

LICENSING SUB-COMMITTEE 3

Tuesday, 5th August, 2008 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Blood (Chairman)
Councillors Mrs Dunn 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).

6 APOLOGY FOR ABSENCE

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

7 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Mrs Dunn had been appointed as a substitute member for Councillor Mrs Cowell for this meeting of the Sub-Committee only.

8 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

9 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 1st July, 2008 be approved as a correct record and signed.

10 APPLICATION FOR THE GRANT OF A PREMISES LICENCE, ARIZONA CROSSING, HIGH STREET, KINGSWINFORD

A report of the Director of Law and Property was submitted on an application received from TLT Solicitors, on behalf of Punch Taverns, for a new premises licence, in respect of Arizona Crossing, High Street, Kingswinford.

Mr R Billingham, representative for the applicant was in attendance at the meeting, together with Mr Mark Horton, Business Manager of Punch Taverns and Mr Silcox, Licensee.

Councillor Ms Boleyn was in attendance at the meeting.

Also in attendance and objecting to the application were six residents, Mrs Wicks, Mrs Aston, Mr and Mrs Coxhill, Ms Corfield, Mr Connett and Mr Cole.

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 conditions suggested by Environmental Health, as set out in Appendix 2 to the report submitted, had been accepted by the applicant, and therefore objections had been withdrawn.

At this juncture, the Legal Advisor sought clarification as to the reason why a new premises licence had been applied for, as this was not clear from the report and Appendix 1 of the report submitted to the meeting. Mr Billingham confirmed that the application had been submitted to incorporate the upstairs function room of the premises to operate to the same hours as the existing licence. He further confirmed that no extension of hours had been applied for.

Councillor Ms Boleyn stated that she had not received any complaints from residents in relation to the proposed new function room, however, she did confirm that she had been aware that one resident had been experiencing noise nuisance in the early hours of the morning from the premises. She further confirmed that the Licensee had given the resident contact numbers to call if any problems occurred in the future.

She further stated that there was a demand for a large function room to host events such as business functions and wedding parties in the Kingswinford area and expected that the residents from the Kingswinford area would appreciate that type of facility. In concluding, she congratulated Mr Silcox on the external furnishings, which had greatly enhanced the appearance of the premises.

Mr Cole, on behalf of the objectors, expressed concern in relation to the increased noise nuisance and anti-social behaviour that would occur if the proposed function room was incorporated in line with the new premises licence. He stated that the premises were situated in close proximity to residents homes and feared that the function room, which holds an extra 100 people, would have a huge impact on the level of unsociable behaviour that residents are currently experiencing, especially at weekends. In view of this, Mr Cole suggested that the licensing hours of the existing licence be reconsidered by the Sub-Committee, with a view to reducing the hours in which the premises would legally be allowed to operate.

In responding to the concerns of the residents, the Licensing officer confirmed that the Licensee had accepted the conditions that Environmental Health had suggested, as set out on Appendix 2 to the report submitted. She stated that the Licensee had agreed to install a noise limiting device to both the upstairs and downstairs of the premises at a level to be set by Environmental Health in consultation with the nearest residents to the premises. She further stated that once the noise limiting devices had been fitted, if the noise level did go above the level agreed, the music would automatically be cut off.

In responding to a question from the objectors in relation to policing the premises, the Chairman of the Sub-Committee suggested that, if residents were experiencing any major problems in relation to noise and anti-social behaviour, they contact the police immediately.

Mr Billingham, on behalf of the Licensee, emphasised that the application had been submitted purely to incorporate the function room within the ambit of the existing licence and confirmed that no additional hours had been applied for. He stated that the sole purpose of the function room was to give the people of Kingswinford and surrounding areas a facility which would be used for events such as business functions, family parties and wedding parties and assured the Sub-Committee that the function room would be used for pre-booked functions only. He further stated that the Licensee had accepted the conditions suggested by Environmental Health, which in his opinion should alleviate any concerns from residents regarding excessive noise nuisance emanating from the premises.

In responding to a question from the objectors in relation to suggesting that a restriction be applied to Mr Silcox's licence as to how many functions could be held at the premises in one week, the Chairman confirmed that a restriction could not be imposed on the licence if the Sub-Committee decided to approve the application.

In responding to a question from the Legal Advisor, Mr Silcox reported that the function room would hold 100 people consistent with the health and safety regulations and confirmed that fire officers had already inspected the function room.

In responding to a further question from the Legal Advisor in relation to what measures had been put in place to minimise noise nuisance and anti-social behaviour outside the premises, Mr Silcox confirmed that five security staff were employed Friday and Saturday evenings to control problems with regard to distressed or intoxicated clientele causing disturbance whilst leaving the premises. He also assured the Sub-Committee that the security staff made sure the premises was empty by 2.00am. He also stated that notices had been erected in the car park stating no ball games on the car park and for customers to respect residents and leave the car park quietly.

In concluding, Mr Silcox stated that he wanted to be a good neighbour and work well with the community and suggested that his contact numbers be circulated out to residents for them to contact him if they were experiencing any problems. He further suggested that he would also be happy to arrange regular meetings with the residents to discuss, with a view to resolving, any concerns that they might have.

At the request of the Chairman the Sub-Committee withdrew from the meeting to enable a decision to be made.

The Sub-Committee, having made their decision returned to the meeting 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, for a new premises licence, in respect of Arizona Crossing, High Street, Kingswinford, be approved, subject to the following conditions and based on the reasons indicted:-

Sale of Alcohol

Monday to Wednesday	10.00 – 00.00
Thursday to Saturday	10.00 – 01.30
Sunday	10.00 – 23.30

Regulated Entertainment

Live music, recorded music, provision of facilities for dancing, anything of a similar description to that falling within live music/recorded music/performance of dance, provision of facilities for dancing, provision of facilities for entertainment of a similar description to provision of facilities of making music/provision of facilities for dancing.

Monday to Wednesday	10.00 – 00.00
Thursday to Saturday	10.00 – 01.45
Sunday	10.00 – 23.30

Late Night Refreshments

Monday to Wednesday	23.00 – 01.00
Thursday to Saturday	23.00 – 01.30
Sunday	23.00 – 00.30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Year's Eve to the close of permitted hours New Year's Day.

CONDITIONS

All conditions set out in the operating schedule and existing licence.

- (1) All doors and windows shall be kept closed during regulated entertainments and in any event from 11.00pm.
- (2) Signs in the car park to state:- no ball games, no sounding of horns and to leave the car park quietly.
- (3) A noise limiting device is to be fitted to both the upstairs and downstairs of the premises. The level is to be set by Environmental Health in consultation with the Licensee and nearest residents to the premises.

REASONS FOR DECISION

This application is for the grant of a new premises licence and has been made to enable the licensee to operate the upstairs function room of the premises.

We have no objections from Environmental Health or the police. The conditions of licence imposed will prevent noise nuisance from the premises to local residents, and therefore we have no grounds to refuse the application.

The residents were informed of their right to appeal against the decision of the Sub-Committee.

It was noted that the application received from Mr Frank A Smith to renew the street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Market Place, Dudley; Birmingham Street, Dudley; Upper High Street, Dudley and the Junction of Foster Street/High Street had been withdrawn from the meeting.

The meeting ended at 11.30am

CHAIRMAN