

LICENSING SUB-COMMITTEE 1

Tuesday, 27th February, 2007 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Mrs Ameson and Tomkinson

Officers

Principal Lawyer (Legal Advisor) and Mrs J Holland (Directorate of Law and Property)

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MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 14th November 2007, be approved as a correct record and signed.

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APPLICATION FOR REVIEW OF PREMISES LICENCES IN RESPECT OF TONY'S FISH AND CHIP SHOP, 40 CLARENCE STREET, DUDLEY - MR K S DHILLON, AND THE GOLDEN WOK, 40A CLARENCE STREET, DUDLEY – MR N C PANG

Reports of the Director of Law and Property were submitted on a review of the existing premises licence in respect of Tony's Fish and Chip Shop, 40 Clarence Street, Dudley and The Golden Wok, 40A Clarence Street, Dudley.

The proprietor of Tony's Fish and Chip Shop, Mr K S Dhillon, and the proprietor of the Golden Wok, Mr N C Pang, were present at the meeting and, in response to a question from the Legal Advisor, confirmed that they had no objection to the licences for both premises being reviewed together.

Police Constable Farley, representing West Midlands Police was in attendance, together with two objectors.

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

Police Constable Farley then informed the Committee that incidents had been recorded against both premises between June and September 2006 that had included an incident of damage and one incident that had taken place on the premises. He went on to explain that anti social behaviour was prevalent in the locality but that there was no specific link to Tony's Fish and Chip Shop or The Golden Wok. He stated that there was an alleyway in close proximity to both premises leading to Quarry Park. He pointed out that similar premises were also located in the vicinity, including a public house and a petrol station.

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

The objectors then commented on points contained in the reports and the appendices attached to the reports and on the comments made by Police Constable Farley. They questioned why letters and other communications from objectors had not been recorded in the police log. One of the objectors also read a record of incidents he had recorded in the form of a personal log of incidents.

In response the Chairman asked the objectors whether the incidents referred to in the personal log had occurred at either Tony's Fish and Chip Shop or The Golden Wok or whether they had occurred in the general area surrounding the premises.

Police Constable Farley stated that the alleged incidents of under-age drinking referred to by the objectors, could not be linked to either Tony's Fish and Chip Shop or The Golden Wok, as neither premises was licensed to sell alcohol. He pointed out that anti social behaviour was more prevalent in and around Quarry Park and the Oval and Tudor Estate, close by to Tony's Fish and Chip Shop and the Golden Wok.

Mr Dhillon and Mr Pang then presented their cases and emphasised the proximity of the alleyway leading to Quarry Park where incidents of anti social behaviour had been reported. They also pointed out that other businesses of a similar nature to their own were situated in the immediate area, some of who were licensed to sell alcoholic beverages.

In response to a photograph submitted by an objector indicating the general untidiness and the lack of a proper litterbin outside Tony's Fish and Chip Shop and The Golden Wok, Mr Dhillon and Mr Pang stated that they would provide a suitably secured litterbin for customer use outside their premises.

An objector then stated that the licence in respect of the premises was not adequately displayed and that a "No Parking" sign needed to be erected or made more visible to motorists who caused obstruction by parking outside the premises.

In response the Chairman explained that the licence need not be displayed on the premises at all.

Mr Dhillon and Mr Pang agreed to display a more prominent “No Parking” sign outside the premises to discourage illegal parking.

In response to a question from an objector with regard to serving customers outside of the hours laid down by the licence Mr Dhillon confirmed that he would adhere to the terms and conditions of the licence.

Following a short discussion on the merits of whether Mr Dhillon and Mr Pang should attempt to move on people who congregated outside their premises, Police Constable Farley stated that he would not advise a member of the public to instigate such action and that the police should always be called to move people on who were causing nuisance or indulging in anti social behaviour.

In summing up their case Mr Dhillon and Mr Pang pointed out that only two residents were objecting although other people lived closer to Tony’s Fish and Chip Shop and The Golden Wok than the objectors. They emphasised that residents living closer to the premises had raised no objections.

In response to a question from Councillor Mrs Ameson, Mr Dhillon and Mr Pang acknowledged that the outside of their premises could be swept on a more regular basis each day and the rubbish bins emptied more frequently. They also confirmed that customers would not be served beyond the hours stipulated in their licences.

RESOLVED

That, following the review of the premises licences for Tony’s Fish and Chip Shop, 40 Clarence Street, Dudley, and The Golden Wok, 40a Clarence Street, Dudley, it was agreed that the extended hours of opening for both the premises remain the same, namely

Tony’s Fish and Chips

Monday – Thursday inclusive –	23.00 – 00.00
Friday and Saturday -	23.00 – 01.00
Sunday -	23.00 – 00.00

The Golden Wok

Monday – Sunday inclusive	23.00 – 00.00
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and that the following additional conditions be applied to the licences, with immediate effect:

- 1) Existing signage can remain; conditions of licences to be varied to allow signage to be displayed in the window of both of the premises.

- 2) The litterbin outside the premises at the front of The Golden Wok, to be replaced with a purpose built bin secured to the outside of the premises.
- 3) The bins at the front of both premises to be emptied at regular intervals during the day and evening.
- 4) The outside of the premises to be cleared of litter and swept at regular intervals throughout the day and evening.

It was further recommended that

- 1) The Police monitor and take action in relation to vehicles parking on double yellow lines at the front of the premises.
- 2) If the objectors have further concerns it was suggested that they take these up with Mr Dhillon and Mr Pang or the Police as appropriate.

In concluding the meeting the Legal Advisor advised of the right of appeal against the decision through the Magistrates Court.

The meeting ended at 12.30pm

CHAIRMAN