Jablonski (Directorate of Law and Property)

50 **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub Committee held on 5th October, 2005, be approved as a correct record and signed.

51 **DECLARATIONS OF INTEREST**

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

52 **APOLOGY FOR ABSENCE**

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

53 **APPOINTMENT OF A SUBSTITUTE FOR THIS MEETING OF THE COMMITTEE**

It was noted that Councillor Mrs Coulter has been appointed to serve as a substitute for Councillor Hart for this meeting of the Sub Committee only.

54 **CHANGE IN ORDER OF BUSINESS**

Pursuant to Council Procedure Rule 13 (c) it was

RESOLVED

That the remaining items of business be dealt with in the following order:-

8, 9, 5, 6 and 7.

55

EXCLUSION OF THE PUBLIC

RESOLVED

That, under section 100A(4) of the Local Government Act, 1972, the public be excluded from the meeting of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in schedule 12A to the Act, in particular the paragraph of part I of that schedule indicated below:-

<u>Description of Item</u>	<u>Relevant paragraph of Part I Schedule 12A</u>
Application for a Personal Licence – Mr D P C	4

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APPLICATION FOR A PERSONAL LICENCE – MR D P C

A report of the Director of Law and Property was submitted on an application for the grant of a personal licence in respect of Mr D P C.

Mr D P C was not in attendance at the meeting and a reason for his non-attendance had not been received.

As PC Turley, an objector to the application on behalf of West Midlands Police, was in attendance the Sub Committee agreed to proceed with the matter.

In the light of comments made by PC Turley regarding further action to be taken by the Police on 7th January, 2006 it was

RESOLVED

That further consideration of the application made for the grant of a personal licence in respect of Mr D P C be deferred to a future date.

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING –
MR M JONES

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

Mr Jones was in attendance at the meeting together with Mr M Caddick, Town Centre Manager – Dudley and Stourbridge an objector to the application.

Following consideration of the objection raised by Mr Caddick, as outlined in appendix 3 to the report submitted and representations made by Mr Jones questions were asked of both parties in respect of the application.

Following conclusion of questions and summing up by both parties it was

RESOLVED

That approval be given to the application made by Mr M Jones for the grant of a consent to engage in street trading in Dudley Town Centre for the last three weeks in December ending on 31st December, 2005.

APPLICATION FOR A PREMISES LICENCE – KING'S FAST FOOD

A report of the Director of Law and Property was submitted on an application received from Mr M Tahar, for the grant of a premises licence in respect of the King's Fast Food, 155-157, High Street, Brierley Hill.

Mr Tahar was in attendance at the meeting together with his legal representative, Ms C Chapman and Mr K Ahmed of instructing solicitors.

Also in attendance were Mr C Skidmore, Chairman, Brierley Hill Trader's Association and Mr D J Botwood and Mr C Beardes, objectors to the application.

Prior to the commencement of the consideration of this application the legal advisor referred to the fact that Mr Ahmed was known to Councillors Mrs Coulter and Finch and in response to the question whether the objectors had any objection to the members hearing this case they indicated that they had no objection and were willing to proceed with the hearing.

Following introductions, the legal advisor outlined the procedure to be followed.

Mr C Phillips, Senior Licensing Clerk, Directorate of Law and Property, presented the case on behalf of the Council.

The objectors then presented their case and Mr Skidmore, following general concerns, and putting the application into context, specifically stated that the main issue was the late opening on Friday and Saturday to 4.00am. Mr Botwood reiterated those concerns and expanded further on aspects regarding litter and other anti social behaviour issues also involving taxis.

At the conclusion of their case Ms Chapman asked a number of questions and in summary it was stated that the problems mentioned could not be specifically related to these premises.

Following the asking of questions Ms Chapman then stated the case on behalf of Mr Tahar and in so doing asked questions of him relating to activities both inside and outside the premises.

Mr Tahar then outlined a number of points including the hours of opening which were currently those being applied for, the nature of the business carried on and the measures taken both inside and outside the premises to control matters such as litter and pest control. It was also stated that there had been no incidents dealt with by staff on the premises or any matters either inside or outside the premises to which the police had been called.

Mr Tahar then responded to questions asked by those present regarding the operation of the premises and it was also mentioned that no residents had complained in person to Mr Tahar about activities at the premises.

Both parties were then given the opportunity to sum up their respective positions and prior to their withdrawal, the legal advisor indicated to the parties the details of the legal advice to be given to the Sub Committee which related to the objectives and aims of the Liquor Licensing Act, 2003, the licensing objectives and the oral and written representations submitted.

Following an adjournment the Sub Committee, having made their decision, the remaining parties were invited to return and the Chairman then outlined the decision and the reasons for the decision.

Accordingly, it was

RESOLVED

That the application received from Mr M Tahar, for the grant of a premises licence in respect of the King's Fast Food, 155-157 High Street, Brierley Hill, be approved subject to the following days and times and conditions and based on the reasons indicated, as follows:-

Late Night Refreshment

Hours:

Monday – Wednesday	11.00 – 02.00
Thursday	11.00 – 02.30
Friday and Saturday	11.00 – 04.00
Sunday	11.00 – 02.00

Conditions

All conditions set out as in the operating schedule together with the following:

1. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.

Reasons for Decision

The Sub-Committee is of the opinion that the hours set for the sale of late night refreshments is consistent with the principles contained within the licensing legislation and our licensing policy. However, with recognise the legitimate concerns of local residents, but we believe that their concerns can be met through the licensing conditions and appropriate enforcement.

The meeting ended at 1.25 pm.

CHAIRMAN