

LICENSING SUB-COMMITTEE 2

Monday 21st November 2005 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor J Woodall (Chairman)
Councillors Mrs Dunn and Mottram

Officers

Assistant Director of Legal and Democratic Services (Legal Advisor – am session, Minutes 58 and 59), Mr K Edwards (Legal Advisor – pm session, Minutes 60 and 61) and Mr Jewkes – Directorate of Law and Property

56

MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 31st October, 2005 be approved as a correct record and signed.

57

DECLARATIONS OF INTEREST

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

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APPLICATION TO VARY A PREMISES LICENCE, THE HARE AND HOUNDS, 252 HAGLEY ROAD, HALESOWEN

A report of the Director of Law and Property was submitted on an application received from TLT Solicitors, on behalf of Linda De Vere, to vary a premises licence in respect of the Hare and Hounds, 252 Hagley Road, Halesowen.

The licensee of the premises, Mrs L De Vere, was in attendance at the meeting, together with her husband. Mr R Billingham was also in attendance representing the objectors to the application.

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

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

Mr Billingham then set out the case on behalf of the objectors, stating that the objectors all lived in close proximity to the premises, which was situated in a dense residential area. Noise nuisance emanating from the premises was a constant disruption to nearby residents and it was with this in mind that previous applications by the licensee for a public entertainment licence had been refused. Residents were concerned that if the opening hours of the premises were extended, the disturbance would continue even later into the night than was currently the case.

In response to a question from the Assistant Director of Legal and Democratic Services, Mr Billingham confirmed that residents' sleep had been disturbed by noise from youths congregating on the car park after the premises had closed. They had also experienced litter, glasses and bottles being left on the street and on their properties. However, he conceded that there were two other public houses situated in close proximity to the premises and that it was arguable as to whether or not the problems emanated from the Hare and Hounds.

Mrs De Vere set out the case for her application, explaining that it was not her intention as licensee to put on live bands or disco's and that the nature of the new licensing legislation meant that she had to obtain a licence to provide any entertainment, whereas previously she had been able to book a singer or duo without a licence being required. Furthermore, it was envisaged that singers would not appear regularly but only on special occasions, as was the case at the moment. Following discussion with Environmental Health, it had been agreed that doors and windows would be kept closed during regulated entertainment and that any such entertainment would end well before closing time should this be extended to 01.00 on weekends. On the issue of youths congregating on the car park, the applicant confirmed that she had introduced a policy of ensuring that customers remained inside the public house until their taxis arrived. Taxi firms picking up customers at the premises had been requested to ensure their drivers did not sound horns.

In response to a question, the Licensee confirmed that it was not necessarily her intention to keep the premises open to the full extent of the hours specified in the application. The additional hours had been requested in order to obtain flexibility and the ability to remain open as business dictated.

Following further questions, the Chairman offered both parties the opportunity to sum up their case. On behalf of the objectors, Mr Billingham said that currently noise disturbance emanating from the veranda outside the premises went on after 23.00 and expressed concern that should the opening hours be extended this would go on later into the night. Residents had recently witnessed fighting on their gardens, however they had no proof that the youths involved were patrons of the Hare and Hounds.

In her summing up, the licensee said that she and her husband were leaseholders of the premises and as such had a long-term commitment to building up their business. They lived on the premises and as such had a mutual interest with other residents in maintaining order and minimising noise nuisance.

Prior to the withdrawal of the respective parties, the legal advisor indicated to them the details of the legal advice to be given to the Sub-Committee which related to the aims and objectives of the new legislation, in particular the greater flexibility for the sale of alcohol and for opening hours to meet the objectives of the legislation and consideration of possible conditions to any licence granted. He also recommended that residents and the licensee make contact directly in future to deal with any problems relating to the premises.

The Sub-Committee having made their decision, the respective 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 TLT Solicitors, on behalf of Linda De Vere, to vary the premises licence in respect of the Hare and Hounds, 252 Hagley Road, Halesowen, be approved subject to the following conditions and based on the reasons indicated: -

Sale of Alcohol

Monday – Thursday	10.00 – 23.00
Friday and Saturday	10.00 – 00.30
Sunday	10.00 – 23.00

Bank Holidays

Bank Holiday	
Christmas Day	An additional hour to above
Boxing Day	times

Conditions

All conditions set out as in the operating schedule, together with

1. All regulated entertainments shall end at 23.00, 7 days per week and live entertainment shall be limited to 12 occasions per year.
2. The outside veranda area shall be cleared by 23.30 of customers and glassware.

