

LICENSING SUB-COMMITTEE 2

Tuesday 24th November, 2009 at 10.15am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Mrs Aston and Taylor

Officers

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

10 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Ryder be elected chairman for this meeting of the
Sub-Committee only.

(Councillor Ryder in the Chair)

11 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of
Councillors Vickers and Woodall.

12 **APPOINTMENT OF SUBSTITUTE MEMBERS**

It was noted that Councillors Ryder and Taylor had been appointed as
substitute members for Councillors Vickers and Woodall respectively, for
this meeting of the Sub-Committee only.

13 **DECLARATIONS OF INTEREST**

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

14 **MINUTES**

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on
13th October 2009, be approved as a correct record and signed.

APPLICATION FOR A PREMISES LICENCE – THE OLD BANK
BUILDINGS, COVENTRY STREET, STOURBRIDGE

A report of the Interim Director of Law, Property and Human Resources was submitted to consider an application for the grant of a premises licence in respect of The Old Bank Buildings, Coventry Street, Stourbridge.

In attendance and objecting to the application were Acting Chief Inspector H Khatar, accompanied by Inspector Quinny from West Midlands Police, Margot James (Conservative Party Candidate) on behalf of local residents, and Councillor M Knowles on behalf of his constituents. Ms M Lesley, resident, and Mrs Raybould (on behalf of Lynda Waltho MP) were also in attendance as observers.

Mrs Elliott informed the Sub-Committee that she had received notification at 8.20am. on the day of the meeting of the absence of the applicant, Mr J Singh. He confirmed that he had chosen not to be legally represented and that he would have represented himself. Mrs Elliott explained to Mr Singh that the hearing could take place in his absence. Mr Singh asked if he could appeal against the decision to allow the meeting to continue, which Mrs Elliott confirmed that although he would be unable to do this he would have a right to appeal against the Sub-Committee's decision if they resolved to hear the application in his absence.

Further to this, the Legal Advisor highlighted rules 15 and 20 of the Licensing Regulations 2005 Act, and advised the Sub-Committee that they had to consider whether an adjournment was in the public interest or whether it should proceed in the applicant's absence, balancing the very short notice given by the applicant, the issues to be determined, the attendance of the Police and others today and the principles of natural justice.

The parties then withdrew from the meeting. Having made their decision, the Sub-Committee invited the parties to return and the Chairman then outlined the decision on the request for an adjournment as follows:-

- The Sub-Committee had taken into account the very late notice by the applicant at 8.20 am today. The call was returned at approximately 9.00 am when the implications of the applicant's non-attendance were explained. It was therefore too late to contact all those who had made representations to cancel their attendance today.
- The applicant informed the Licensing Officer that he had chosen not to be legally represented, despite being serviced with a number of representations including those of the West Midlands Police, which referred to the Cumulative Impact Policy.

- The Sub-Committee makes an assumption that the applicant intended for the business to commence operation prior to Christmas 2009 and if so and the application is adjourned today, an adjourned hearing is very unlikely to be convened this year.
- The Sub-Committee therefore concludes that it is in the public interest and the applicant's interests to proceed to hear the application today.

The Chairman informed the Sub-Committee that as the applicant was not present then consideration would be given to the written information submitted only.

Mrs J Elliott presented the report on behalf of the Council.

Inspector Khatar then presented the representations of West Midlands Police as indicated in Appendix 2 to the report submitted. She stated that the objections of West Midlands Police had been based on the licensing objectives and should the licence be granted, the prevention of crime and disorder; public safety and prevention of public nuisance could be undermined in accordance with the Cumulative Impact Policy.

It was noted that Inspector Khatar had contacted Mr Singh prior to the meeting to seek confirmation that it was the applicant's intention to not serve food after 21:00hrs. She stated that the function of the premises after that time would be similar to the pubs and clubs in the Town Centre, which was likely to impact on the level of crime and disorder.

Reference was made to a separate report, which was submitted at the meeting, highlighting the number of crimes in Stourbridge Town Centre and that the number of violent crime incidents had decreased from 18.2% to 12.8% since the introduction of the Cumulative Impact Policy in 2006.

