

LICENSING SUB-COMMITTEE 3

Monday, 26th September, 2005 at 10.00am
in the Council Chamber, Council House, Dudley

PRESENT

Councillor Blood (Chairman).
Councillors Mrs Coulter and Hart.

OFFICERS

Principal Solicitor (for the Fiveways Public House, 375 Himley Road, Gornal Wood, Dudley, only), Director of Law and Property (for the Hurst Hill Tavern, Caddick Street, Coseley, only); and Mr J Jablonski (Directorate of Law and Property).

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MINUTES

RESOLVED

That the Minutes of the meeting of the Sub-Committee held on 9th September 2005, be approved as a correct record and signed.

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DECLARATIONS OF INTEREST

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

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APOLOGY FOR ABSENCE

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

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APPOINTMENT OF SUBSTITUTE FOR THIS MEETING OF THE SUB-COMMITTEE

It was reported that Councillor Mrs Coulter had been appointed as a substitute for Councillor Finch for this meeting of the Sub-Committee only.

APPLICATION TO VARY A PREMISES LICENCE -THE FIVEWAYS
PUBLIC HOUSE, 375 HIMLEY ROAD, GORNAL WOOD, DUDLEY

A report of the Director of Law and Property was submitted on an application received from Manby and Steward Solicitors, on behalf of a Janice Diane Anslow, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Fiveways Public House, 375 Himley Road, Gornal Wood, Dudley.

The current licensee, Mrs S Rowe, was in attendance at the meeting. The licensee, Mrs Anslow, was in attendance at the meeting, together with her husband.

Following introductions, the Legal Advisor outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, then presented the case on behalf of the Council.

Mr A Allman Senior Environmental Health Officer (Food and Occupational Safety, then presented his evidence as set out in Appendix 2 to the report submitted and informed the Sub-Committee that the licensee had agreed to the proposed conditions set out in that Appendix.

Mrs Anslow then stated her case in that she was happy with what had been said and made no further comment or asked any questions.

At this juncture the Legal Adviser then indicated to the licensee and her husband the details of the legal advice to be given to the Sub-Committee which related to the legal aspects of the application, the legislation, the Government and the Council's policy and guidance and representations made orally and in writing.

Having withdrawn, the licensee and her husband together with the other parties were invited to return to clarify aspects of the application received.

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 Manby and Steward, Solicitors, on behalf of a Janice Diane Anslow to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Fiveways Public House, 375 Himley Road, Gornal Wood, Dudley, be approved as follows:-

Variation of Premises Licence

Hours – Alcohol

That Monday – Thursday 11.00 – 00.00

Friday – Saturday 11.00 – 01.00

Sunday 11.00 – 00.00

Christmas Eve 11.00 – 02.00

New Years Eve 11.00 – 02.00

Regulated Entertainment

11.00 – 23.30 – Except New Years Eve 11.00 – 00.30

Conditions

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

1. The Beer Garden shall not be used after 23.20 and cleared of all glassware at that time.
2. All doors and windows shall be kept closed during regulated entertainment
3. All exit doors within the premises to 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. All power sockets likely to be used for the purpose of providing electrical power to entertainment equipment shall be protected by a residual circuit device (RCD) having rated residual operating current not exceeding 30 milliamps to operate within 40 milli-seconds in accordance with the relevant British Standard and the Institution of Electrical Engineers.
6. The electrical installation shall be regularly checked by a competent eg NICEIC or ECA electrician at a frequency determined by the competent person and recommendations so specified are completed.

Reasons for Decision

The Sub-Committee is of the opinion that the hours set 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 HURST HILL TAVERN, CADDICK STREET, COSELEY

A report of the Director of Law and Property was submitted on an application received from John Gaunt and Partners, Solicitors, on behalf of the Wolverhampton and Dudley Breweries, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Hurst Hill Tavern, Caddick Street, Coseley.

The licensee, Mr S B Franklyn, was in attendance at the meeting together with a Mr Robonus.

Following introductions, the Director of Law and Property 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.

Mr A Allman, Senior Environmental Health Officer (Food and Occupational Safety) then presented his evidence as set out in Appendix 2 to the report submitted which set out a number of proposed conditions on any licence approved.

Arising from questions asked it was noted that the licensee was happy to comply with the conditions as set out in Appendix 2 to the report submitted.

In response to a further question from the Director of Law and Property it was confirmed that the five complaints recorded from July, 2003 to July, 2005, had all been made by the complainants whose letter was attached Appendix 3 to the report submitted.

It was also noted, by way of clarification, that the area used for entertainment did in fact have double glazing and not single glazed windows.

Mr Robonus then stated the case for the applicants, referring to the new licensing legislation and the fact that the complaints received had been investigated and the complainant spoken to on a regular basis. He considered that the application was a reasonable one which showed due diligence and a consideration for neighbours.

Arising from the comments made questions were asked and it was noted that the sky lights now had locks on them so that only the licensee or his staff could open them.

Arising from questions asked regarding the Beer Garden/Play Area, the location of these areas was confirmed together with those of picnic benches.

The Director of Law and Property then asked questions regarding possible conditions which may be attached to any licence approved and, in accordance with other application received from John Gaunt and Partners, Solicitors, it was noted that 14 days prior notice in writing to the Police of the broadcasting of television sporting events of national or international interest would be required and not the 7 days referred to in the report submitted with the Police having 10 days to object prior to the event.

At the conclusion of questions the Director of Law and Property stated that there were no legal issues on which he would be advising the Sub-Committee in relation to the application.

The representatives of the applicants having withdrawn to enable the Sub-Committee to come to their decision on this matter, the representatives were called back so that clarification might be sought on the hours proposed for regulated entertainment on New Years Eve/New Years Day. The applicants confirmed that they would wish consideration to be given to regulated entertainment being available until 02.00.

Having made their decision, the remaining parties were invited to return and the Chairman outlined the decision and the reasons for the decision. The representatives of the applicants were also advised of their right of appeal.

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 Hurst Hill Tavern, Caddick Street, Coseley, be approved, as follows:-

Conditions

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

1. All regulated entertainments shall end at 22.30 Sunday – Thursday.
2. All regulated entertainment shall end at 23.30 Friday and Saturday.
3. All regulated entertainments on New Years Eve/New Years Day shall end at 00.30.
4. The Beer Garden and other external drinking areas shall not be used after 23.00.
5. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
6. Signs in the car park to state:- No ball games, no sounding of horns and to leave the car park quietly.
7. All conditions set out in Appendix 2 as recommended by Environmental Health that is:-
 - (a) Whenever entertainment beyond incidental music is provided a noise limiting device is fitted and used on all power points used in connection with amplification equipment to the satisfaction of the local Environmental Health Officer, in consultation with local residents.
 - (b) Whenever entertainment beyond incidental music is provided, any doors and windows opening into the entertainment area are to be kept closed, except for the purpose of access to and egress from the premises.
 - (c) That, in the absence of the current electrical safety certificate, the electrical installation be inspected by a competent electrician (eg an approved NICEIC contractor) and any recommended improvements be carried out.
 - (d) That residual current protection (eg a residual current device (RCD) or protection via the circuit board) is provided for all power sockets likely to be used to power entertainment equipment.

8. 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 10 days to object prior to the event.

Reasons for Decision

The Sub-Committee is of the opinion that the hours set 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.

The meeting ended at 3.25 pm.

CHAIRMAN