

LICENSING SUB-COMMITTEE 1

Tuesday 8th November 2005 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Tomkinson and Wright

Officers

The Assistant Director of Law and Property (Legal and Democratic Services) for items 1 - 7, The Principal Solicitor for items 8 and 9 and Mr Sanders (Directorate of Law and Property)

67 **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub-Committee held on the 26th October 2005 be approved as a correct record and signed.

68 **DECLARATIONS OF INTEREST**

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

69 **APOLOGIES FOR ABSENCE**

An apology for absence from the meeting was received on behalf of Councillor Mrs Ameson.

70 **SUBSTITUTE MEMBERS**

It was reported that Councillor Wright was serving in place of Councillor Mrs Ameson for this meeting of the Sub-Committee only.

APPLICATION FOR A PREMISES LICENCE - TONY'S FISH AND CHIP SHOP, 40 CLARENCE STREET, DUDLEY

A report of the Director of Law and Property was submitted on an application received from Midlands Licensing Services, on behalf of Mr K S Dhillon, for a premises licence in respect of Tony's Fish and Chip Shop, 40 Clarence Street, Dudley.

Mr Campbell, of Midlands Licensing Services, and Mr Dhillon were in attendance at the meeting.

Following introductions, the Assistant Director of Law and Property (Legal and Democratic Services) outlined the procedure to be followed. He advised that although no objectors were present at the meeting, consideration would have to be given to the four written objections received.

Mrs Elliott, Licensing Officer, presented the report on behalf of the Council, which confirmed that four written representations had been received from local residents. Copies of the representations made were attached to the report as Appendix 2.

In presenting the case to the applicant, Mr Campbell pointed out that two of the objections referred erroneously to the sale of alcoholic drink, whereas this was not the subject of the application. The Assistant Director of Law and Property (Legal and Democratic Services) confirmed that any reference to the sale of alcohol would be disregarded in the decision making. In relation to the aspects of the objections relating to nuisance from litter, Mr Campbell confirmed that litter bins were situated inside and outside the premises and that the applicant was prepared to erect signage requesting patrons to use them. Regarding the aspects of the objections relating to vehicular parking, Mr Campbell produced photographs confirming the installation of double yellow lines outside the premises, referred to the availability of parking for patrons at the rear of the premises and confirmed the preparedness of the applicant to erect signage requesting patrons to park at the rear of the premises and not to park on the yellow lines.

During the discussion on the application, the Assistant Director of Law and Property (Legal and Democratic Services) drew attention to the current planning consent for the premises, approved in 1971, which restricted the hours of operation of the premises to 11.30pm. Both Mr Campbell and the applicant indicated that they were unaware of the terms of the consent.

No questions were asked and, at this juncture, the respective parties withdrew from the meeting.

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

Accordingly, it was

RESOLVED

Premises Licence is approved, subject to the following:-

Monday - Thursday	23.00 - 00.00
Friday - Saturday	23.00 - 01.00
Sunday	23.00 - 00.00
Bank Holiday, Christmas Day and Boxing Day	As above hours

Conditions

- 1 All conditions set out in the operating schedule
- 2 Signage outside premises:-
 - a. Do not park on double yellow lines. Please use car park at rear.
 - b. Please use the litter bins outside these premises and respect local residents.
- 3 Please ensure that the existing planning restrictions are resolved as a matter of urgency.

Reasons for Decision

The Sub-Committee believes that the conditions of licence will meet the concerns of local residents, none of whom have attended today. Many of their concerns relate to the sale of alcohol which is not part of this application.

RESOLVED

That, pursuant to Council Procedure Rule 13(c), item 7 on the agenda be considered as the next item of business.

FILM CLASSIFICATION - "TOWN HALL"

A report of the Director of Law and Property was submitted on an application made by Kate Hadley, Live Art and Performance Project Co-Coordinator of The Public, for the classification of a short film entitled "Town Hall".

The applicant was not in attendance at the meeting. The Sub-Committee viewed the film, following which it was

RESOLVED

1. That the application for the classification of the film be granted and that the film be awarded a "U" certificate of the British Board of Film Censors.
2. That the concern of the Sub-Committee regarding the sequence in the film where lights are flashing be drawn to the attention of the organisers presenting the film and that the organisers be asked to ensure that appropriate precautionary action is taken regarding viewers with a medical condition in respect of whom flashing lights might exacerbate the condition.

APPLICATION FOR A PREMISES LICENCE - GOLDEN WOK TAKEAWAY, 40A CLARENCE STREET, DUDLEY

A report of the Director of Law and Property was submitted on an application received from Midlands Licensing Services, on behalf of Mrs N C Pang, for the grant of a premises licence in respect of the Golden Wok Takeaway, 40A Clarence Street, Dudley.

Mr Campbell, of Midlands Licensing Services, was in attendance at the meeting. The applicant was not in attendance but Mr Campbell and the Sub-Committee indicated that they were prepared to proceed.

Mrs Elliott, the Licensing Officer, presented the report on behalf of the Council. In this regard, she indicated that the objections received in respect of this application were identical to those received in respect of the application for a premises licence in respect of Tony's Fish and Chip Shop, which had been heard earlier this day.