It was noted that violent crimes within Stourbridge Town Centre had increased from 8% in 2001/02 to 18.2% in 2005/06. The West Midlands Police predicted that should the premises licence be approved then it could increase the number of violent crimes in the Town Centre.

In summing up, Inspector Khatar informed the Sub-Committee that since the introduction of the Cumulative Impact Policy, the Police had implemented measures to reduce the number of crimes in the area. Should the application be approved then it could have a detrimental effect on the crime and disorder in the area.

Councillor Knowles then presented his case on behalf of his constituents, and in doing so referred to a petition submitted by residents that had been circulated prior to the meeting in accordance with the Licensing Act 2003. He also stated that local residents would welcome another restaurant in the Town but not an establishment similar to the pubs and clubs already situated in the area.

Margot James on behalf of the local residents presented her objections and echoed the concerns raised by Councillor Knowles. She stated that should the Sub-Committee approve the licence then it would go against the Cumulative Impact Policy and would cause more problems to the residents.

A Member acknowledged from the representations given, that it was apparent that local residents would welcome another restaurant in the Town Centre.

In responding to a query from a Member, the Licensing Officer provided details of the licensable hours of other restaurants in the vicinity.

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, invited the parties to return and the Chairman then outlined the decision.

RESOLVED

That, arising from consideration of the application for the grant of a premises licence in respect of The Old Bank Buildings, Coventry Street, Stourbridge, the grant of the licence be approved, in the following terms:-

Sale of Alcohol

Monday – Saturday inc	10.00 until 24.00
Sunday	10.00 until 23.30
All public holidays	10.00 until 24.00
Christmas Eve/Day	10.00 until 24.00
New Years Eve	10.00 until 03.30

Regulated Entertainment (Recorded Music)

Monday – Saturday	10.00 until 24.00
Sunday	10.00 until 23.30
All public holidays	10.00 until 24.00
Christmas Eve/Day	10.00 until 24.00
New Years Eve	10.00 until 04.00

Reasons for Decision

The Sub-Committee is of the opinion that since the application is predominantly for a restaurant, the hours granted should allow customers to consume meals with any appropriate drink refreshment, in line with the reasonable expectations of such an establishment.

The hours granted, we believe, conform to the Council's licensing objectives with regard to the prevention of crime and disorder, public safety and prevention of public nuisance.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR J P SOMERVILLE, HIGH STREET, DUDLEY

A report of the Interim Director of Law, Property and Human Resources was submitted to consider the application on behalf of Mr J P Somerville for the grant of a consent to engage in street trading at a site in High Street, Dudley.

Mr Somerville (Applicant) was in attendance at the meeting.

Also in attendance and objecting to the application was Mr A Radford, Highways (Directorate of the Urban Environment).

Following introductions, the Chairman 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 Mrs J Jones (Commercial Operations Manager) and Mr P Vangeersdale (Traffic and Road Safety) had submitted their apologies due to work commitments. Mrs Elliott circulated a note from Mr Vangeersdale detailing further representations in respect of his concern to health and safety risks as indicated in Appendix 3 to the report submitted.

Mr Radford then presented his representations as indicated in Appendix 2 to the report submitted.

Mr Somerville presented his case and in doing so informed the Sub-Committee that he had been trading for 15 years in the Great Bridge area and had never caused any harm to customers or received a complaint. Given the demand of the public in the Dudley area, Mr Somerville indicated that if approval was given for the grant of a consent to engage in street trading then it would significantly improve his business.

Reference was made to the concerns raised regarding the health and safety of pedestrians in particular flying debris, as the operation of the business was performed from the applicant's vehicle.

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, invited the parties to return and the Chairman then outlined the decision.

RESOLVED

That, arising from consideration of the application on behalf of Mr J P Somerville, the grant of a consent to engage in street trading at a site in High Street, Dudley be refused for the following reasons:-

After taking into consideration the design of the operation, and taking note of the representations from the Town Centre Manager, and Traffic and Road Safety, the Sub-Committee is of the opinion that it cannot grant the application on this occasion, being mindful of the health and safety issues raised by such an operation in a busy pedestrianised area.

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TRASNFER OF PREMISES LICENCE AND VARIATION OF DESIGNATED PREMISES SUPERVISOR

This item was withdrawn.

The meeting ended at 11:57 am.

CHAIRMAN