

LICENSING SUB-COMMITTEE 4

Wednesday 11th January, 2006 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor J Woodall (Chairman)
Councillors Mrs Coulter and Finch

Officers

Assistant Director Legal and Democratic Services (Legal Advisor) and
Mrs J Rees – Directorate of Law and Property

63

MINUTES

RESOLVED

That the minutes of the meetings of the Sub-Committee held on
15th November 2005, be approved as a correct record and
signed.

64

DECLARATIONS OF INTEREST

Councillor Finch declared a personal interest in accordance with the
Members' Code of Conduct in respect of Agenda Item No. 7 (Application
to Vary a Premises Licence, The British Queen, 55 Parkeshall Road,
Woodsetton, Dudley) in view of his knowing the applicant and holding his
Ward meetings on the premises.

65

APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillors Wright and Donegan.

66

APPOINTMENT OF SUBSTITUTES FOR THE MEETING OF THIS SUB COMMITTEE

It was reported that Councillors Finch and J Woodall had been appointed
as substitutes for Councillors Donegan and Wright respectively for this
meeting of the Sub Committee only.

67

APPLICATION TO VARY A PREMISES LICENCE, THE ROYAL OAK, MANOR LANE, HALESOWEN

A report of the Director of Law and Property was submitted on an application received from Poppleston and Allen on behalf of Mitchells and Butlers Plc, to convert an existing licence into a premises licence and to vary the licence simultaneously for The Royal Oak, Manor Lane, Halesowen.

The designated premises supervisor, Mr G Brown, was in attendance at the meeting together with Miss H Williams representing Mitchells and Butlers Plc and Mr Shenston Manager of Mitchells and Butlers Plc.

Following introductions, the Legal Advisor outlined the procedure to be followed. In response to questioning Miss Williams confirmed that the details contained within the application were correct.

Mrs J Elliott Licensing Officer, presented the report on behalf of the Council. She advised that written objections to the application had been received from local residents, although the objectors were not in attendance. She confirmed that there had been no objections from the Police or Environmental Health.

On behalf of the applicant, Miss Williams outlined the application made by Poppleston and Allen Licensing Solicitors on behalf of Mitchells and Butlers and stated that she would have liked the opportunity to allay concerns expressed by residents had they been in attendance at the meeting and to give them more details relating to the application. She addressed the concerns expressed in writing by local residents stating that these stemmed, in the main, as a result of the premises being situated on a busy roundabout on the main bus route between Birmingham and Stourbridge. The premises, which was the first of the "Ember Inn" chain established 8 years ago, had been managed by Mr Brown for the past 2 ½ years. It was used as a meeting place for local residents, for people wanting a venue for a quiet drink and food. The car park on two sides of the premises was used by the local community, including a bowls team. It was not anticipated that the volume of customers would increase as a direct result of the increased licensing hours. A number of shops and take away food stores situated opposite the premises were visited regularly by pupils from the two schools, which were in close proximity to the premises, and this was where some of the litter emanated from.

She explained that the reason for the withdrawal of the previous application had been due to concerns by the applicant, in the early stages of the implementation of the new liquor licensing, at the volume of objections, which in the fullness of time appeared to be quite the norm. The number of objections to the new application had been greatly reduced.

To clarify some of the concerns expressed in the written objections, Miss Williams confirmed that the applicant did not intend to have public entertainment nor a cinema on the premises.

In response to concerns expressed by the Sub Committee, and also referred to in the written objections, in respect of noise nuisance, Miss Williams advised that the noise did not emanate from the pub, but rather from people returning home from Birmingham on the late night bus service and alighting the bus immediately outside the premises.

In answer to questions from the Chairman, Mr Brown, stated that the windows did not open. The second of two sets of doors were kept closed to try to contain the noise within the pub. He also confirmed that the background music was kept at a reasonable level at all times.

Mr Brown was willing to erect a notice reminding customers to leave quietly and one requesting taxis not to sound their horns when collecting customers late at night.

In response to comments from the Sub Committee, Miss Williams advised that she did not believe that litter was as a result of customers, but more likely to be from customers of the shops and take away premises across the road from the pub, especially at lunchtime when these premises were visited by local school children.

Mr Brown advised that his staff undertook litter control sweeps regularly throughout the day and evenings and that glasses were collected regularly. Door staff ensured that customers did not leave the premises carrying glasses throughout the day and evening.

In response to questions from the Committee, Mr Brown confirmed that he had managed the premises for 2 ½ years. He also confirmed that people drinking and/or watching bowls outside were encouraged to leave the outside area at approximately 11 pm. He could not remember witnessing any incidents of vomit on the car park.

Miss Williams advised that during the period over Christmas, when as a trial, the premises opened until midnight, there had been no complaints.