3. All doors and windows shall be kept closed during regulated entertainments, quiz nights and in any event, from 23.00, save for access and egress.
4. Signs in the car park shall state: - No ball games, no sounding of horns, no playing of music and to leave the car park quietly.
5. Late Night Refreshment to be permitted: -

Sunday – Thursday	Up to 23.00
Friday and Saturday	Up to 00.30

Reasons for Decision

The Sub Committee is of the opinion that the hours set out for the sale of alcohol and regulated entertainment should provide 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.

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

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APPLICATION TO VARY A PREMISES LICENCE, THE BULLS HEAD, 404 HIMLEY ROAD, LOWER GORNAL, DUDLEY

A report of the Director of Law and Property was submitted on an application received from John Gaunt and Partners, Solicitors, on behalf of Wolverhampton and Dudley Breweries, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Bulls Head, 404 Himley Road, Lower Gornal, Dudley.

The licensee of the premises, Mrs M West, was in attendance at the meeting, together with Mr Wedge, Business Development Manager of Union Pubs.

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

Mrs J Elliott, Licensing Officer, then presented the report on behalf of the Council, making reference to written representations which had been received from local residents in objection to the application. However, no objectors were present at the meeting.

Mr Wedge then stated the case on behalf of the applicant, referring to the representations made by the objectors to the application. On the issue of taxi horns being sounded late at night, it was stated that the premises was situated on a traffic light junction with another public house adjacent, meaning that potential for traffic noise was unavoidable and not necessarily related to the Bulls Head. For her part, the licensee had given an undertaking to contact her preferred taxi providers to ask that they ensured their drivers did not sound their horns when picking up customers on the premises. Plans were also in place to install signs in the car park to the premises asking that patrons leave quietly, both in cars and on foot.

In response to a question from the Chairman, the applicant confirmed that a small terrace consisting of a few tables was situated to the rear of the premises.

The respective persons then withdrew whilst the Sub-Committee made their decision.

The Sub-Committee having made their decision, the respective persons 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 John Gaunt and Partners, Solicitors, on behalf of Wolverhampton and Dudley Breweries, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Bulls Head, 404 Himley Road, Lower Gornal, Dudley, be approved subject to the following conditions and based on the reasons indicated: -

Sale of Alcohol

Monday – Saturday	10.00 – 23.30
Sunday	12.00 – 23.00

Bank Holidays

Bank Holiday	
Christmas Day	Opening time – 00.00
Boxing Day	

Conditions

All conditions set out as in the operating schedule, together with

1. The outside terrace area shall be cleared of customers and glassware by 23.00, 7 days per week.

2. All doors and windows shall be kept closed during regulated entertainments and in any event after 23.00, save for access and egress.
3. All exit doors within the premises shall have signs asking customers to leave the premises quietly and respect local residents and their premises.
4. Signs in the car park to state: - No ball games, no sounding of horns and to leave the car park quietly.
5. To permit the broadcast of televised sporting events of national/international interest outside normal operating hours to be confirmed upon 14 days prior notice in writing to the police, the police having 7 days to object prior to the event.
6. Extension of hours on 20 occasions per year is withdrawn.

Reasons for Decision

The Sub Committee is of the opinion that the hours set out for the sale of alcohol and regulated entertainment should provide 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.

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

APPLICATION FOR A PREMISES LICENCE, PARS PIZZA AND KEBAB, 154 HIGH STREET, BRIERLEY HILL

A report of the Director of Law and Property was submitted on an application received from Mr Amir Lotfi and Mr Farzin Zokayi, for the grant of a premises licence in respect of Pars Pizza and Kebab, 154 High Street, Brierley Hill, West Midlands.

The joint licensee of the premises, Mr Amir Lotfi, was in attendance at the meeting.

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

Mrs J Elliott, Licensing Officer, then presented the report on behalf of the Council, making reference to written representations which had been received in objection to the application. However, no objectors were present at the meeting.