Mr Campbell then presented the case for the applicant, indicating that the premises of 40 and 40A Clarence Street were owned by the proprietor of Tony's Fish and Chip Shop, Mr Dhillon, but that number 40A was let to Mrs Pang for the purpose of the Golden Wok Takeaway. Regarding the objections, Mr Campbell confirmed that the application did not request approval to sell alcohol and the Assistant Director of Law and Property (Legal and Democratic Services) again confirmed that this aspect of the objections would be disregarded in decision making. Mr Campbell then went on to confirm that, regarding the other aspects of nuisance referred to in the objections, the applicant was prepared to take the same measures as had been offered and approved in respect of Tony's Fish and Chip Shop.

No questions were asked, but the Assistant Director of Law and Property (Legal and Democratic Services) again drew attention to the position with planning consent for the premises, which restricted the hours of operation to a time of 11.30pm daily.

The parties then withdrew to enable the Sub-Committee to arrive at a decision.

The Sub-Committee, having made its decision, the respective parties were invited to return and the Chairman then outlined the decision and the reasons for the decision.

Accordingly, it was

RESOLVED

Variation of Premises Licence is approved, subject to the following:-

Monday	23.00-00.00
Tuesday	23.00-00.00
Wednesday	23.00-00.00
Thursday	23.00-00.00
Friday	23.00-00.00
Saturday	23.00-00.00
Sunday	23.00-00.00
Bank Holiday	23.00-00.00
Christmas Day	23.00-00.00
Boxing Day	23.00-00.00

- 1 All conditions set out as in the operating schedule.
- 2 Signage outside premises:-
 - Do not park on double yellow lines. Please use car park at rear.
 - Please use litter bins outside these premises and respect local residents.

3. Please ensure that the existing planning restrictions are resolved as a matter of urgency.

REASONS

We believe that the conditions of licence will meet the concerns of local residents, none of whom have attended today. Many of their concerns relate to the sale of alcohol which is not part of this application.

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APPLICATION TO VARY A PREMISES LICENCE - THE RAILWAY TAVERN, 38 BUXTON ROAD, HOLLY HALL, DUDLEY

A report of the Director of Law and Property was submitted on an application received from TLT Solicitors for the variation of a premises licence in respect of the Railway Tavern, 38 Buxton Road, Holly Hall, Dudley.

The Licensee of the premises, Mr T N Barnes, was in attendance, together with his wife, Mrs Barnes. No representative of TLT Solicitors was in attendance.

Following introductions, the Principal Solicitor outlined the procedure to be followed. He advised that although no objectors were present at the meeting, consideration would have to be given to the three written objections received.

Mrs Elliott, Licensing Officer, presented the report on behalf of the Council. No questions were asked on the Council's case.

Mr and Mrs Barnes then presented their case, indicating that the premises had recently been extended to facilitate a restaurant at the rear. In relation to the objections received, Mr Barnes indicated that these had all been received from one family, whom he had banned from using the public house some time previously, following a fight with other patrons, who had also been banned. In the view of the Licensee, therefore, the objections represented a vindictive attempt to secure the refusal of the application.

In respect of the aspects of the objections regarding noise nuisance, the Licensee refuted the allegations, confirmed that the public house was totally double glazed and that none of the windows at the front of the premises opened and pointed out that residents living directly adjacent to the premises had not objected, why the objectors lived some 150/200 yards distant. Prior the making of the application, the last complaints received had been in 1994. In the last six and half years since Mr and Mrs Barnes had held the licence, the Police had been called twice, both times involving the disagreement between the objectors and the other patrons referred to above.

Regarding the passage in one objection referring to drug addicts and thieves, Mr Barnes referred to the public house as a family establishment and confirmed that all CCTV systems had been installed. In relation to the nature of the entertainment provided, Mr Barnes stated that this represented a single singer or duo on Fridays and Saturdays and that there was sometimes Karaoke on those days. In response to a question on the beer garden, Mr Barnes confirmed that this was cleared at 10.45 p.m. and that the only access to the garden was through the public house.

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

The Sub-Committee, having made its decision, the respective parties were invited to return and the chairman then outlined the decision and the reasons for the decision.

Accordingly, it was

RESOLVED

Variation approved, as follows:-

	Alcohol	Regulated Entertainment	Late Night Refreshment
Monday	11.00-00.00	11.00-00.00	11.00-00.00
Tuesday	11.00-00.00	11.00-00.00	11.00-00.00
Wednesday	11.00-00.00	11.00-00.00	11.00-00.00
Thursday	11.00-00.00	11.00-00.00	11.00-00.00
Friday	11.00-01.00	11.00-01.00	11.00-01.00
Saturday	11.00-01.00	11.00-01.00	11.00-01.00
Sunday	12.00-23.30	12.00-23.30	11.00-00.00

Friday/Saturday/Sunday/Monday for May, Spring/Whitsun and August Bank Holidays extra 1 hour.

Thursday/Friday/Saturday/Sunday and Monday for Easter Bank Holidays extra 1 hour and an extra hour Christmas Eve and Boxing Day.

All Conditions set out as in the operating schedule.

1. The beer garden shall not be used after 10.45 and glassware cleared at that time.

2. All doors and windows shall be kept closed during regulated entertainments.
3. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
4. Signs in the car park to state:- No ball games, no sounding of horns and to leave the car park quietly.

REASONS

The Sub-Committee is of the opinion that the hours set for the sale of alcohol and regulated entertainment should provide an opportunity for greater flexibility and in turn a reduction in customers leaving the premises in large numbers at a set time with consequent nuisance and associated anti-social behaviour to local residents, but we believe that their concerns can be met through the licensing conditions and appropriate enforcement.

The meeting ended at 3.05 p.m.

CHAIRMAN