In summing up her case, Miss Williams stated that some of the issues raised were, in fact, beyond the control of the Licensee. He had agreed that he would be willing to erect notices reminding customers to be mindful of local residents and to leave the premises quietly. Also, a notice requesting taxis not to sound their horns when collecting customers late at night. Miss Williams added that she would have liked the opportunity to encourage residents to contact the Licensee direct, or the Brewery in the event of any future concerns.

Prior to their withdrawal, the legal advisor indicated to the applicant the details of the legal advice to be given to the Sub-Committee, which related to legal aspects of the application. He would be advising the Sub Committee to give less weight to the written objections in view of their being no objectors in attendance at the meeting.

The applicant and his representatives then left the meeting whilst the decision was considered.

The Sub-Committee having made their decision, the applicant and his representatives were invited to return and the Chairman then outlined the decision and the reasons for the decision. Accordingly, it was

RESOLVED

That the application received from Poppleton and Allen, Licensing Solicitors, on behalf of Mitchells and Butlers Plc in respect of the Royal Oak, Manor Lane, Halesowen be approved, subject to the following terms and conditions and based on the reasons indicated:-

Variation of Premises Licence

Thursday - Saturday	10.00 – 00.00
Sunday	11.00 – 23.00
Bank Holiday)	
Christmas Day)	As per operating schedule
Boxing Day)	

Conditions

All conditions set out as in the operating schedule, together with:-

1. The Beer Garden shall not be used after 11.20 pm and all glassware cleared by the same time.
2. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
3. Signs in the car park to state:- No sounding of horns and to leave the car park quietly.

Reasons For Decision

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. This approach is consistent with the principles contained within the licensing legislation and our licensing policy. However, we recognise the legitimate concerns of local residents, but we believe that their concerns can be met through the licensing conditions and appropriate enforcement.

APPLICATION FOR A PREMISES LICENCE, BALTI 4 U TAKEWAY, 63
HALESOWEN ROAD, NETHERTON, DUDLEY

A report of the Director of Law and Property was submitted on an application received from Midlands Licensing Services, on behalf of Mr Afruz Ali, for a premises licence in respect of the premises known as Balti 4 U Takeaway, 63 Halesowen Road, Netherton, Dudley.

The applicant, Mr Afruz Ali, was in attendance at the meeting, together with Mr Campbell, Midland Licensing Services.

Following introductions, the Legal Advisor outlined the procedure to be followed. He confirmed that no objections had been received from either Environmental Health or the Police. In response to questioning, Mr Campbell confirmed that the application was as set out in the report.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, presented the case on behalf of the Council. She confirmed that a written objection had been received, although the objector was not in attendance at the meeting.

On behalf of the applicant, Mr Campbell presented the case for the granting of a premises license in respect of The Balti 4 U Takeaway, 63 Halesowen Road, Netherton, Dudley, West Midlands. He advised that Mr Ali had owned the premises for the past six years, and that there had been a take away business on the site for over thirty years. A planning application had been submitted for an emergency fire exit at the rear of the premises and in compliance with the public safety issue, as set out in the application form, the applicant advised that he was agreeable to installing a fire blanket and fire extinguisher on the premises, but would require 28 days in which to do so.

In answer to the concerns expressed in the written objection, Mr Campbell advised that there were five litter bins to the right of the premises and two to the left. As the majority of the custom of the premises was delivered as part of the service, he did not accept that the litter was caused by the customers of the applicant.

Despite not accepting responsibility for the litter, and the fact that the premises was situated on zig zag parking lines on a set of traffic lights, which meant that parking outside the premises was illegal, the applicant was in agreement to providing signs requesting that his customers do not drop litter park and one requesting that they park considerately and legally.

At the conclusion of questions, Mr Campbell summed up the position and prior to the withdrawal of the applicant and his representative, the legal advisor indicated the details of the legal advice to be given to the Sub-Committee, which related to legal aspects of the application.

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

Accordingly, it was

RESOLVED

That the application received from Midland Licensing Services on behalf of Mr Afruz Ali, for a premises licence in respect of Balti 4 U Takeaway, 63 Halesowen Road, Netherton, Dudley be approved as follows:

Grant of Premises Licence

Monday to Thursday	23.00 – 00.30
Friday and Saturday	23.00 – 01.30
Sunday	23.00 – 00.30

Conditions

All conditions set out as in the operating schedule.

1. Fire Blanket and Extinguisher to be fitted within 28 days.
2. Signage on the Premises to remind customers to use the designated parking areas only and to deposit litter in the litter bins provided.

Reasons

The Sub-Committee is of the opinion that the objectors concerns can be met through the licensing conditions and appropriate enforcement.

69

APPLICATION TO VARY A PREMISES LICENCE THE BRITISH QUEEN 55 PARKESHALL ROAD, WOODSETTON, DUDLEY

It was noted that, for procedural reasons, this item would not to be considered at this meeting of the Sub Committee.

The meeting ended at 11.55 am

CHAIRMAN