

LICENSING SUB-COMMITTEE 3

Tuesday 21st February 2006, at 10.00 am
in the Council Chamber, Council House, Dudley

PRESENT

Councillor J Woodall (Chairman)
Councillors Mrs Dunn and Finch

OFFICERS

Assistant Director of Legal and Democratic Services (Legal Advisor) and
Mr R Jewkes (Directorate of Law and Property)

59 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 12th
December, 2005, be approved as a correct record and signed.

60 DECLARATIONS OF INTEREST

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

61 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of
Councillor Blood and Councillor Hart.

62 APPOINTMENT OF SUBSTITUTES FOR THIS MEETING OF THE
COMMITTEE

It was noted that Councillor J Woodall had been appointed to serve as a
substitute for Councillor Blood for this meeting of the Sub-Committee
only and that Councillor Mrs Dunn had been appointed to serve as a
substitute for Councillor Hart for this meeting of the Sub-Committee only.

63 REVISION OF LICENCE FEES

A joint report of the Director of Law and Property and the Director of
Finance was submitted on proposed revision of fees for licences and
consents administered by the Committee.

The Assistant Director of Legal and Democratic Services informed the Members that as the report contained insufficient information he requested that the consideration of the matter be deferred to a future meeting.

RESOLVED

That consideration of the report submitted on revision of licence fees be deferred to a future Sub-Committee meeting.

64

APPLICATION TO VARY A PREMISES LICENCE – THE PARK TAVERN, COT LANE, KINGSWINFORD

A report of the Director of Law and Property was submitted on an application received from the Spirit Group to vary the premises licence in respect of the Park Tavern, Kingswinford.

Mr Butler, the premises licensee, was in attendance at the meeting together with Mr Stevens, Area Manager for the Spirit Group and Mr Westwood-Payne, legal representative of the Spirit Group.

Also in attendance were Mrs Barratt, Mr Gregory, Mr Grosvenor, Mrs Grosvenor, Mr Prudow and Mr Randall, objectors to the application and members of the public.

Following introductions, the Assistant Director of Legal and Democratic Services outlined the procedure to be followed.

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

The objectors then presented their case, stating that the pub was traditionally popular with local residents and that currently problems emanating from the premises were rare. However, it was feared that the extension of opening hours would mean increased noise nuisance and anti-social behaviour from patrons leaving the premises in the early hours of the morning. The premises were located in a dense residential area and it was felt that the conversion of the pub into a nightclub type operation was inappropriate. In relation to the applicants request to provide regulated entertainment and dancing, the objectors made reference to the size of the pub, expressing the view that extension of the premises on to the area currently used as a car park would be required, resulting in an increase in traffic congestion in the vicinity. On the issue of anti-social behaviour in the area, objectors complained of being woken in the night by shouting coming from the premises' car park and by youths urinating in their gardens. It was felt that incidents like these would become more frequent should the opening hours of the premises be extended. Concern was expressed that with additional police presence now required around nightspots in Stourbridge and Brierley Hill, officers would not be available to respond to complaints of disturbance in Kingswinford after the premises closed.

In response to questions from Mr Westwood-Payne, the objectors confirmed that they had no evidence to prove that the incidents of anti-social behaviour they referred to involved patrons of the Park Tavern. In relation to the incident referred to involving shouting coming from the car park at 2am in the morning, it was reported that the areas surrounding the premises were not secured and as such were accessible to any group which chose to congregate there after the pub was closed.

Mr Westwood-Payne then presented the case on behalf of the applicant, stating that the Spirit Group understood its responsibility to local residents and as such was prepared to suggest conditions to be attached to the licence to address the concerns of the objectors. In relation to the section of the application requesting the provision of regulated entertainment including provision for dancing, Mr Westwood-Payne explained that no entertainment was to be provided above and beyond the two live performers or recorded music previously exempted under the Licensing Act 1964 and suggested that a condition be attached to the licence restricting any live entertainment to this level and requiring the installation of a noise limiting device. It was not the intention of the Spirit Group to hold discos on the premises and the ability to allow dancing had only been requested in case the pub was hired for parties or other special occasions. The request for extended opening hours was not designed to attract new custom from outside the area, but to provide increased flexibility and to allow the gradual dispersal of local patrons who already frequented the premises.

In addition to these comments, Mr Westwood-Payne confirmed that the Spirit Group was prepared to install a gate on the premises making the car park and patio inaccessible to passers by after closing time, and to ensure that staff supervised the dispersal from the building, ensuring that patrons left the area without disturbing nearby residents.

