

Minutes of Licensing Sub-Committee 3

Tuesday 28th April, 2015 at 10.15 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor J Cowell (Chair)
Councillors A Taylor and E Taylor

Officers:-

T Holder (Legal Advisor), B Hughes (Licensing Enforcement Officer)
and K Taylor (Democratic Services Officer) – All Directorate of
Resources and Transformation

41 **Declarations of Interest**

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

42 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on
24th March, 2015, be approved as a correct record and signed.

43 **Application to Vary a Premises Licence – The Stourbridge
Academy, 27-29 Hagley Road, Stourbridge**

A report of the Strategic Director (Resources and Transformation) was
submitted on an application for variation of the premises licence in
respect of the premises known as The Stourbridge Academy, 27-29
Hagley Road, Stourbridge.

In attendance at the meeting and representing The Stourbridge
Academy were Mrs S Clover (Barrister); Mrs M Clarke (General
Manager); Mr R Bishton (Designated Premises Supervisor); Mr C
Moore (Licensing Consultant); and Mr P Morrison (Owner).

Also in attendance and objecting to the application were PC A Baldwin
and J Willers, West Midlands Police, and Councillor N Barlow. A
representative from Express and Star was also in attendance.

Following introductions by the Chair, the Licensing Enforcement Officer presented the report on behalf of the Council. It was noted that there were minor variations in the layout of the premises, which was highlighted in a map submitted by the Applicant, and that four objections had been received from local residents and Councillors.

PC Baldwin then presented the representations of West Midlands Police and in doing so stated that the objection had been in respect of the premises being located within the cumulative impact area, and that the increased licensing hours until 06:00 hrs would encourage persons who had been drinking on the High Street to continue onto the premises, therefore encouraging further alcohol consumption that could result in increased public nuisance and crime and disorder.

It was noted that should the Sub-Committee be minded to grant the application, a number of voluntary conditions, suggested by the applicant and West Midlands Police, could be attached to the premises licence, namely:-

1. Last entry at 03:00 hrs
2. Employment of Drugs Dog (occasionally) to re-enforce the no drugs policy and to discourage drug taking within the premises.
3. Notification to the police of any events at least 14 days prior to event taking place unless agreed by the licensing officer (i.e. last minute booking)

Councillor Barlow then presented his representations and in doing so stated that the premises was located within the cumulative impact area and that the requested additional hours could increase pressure on West Midlands Police resources that were currently being used in the High Street during weekends. He also stated that he supported the representations presented by West Midlands Police.

PC Baldwin then reported on the number of calls to West Midlands Police since January, 2014 associated to the premises; however the majority of calls were either historic or caused by accidents. It was further noted that the Police had undertaken a drug testing exercise at a number of establishments across the borough, which resulted in Class A Drugs being located in the toilets of the premises. PC Baldwin stated that the staff and management were very open and encouraging to officers attending and actively engaged with the Police and Stourbridge Pub Watch.

Mrs Clover then presented the case on behalf of The Stourbridge Academy, and in doing so stated that the purpose of the application was to provide flexibility for a community resource, and outlined the various events and activities booked at the premises such as, charity evenings, disabled discos and pantomimes.

Mrs Clover stated that Mr Morrison, Owner, had a vast experience in the industry and he was also the owner of the door security company; therefore there was no conflicting working relationship that was sometimes apparent in other premises.

Reference was made to the representations submitted by West Midlands Police, in particular, that it was evident that the applicant had a good working relationship with West Midlands Police and the representations and evidence represented were fair and provided a positive image of the premises, as it was confirmed that the majority of the calls to the Police were not associated directly to the premises and those that were had been managed appropriately.

Mrs Clover referred to the cumulative impact policy, in particular that the applicant could demonstrate that the policy would not be affected should the variation be granted following the number of Temporary Events that had taken place throughout 2014 and 2015 until 06:00 hrs, which had not caused any concerns or issues and was not objected to by Environmental Health or West Midlands Police.

Reference was made to the objections submitted by local residents, and Mrs Clover stated that although she acknowledged the concerns raised it was notable that the objections were based on the possible consequences and not factual evidence.

