

LICENSING SUB-COMMITTEE 1

Tuesday 1st August 2006 at 10.15am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Mrs Ameson and Tomkinson

Officers

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

4 DECLARATIONS OF INTEREST

There were no declarations of interest from Members in accordance with the Members' Code of Conduct.

5 MINUTES

RESOLVED

That the minutes of the meetings of the Sub-Committee held on 27th June, 2006, be approved as a correct record and signed.

6 APPLICATION FOR A TEMPORARY EVENT NOTICE, MR ANSAR FARAKH, 99 HIGH STREET, STOURBRIDGE

A report of the Director of Law and Property was submitted on Notices received from Challinors, Solicitors on behalf of Mr Ansar Farakh for temporary events in respect of 99 High Street, Stourbridge.

Mr Farakh was in attendance at the meeting, together with his legal representative Mr J Walker of Challinors, Solicitors. Ms L Smith, Deputy Force Solicitor, was also in attendance representing West Midlands Police, who had submitted written objections to the application.

Following introductions, the procedure to be followed was outlined.

The Assistant Director of Legal and Democratic Services then presented the report on behalf of the Council.

Ms Smith then outlined the grounds on which the police objected to the application, stating that the police considered that allowing the premises to remain open until 3 a.m. would further exacerbate the current problem of dispersing groups of people from Stourbridge town centre following the closure of the various nightspots on the High Street. The area in which the premises were situated was already heavily populated after closing time and was known as a 'hot spot' for disorder. Consequently, it was the view of the police that granting permission for the twelve special events requested in the application would be contrary to the prevention of crime licensing objective identified in the Licensing Act 2003. In addition to this, the local Licensing Officer, PC Turley, had found the premises continually operating after 11 p.m. without a premises licence despite his warnings that such action could result in prosecution. A statement by PC Turley to this effect had been circulated to all parties prior to the meeting. It was reported that the police were currently taking action regarding the information contained in the statement.

Mr Walker then spoke on the application on behalf of Mr Farakh and stated that as the application was for special events, not a premises licence, and as such the Sub-Committee need only determine whether or not crime and disorder would result from the application being granted. If this was not the case, under the Licensing Act 2003 the Sub-Committee was required to approve the application. In reference to the objections raised by the police, he stated that the owner of the premises did not have prior experience of licensing legislation and as such was not aware that he was breaking the law by operating a food outlet after 11 p.m. without a premises licence. The business had been set up after the transitional period in which the Licensing Act 2003 had been implemented, meaning that the advice and literature provided to businesses at that time had not been available to Mr Farakh. Upon becoming aware of the requirement to obtain a premises licence, Mr Farakh had immediately sought legal assistance and submitted an application which was currently being processed. In concluding, Mr Walker commented that as the application was only concerned with the sale of food, not the sale of alcohol or the provision of entertainment, it posed a minimal risk in terms of crime and disorder.

Following Mr Walker's presentation, discussion ensued surrounding the current situation in terms of night time policing in Stourbridge town centre and the extent to which the potential public disorder was considered a problem. The Assistant Director of Legal and Democratic Services advised that the Licensing and Safety Committee had recently given its approval to the commencement of formalities which could lead to the implementation of a cumulative impact policy in the town in order to try to curb anti-social behaviour and violent crime, instances of which had risen dramatically. Although the application did not involve the sale of alcohol, it was the view of the police that food outlets operating on the High Street slowed down the dispersal of people after closing time and therefore increased the possibility of crime and disorder.

At this juncture, Mr Walker requested a short adjournment so as to discuss the terms of the application further with Ms Smith. Following this adjournment the parties returned to the meeting and Mr Walker requested, on behalf of Mr Farakh, that the terms of the application be amended to state that the premises would remain open only until midnight, rather than 3 a.m. as previously requested. Ms Smith confirmed that should the application be amended in this way, the objections of the police would be withdrawn.

Councillor Mrs Ameson then enquired as to how long the premises had been operating as a chip shop. In responding, Mr Walker confirmed that planning permission had been obtained on 10th March 2006 and that the premises had been opened shortly after that.

Members also made reference to the statement given by PC Turley and asked whether the premises operated solely as a take away outlet or whether patrons could eat their food inside the shop. Mr Farakh responded by saying that the shop was a take away and that the people referred to in the statement as eating chips on the premises were standing.

In light of the amended terms of the application and the subsequent withdrawal of the objections of the police, it was accordingly

RESOLVED

That the Temporary Event Notices received from Challinors, Solicitors on behalf of Mr Ansar Farakh, for temporary events in respect of 99 High Street, Stourbridge, as amended, be granted as follows for the dates shown and based on the reason indicated: -

3rd, 4th, 5th, 6th, 10th, 11th, 12th, 13th, 17th, 18th, 19th and 20 th August	23.00 – Midnight
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Reason for decision: -

Agreed by parties.

The meeting ended at 11.35 am

CHAIRMAN