Following the presentation on behalf of the applicant, Mrs Grosvenor raised the issue of Mr Butler's impending retirement, expressing concern that when he left the premises, the nature of the establishment could change, attracting a younger customer base, which could mean increased noise from loud music and rowdy behaviour. In responding, Mr Westwood-Payne stated categorically that the Spirit Group had no plans to alter the focus of the establishment in terms of clientele. He added that any attempt to develop the premises into a nightclub type venue would require the extension of the building and further planning and licence applications to which residents would have the opportunity to object.

In response to a question regarding the clearing of the patio area at night, Mr Westwood-Payne confirmed that if extended hours were granted, the outside of the premises would be cleared of customers by 11.20pm, as was currently the case.

The Assistant Director of Legal and Democratic Services made reference to the request in the application for the right to operate unconventional opening hours to show national or international sporting events on up to twelve occasions per year, asking if the applicant still wished the Sub-Committee to consider it. Mr Westwood-Payne confirmed that the applicant did still wish to pursue this element of the application in order that the licensee would not be required to go through the process of applying for a temporary events licence whenever he wished to open outside normal hours to show a sporting event.

Following the questioning of the applicant's representative, the Chairman invited all parties to sum up their case. In doing this, Mr Prudow stated that at the moment the pub was a small, well-run local establishment frequented by many local residents, and asked that no changes be made to the licence which would alter this. Mrs Grosvenor also referred to the Dudley Community Strategy which emphasised the need for residents to feel safe in their communities and asked that the Sub-Committee take this into account when reaching its decision. In summing up on behalf of the applicant, Mr Westwood-Payne reiterated that it was not the intention of the applicant to change the style of the premises should the application be approved and said that the imposition of the conditions he had outlined would prevent any additional disturbance to residents.

The Chairman then requested that the respective parties leave the meeting in order that the Sub-Committee could determine the application.

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

Accordingly, it was

RESOLVED

That the application received on behalf of the Sprit Group, to vary the premises licence in respect of The Park Tavern, Cot Lane, Kingswinford be approved, subject to the following conditions and based on the reasons indicated: -

Variation of premises licence: -

Alcohol

Hours:

Monday – Sunday	10.00 – 00.00
Bank Holidays, Christmas Day and Boxing Day	10.00 – 01.00

Conditions

All conditions set out as in the operating schedule (including local, national and international sports events condition), together with

1. All regulated entertainments shall end at 23.30 seven days per week.
2. Noise limiter to be fitted and set by Environmental Health Officer.
3. The patio area/beer garden shall not be used after 23.20.
4. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
5. Signs in the car park to state: - No sounding of horns and to leave the car park quietly.
6. Gate to be fitted to secure the patio area/beer garden within three months.
7. Customers to be supervised by staff on leaving the premises to ensure they leave quietly and do not congregate outside the premises.
8. An extra hour in respect of late night refreshments over and above the sale of alcohol.

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 in 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.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING,
MR RAKESH KUMAR, DUDLEY TOWN CENTRE

A report of the Director of Law and Property was submitted on an application made on behalf of Mr Rakesh Kumar for the grant of a Street Trading consent to trade in Dudley Town Centre.

It was noted that, despite being notified of the date and time of the hearing, Mr Kumar was not in attendance. Mr M Caddick, Town Centre Manager – Dudley and Stourbridge was in attendance as an objector to the application.

Mr Caddick outlined his objection to the application, namely that the requested location in the market place was already saturated with hot food outlets and that the addition of a further seller would have an adverse impact on road safety, traffic and other traders operating in the area.

Following the conclusion of questions by the Sub-Committee it was

RESOLVED

That the application submitted on behalf of Mr Rakesh Kumar for the grant of a Street Trading consent to trade in Dudley Town Centre be refused.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING,
MS ADELE GROVE, BRIERLEY HILL TOWN CENTRE

A report of the Director of Law and Property was submitted on an application made on behalf of Ms Adele Grove for the grant of a street trading consent to trade in Brierley Hill Town Centre.

Ms Grove was in attendance at the meeting along with her mother, Mrs Grove. Mr A Radford, Technician Engineer, was also present representing the Directorate of the Urban Environment.

Mrs Elliott presented the report, referring to representations made by Environmental Health and the Brierley Hill Town Centre Manager in respect of the application, copies of which were appended to the report.

Following the conclusion of questions raised by the Sub-Committee concerning possible conditions to the licence suggested by the Brierley Hill Town Centre Manager, it was

RESOLVED

That the application submitted on behalf of Ms Adele Grove for the grant of a Street Trading consent be approved subject to the following conditions:

- i) That the vehicle from which trading will operate is kept clean and well maintained.
- ii) That the vehicle from which trading will operate does not block the highway or cause a danger to motorists or pedestrians.
- iii) That any litter generated is removed promptly.

The meeting ended at 12.45pm

CHAIRMAN