It was noted various procedures and policies were implemented at the premises, including staff members regularly patrolling the premises and carrying hand-held noise limiters, and the recruitment of a Licensing Consultant to provide professional advice and assistance.

At this juncture, Mrs Clover stated that the Sub-Committee should consider the evidence presented today and that there was a facility to review a premises licence, should any issues or concerns of the management of the premises were raised. She further reported that management were continually looking at improving the operation of the business, and were willing to address the concerns of residents.

Reference was made to the proposal of implementing a Taxi Marshall / Agent to the premises; Mrs Clarke stated that she had spoken to some taxi firms in the area as the management wanted to ensure that genuine taxi firms were used outside the location to ensure safe passage to their customers. It was also noted that a telephone could be installed at the premises in order for customers to book a taxi direct to an accredited firm, and it was anticipated that there would not be large queues outside of the premises as it was apparent from previous Temporary Events, that customers filtered out of the premises prior to 06:00 hrs.

Following comments made by the Chair encouraging the applicants to communicate further with local residents, Mr Morrison stated that a number of residents attended the premises and that the concerns raised today had not been brought to his attention as he had previously received positive feedback.

In responding to a question by the Chair regarding the strategies implemented to address gang members attending the premises; Mrs Clarke referred to an event that had been booked, however following investigation it was anticipated that the event could cause incidents, therefore the booking was cancelled. Mr Bishton also commented that management were aware of certain DJ's that could attract the wrong clientele therefore procedures had been implemented in relation to security such as, using a metal detector on customers entering the premises and banning caps and hoodies.

Reference was made to a condition highlighted in the application submitted, namely, that all licensable activities for pre-booked functions should cease at 02:00 hrs, and Mrs Clover confirmed that the conditions suggested by the applicant and West Midlands Police superseded those listed in the application, as they were police controlled and therefore requested the condition to be removed from the premises licence.

In responding to a question by the Legal Advisor, Mrs Clarke confirmed that the exit to the premises was situated on Hagley Road, Stourbridge, and that the smoking area had been re-located from the front entrance to the side of the premises.

In summing up, the Legal Advisor stated that the Sub-Committee had heard the application and objections submitted and discussed the cumulative impact policy. All parties then confirmed that they had had a fair hearing.

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 Chair then outlined the decision.

Resolved

That the application received for the variation of the premises licence in respect of the premises known as The Stourbridge Academy, 27-29 Hagley Road, Stourbridge, be approved, in the following terms:

Sale of Alcohol

Friday and Saturday (Ground Floor and First Floor): 10.00 – 05.30

Regulated Entertainment

Friday and Saturday (Ground Floor and First Floor): 10.00 – 06.00

Late Night Refreshment

Friday and Saturday (Ground Floor and First Floor): 23.00 – 05.00

Minor Variation

Minor Variation in the layout of the premises as per the licensing plan

Reasons for Decision

The Sub-Committee have heard submissions from PC Baldwin, West Midlands Police and Councillor Barlow and the case put by Mrs Clover on behalf of the applicants. The Sub-Committee have also considered the written objections.

The major stumbling block to the application is a departure from the cumulative area. The Sub-Committee have been advised that the applicants need to demonstrate why we should depart from the policy.

In this instance we are minded to grant the application and depart from that policy because we believe that we have heard about the continued good management of the premises and the position of the West Midlands Police. We therefore grant the application to the times applied for at point 5 in the report submitted and the minor variations contained in the application with the proviso that the items discussed with the Police become conditions in the licence, namely:

1. Last entry at 03:00 hrs
2. Employment of Drugs Dog (occasionally) to re-enforce the no drugs policy and to discourage drug taking within the premises.
3. Notification to the police of any events at least 14 days prior to event taking place unless agreed by the licensing officer (i.e. last minute booking)

The Sub-Committee agrees to withdraw the condition currently imposed in respect of pre-booked functions ceasing at 02:00 hrs, however No Entry after 03:00 hrs remains a condition of licence as previously mentioned.

The meeting ended at 11.30am.

CHAIR