Mr Lotfi then spoke on his application, stating that he had worked in the shop for the past fifteen years and that competition with similar outlets on Brierley Hill High Street dictated that he needed to be open late in order for the business to survive. The majority of the shop's business came late at night from young people on their way home from the Waterfront complex or other nightclubs in Brierley Hill. The new licensing regime meant that these bars and clubs would be open later; hence the shop would also need to remain open. In relation to complaints by the objectors regarding litter left by customers, it was confirmed that staff at the shop had been warned to be on the lookout for litter and Mr Lotfi had himself started cleaning up litter after closing time.

In response to questions from the Sub-Committee, Mr Lotfi confirmed that the shop currently opened until approximately 01.30 on weekdays and approximately 03.30 on Friday and Saturday nights. He also confirmed that he did not live on the premises.

The respective persons then withdrew whilst the Sub-Committee made their decision.

The Sub-Committee having made their decision, the respective persons 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 Amir Lotfi and Mr Farzin Zokayi for the grant of a premises licence in respect of Pars Pizza and Kebab, 154 High Street, Brierley Hill, West Midlands, be approved, subject to the following conditions and based on the reasons indicated: -

Provision of Late Night Refreshment

Monday – Thursday	11.00 – 03.00
Friday and Saturday	11.00 – 04.00
Sunday	16.00 – 02.00

Conditions

All conditions set out as in the operating schedule, together with

1. To arrange for all litter to be removed from the vicinity of the shop frontage immediately after each closing time.

Reasons for Decision

The Sub-Committee is of the opinion that the hours approved for the sale of late night refreshment is consistent with the principles contained within the licensing legislation and our licensing policy.

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

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APPLICATION FOR A PREMISES LICENCE, PARS PIZZA AND KEBAB, 26 NEW STREET, DUDLEY

A report of the Director of Law and Property was submitted on an application received from Mr Farzin Zokayi for the grant of a premises licence in respect of Pars Pizza and Kebab, 26 New Street, Dudley.

As the applicant was not in attendance at the meeting, the legal advisor advised the Sub-Committee of it's choice as to whether to hear the application or defer it to a future meeting and accordingly it was agreed that the matter would be heard in the absence of the applicant.

Councillor M Davis was in attendance at the meeting to convey the objections of the Tenants and Residents Association. Three members of the association were also in attendance.

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

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

Prior to the objectors setting out their case, the legal advisor referred to the written representations they had made prior to the hearing concerning the three different late night take away establishments which were in operation in New Street, and explained that only evidence specifically relating to problems emanating from the premises of the applicant should be taken into account by the Sub-Committee.

Councillor Davis then set out the case on behalf of the objectors, stating that the premises was regularly open until 03.00 and that the large numbers of residents who lived in the vicinity were constantly disturbed by noise nuisance both from patrons shouting and from taxis sounding horns. In recent months the police had been called several times to deal with disturbances in the street. The dropping of litter was also a problem. Furthermore, the nature of the buildings in New Street meant that soundproofing and double glazed windows had not been installed, with the effect that resident's protection from the late night noise was minimal. The residents had a basic right to peaceful rest in their homes and this was currently being denied them by noise from the premises in question.

In response to a question from Councillor Mrs Dunn, one of the objectors confirmed that he had experienced problems which could be attributed specifically to the applicant's premises, rather than the street in general. He had recently approached a gang of youths outside the premises late at night requesting that they turn the music from their car down. The youths had been abusive to him and when he had told the police about the incident they had taken no action.

The Chairman offered the respective persons the opportunity to sum up prior to their withdrawal, following which the legal advisor reminded the Sub-Committee that in making its decision it should bear in mind the principles of the Licensing Act 2003 and the licensing objectives set out in that Act and the representations made to the Committee.

The Sub-Committee having made their decision, the respective persons 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 Farzin Zokayi for the grant of a premises licence in respect of Pars Pizza and Kebab, 26 New Street, Dudley be approved, subject to the following conditions and based on the reasons indicated: -

Provision of Late Night Refreshment

Monday – Thursday	11.00 – 00.00
Friday and Saturday	11.00 – 01.00
Sunday	16.00 – 00.00

Conditions

All conditions set out as in the operating schedule, together with

1. To arrange for all litter to be removed from the vicinity of the shop frontage immediately after each closing time.

Reasons for Decision

The Sub-Committee is of the opinion that the hours approved for the sale of late night refreshment is consistent with the principles contained within the licensing legislation and our licensing policy.

However, we 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 4.10pm.

CHAIRMAN