

**Minutes of the Licensing Sub-Committee 1
Tuesday, 26th July 2022 at 10.00 am
In the Council Chamber, Council House, Dudley**

Present:

Councillor J Clinton (Chair)
Councillors J Cowell and P Miller

Officers: -

L Rouse – Senior Licensing Clerk (Waste, Fleet and Licensing) (Directorate of Public Realm),
S Wright – Solicitor and K Buckle - Democratic Services Officer (Directorate of Finance and Legal).

4. **Declarations of Interest**

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

5. **Minutes**

Resolved

That the minutes of the meeting held on 28th June 2022, be approved as a correct record and signed.

6. **Meadowlark Express 115-116 Dibdale Road, Milking Bank**

A report of the Interim Director of Public Realm was submitted on an Application to reconsider the decision of the Sub-Committee made on the 28th June 2022 in respect of the premises known as the Meadowlark Express (formerly Bargain Booze/Costcutter), 115-116 Dibdale Road, Milking Bank, Dudley.

The following persons were in attendance at the meeting: -

K Balendran – Premises Licence Holder
S Kanapathi – Premises Licence Holder's Agent

The Senior Licensing Clerk referred to the previous meeting of the Sub-Committee which had resolved to suspend the premises licence for a period of three months and remove the Designated Premises Supervisor as he had not fulfilled his duties in order to prevent breaches of the crime and disorder and the protection of young people from harm Licensing objectives.

Members were advised of new contact information and further information being brought to the attention of the Licensing Section.

All parties withdrew from the meeting in order for the Sub-Committee to make their decision.

The Sub-Committee having made their decision invited the parties to return and the Solicitor outlined the decision.

Resolved

That the decision of the Sub-Committee to suspend the premises licence in respect of Meadowlark Express, 115-116 Dibdale Road, Milking Bank for a period of three months and to remove the Designated Premises Supervisor be rescinded and the suspension removed.

6. Notice of Temporary Event – 876 Lounge, 70 High Street, Dudley

A report of the Interim Director of Public Realm was submitted on a Notice received from Mrs Samuels for a Temporary Event (TEN) in respect of 876 Lounge, 70 High Street, Dudley.

The following were in attendance at the meeting in respect of the application: -

Mrs R T Samuels – Premises Licence Holder
Mr T Samuels – Premises Licence Holder's husband
Mr P Evans – Public Protection Manager

Following introductions, the Senior Licensing Clerk presented the report on behalf of the Local Authority. It was noted that on 15th July 2022 Environmental Safety and Health had lodged an objection to the Notice of Temporary Event on the grounds of prevention of public nuisance.

The Public Protection Manager presented submissions in relation to the objection raised referring to historic complaints regarding noise disturbance since 2021 from the premises during late evening and early hours. A recent complaint had been registered regarding noise from loud music during day-time hours. The nearest residential properties were situated directly above the premises and above the neighbouring commercial units.



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Previous investigations had revealed that the structure of the building was such that noise from both music and patrons had transmitted readily to other residential units within the building and recently a complaint in relation to loud music had been received from the resident of the property directly above 876 Lounge.

It was stated that engagement with the Premises Licence Holder during the previous investigation had resulted in an informal agreement on noise levels in the premises, however they were advised that given the acoustic limitations of the building structure, that no extension to the trading hours would be approved by Environmental Safety and Health and it was believed that to allow the current licensing hours extension would have an adverse effect on the neighbouring residential properties.

It was noted that the most recent noise complaint had been made at 2.45pm and Mrs Samuels stated that 876 Lounge did not open until 3pm and therefore the noise complaint could not have been in relation to her premises. Mrs Samuels also stated that she was never advised that no further extension of licensing hours would be granted and previous applications for Temporary Events Licenses had been granted. Mrs Samuels had followed the advice of Environmental Safety and Health to limit the noise from the premises and had removed the base sound system.

Mrs Samuels had also spoken to residents in the neighbouring properties and was assured that there were no complaints in relation to loud music emanating from the 876 Lounge and she had advised the neighbours that should they have any concerns in the future she was more than happy to address those concerns.

The Public Protection Manager referred to the complaint received on the 13th July 2022 when the floor at a neighbouring property was shaking and the resident had stated that the noise was affecting his life.

In response to a question from Councillor J Cowell, the Public Protection Manager confirmed that Temporary Events Notices had been granted to the 876 Lounge on 7th November 2021, 21st and 22nd November 2021. It was also confirmed that complaints had been received following those Events in relation to noise from customers using the communal smoking area.

In response to a clarification question from the Solicitor, the Public Protection Manager stated that there was a complaint made on 4th June 2021 in relation to loud music emanating from a speaker in the doorway of 876 Lounge, there was a daytime complaint on 29th June 2021, however there were no further details recorded. On 5th November 2021 Officers had visited the complainant when music was audible but not loud at 10.45pm on that date. On 19th November 2021 there had been a further complaint in relation to loud music and noise from patrons in the smoking area, however no time had been recorded for that complaint. On 7th December 2021 a telephone call had been received from Mrs Samuels' Agent who had confirmed that



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noise disturbance continued to be monitored. On 20th January 2022 a complainant had advised that the noise had reduced drastically from 876 Lounge and there was no longer any base noise. The most recent complaint on 13th July 2022 had been during the day-time.

In response to a question from Councillor J Cowell, the Public Protection Manager stated that for the Temporary Events Notice received for 21st and 22nd November 2021 was granted on the basis that reduced opening times had been negotiated with Mrs Samuels.

Mrs Samuels presented her case, stating that following a complaint about noise emanating from the front of 876 Lounge, the speakers had been moved to the rear of the premises and a rear exit had been made available for those customers who smoked, however the complainant then referred to noise emanating from the rear of 876 Lounge. Following an investigation on 11th November 2021 the base had been removed and advice had been followed to elevate the speakers from the floor.

Mrs Samuels again referred to the previous Temporary Events Notices that had been granted, and further security staff had been employed at the premises.

All parties were provided with the opportunity to sum up their cases.

The Solicitor referred to the details surrounding the application and the objection received referring the Sub-Committee to the guidance and relevant sections of that guidance to be considered when determining the application.

Following the submissions above, the parties withdrew from the meeting to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Solicitor outlined the decision.

Resolved

That the Temporary Event Notice, received by Mrs Samuels, for a temporary event in respect of 876 Lounge, 70 High Street, Dudley be granted as follows for the date and times referred to below: -

31st July 2022

| | |
|-------------------|-------------------------|
| Sale of Alcohol | 01.31 until 02.30 Hours |
| DJ Playing Music | 01:46 until 02.45 Hours |
| Premises to close | 03:00 |

The meeting ended at 11.41am

CHAIR

