

LICENSING SUB-COMMITTEE 2

Tuesday, 2nd June, 2009 at 10.15am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Woodall (Chairman)
Councillors Mrs Aston and Vickers

Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and Ms K Farrington (Directorate of Law, Property and Human Resources)

1 DECLARATIONS OF INTEREST

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

2 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 10th March, 2009 be approved as a correct record and signed.

3 APPLICATION FOR A PREMISES LICENCE – A K FISH BAR, 69 HALESOWEN ROAD, NETHERTON, DUDLEY

A report of the Interim Director of Law and Property was submitted on an application received from Mr M Hussain, for the grant of a premises licence, in respect of the premises known as A K Fish Bar, 69 Halesowen Road, Netherton, Dudley.

Mr M Hussain, applicant, was in attendance at the meeting, together with Mr Mohammed, employee at A K Fish Bar.

Also in attendance was Mr P Evans, Environmental Health Officer, together with Mr F Wootton, Environmental Health Officer, Food and Occupational Safety, observer.

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

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council. It was noted that three objectors had submitted their apologies due to work commitments but had asked the Sub-Committee, when determining the application to take into consideration their written representations, which had been submitted to the Members prior to the meeting. Mrs Elliott confirmed that she had informed the objectors that their written representations would be taken into consideration but that less weight would be given to them due to their non-attendance and the lack of opportunity to raise any necessary questions.

Mr Evans then emphasised concerns raised at Appendix 2 to the report submitted, with particular reference to the potential for noise disturbance to nearby residents late at night from customers and their vehicles and it was considered that there would be little Mr Hussain would be able to do to control the behaviour of his customers. In view of this, Mr Evans suggested that the Sub-Committee considered restricting the opening hours to a time much earlier than 2.00am.

In responding to a question from the Legal Advisor, Mrs Elliott confirmed that Mr Hussain had not been the owner of the premises in 1993.

Mr Mohammed, then presented the case on behalf of the applicant, and in doing so confirmed that no complaints had been received from the Police since Mr Hussain had taken over the ownership of the premises. He stated that the main reason why Mr Hussain had submitted an application to extend the opening hours of the premises was to meet the demand of customers as regularly customers had been refused refreshments due to the current licensing hours, which resulted in customers using other food establishments in the area. Mr Mohammed acknowledged the concerns raised by Environmental Health, however he stated that Mr Hussain was committed to working with local residents to minimise any potential noise disturbance to local residents. He further stated that Mr Hussain would accept restricting the licensing hours to midnight or 1.00am if the Sub-Committee considered it necessary in order to meet the licensing objective of preventing public nuisance.

Mrs Elliott then informed the Sub-Committee of the licensing hours of the other food establishments in the vicinity.

In responding to a question from Mr Evans in relation to what measures Mr Hussain would put in place in order to police potential noise nuisance and increased litter, Mr Mohammed stated that Mr Hussain and himself would regularly monitor the inside and outside of the premises and do everything they could to control any potential noise disturbance caused by customers. He also confirmed that three litterbins were provided, two inside and one outside the premises, for customers to use to dispose of any litter.

In responding to questions from the Sub-Committee, Mr Mohammed confirmed that a free delivery service was available for customers within a three-mile radius. He stated that this service had been introduced to reduce the number of vehicles being used to pick up refreshments from the premises, especially late at night.

The Sub-Committee re-iterated the concerns made regarding the potential noise disturbance and the amount of litter that would accumulate outside the premises and suggested that conditions be attached to the Licence, if approved, for signs to be erected inside the premises asking people to leave quietly and respect local residents and that the pavement be cleared of litter at the close of business each day. In responding to the suggestions made, Mr Mohammed agreed for the conditions to be attached to the Licence.

Mention was also made in relation to the double yellow lines directly outside the premises and the Sub-Committee sought clarification as to where Mr Hussain parked his delivery car when it was not in use. In responding, Mr Mohammed confirmed that the delivery car was always parked further down the road where it was officially permitted to park and assured the Sub-Committee that the car would not be parked immediately outside the premises at any time.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made their decision all the remaining parties were invited to return and the Chairman then outlined the decision.

RESOLVED

That the application received from Mr M Hussain, for the grant of a premises licence, in respect of the premises known as A K Fish Bar, 69 Halesowen Road, Netherton, Dudley, be approved, in the following terms:-

Late Night Refreshments

Monday – Thursday	11.00 – 00.30
Friday & Saturday	11.00 – 01.30
Sunday	11.00 – 00.30

Conditions

All conditions set out in the operating schedule.

- (1) All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
- (2) The applicant to clear up all litter on the pavement immediately outside his premises, at the close of business each day.

4 APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT -
THE CORN EXCHANGE, AMBLECOTE ROAD, BRIERLEY HILL.

It was noted that the application received from Gamestec, for the grant of a Licensed Premises Gaming Machine Permit for three machines, in respect of The Corn Exchange, Amblecote Road, Brierley Hill, had been deferred to a future meeting of the Sub-Committee.

5 APPLICATION FOR THE GRANT OF A HOUSE TO HOUSE COLLECTION
PERMIT – ASSOCIATION ARK (STOWARZYSZENIE “ARKA”

A report of the Interim Director of Law and Property was submitted on an application received on behalf of Mr Wojciech Kupidura, for the grant of a House to House Collections Permit on behalf of Stowarzyszenie “Arka”.

Mr W Kupidura was not in attendance at the meeting and it was noted that he had been informed that if he failed to attend the hearing, the Sub-Committee would determine the application in his absence, in view of his failed attendance at a previous meeting.

Following discussion, it was

RESOLVED

That the application received on behalf of Mr Wojciech Kupidura, for the grant of a House to House Collections Permit on behalf of Stowarzyszenie “Arka”, be refused, on the grounds that the applicant had failed to attend the hearing on two separate occasions and that the applicant had neglected by furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in paragraphs 9(a) to (f) of the report submitted to the meeting.

The meeting ended at 11.20 pm.

CHAIRMAN