

LICENSING SUB-COMMITTEE 1

Tuesday 5th January, 2010 at 10.25am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Nottingham and Tyler

Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and
Miss K Wilson (Directorate of Law, Property and Human Resources).

20 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

21 MINUTES

RESOLVED

That, the minutes of the meeting held on 3rd November 2009, be approved as a correct record and signed.

22 APPLICATION FOR A PREMISES LICENCE – PLAZA MALLS, UNITS 1, 2 AND 3, 33-34 HIGH STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence made on behalf of Miss P Nagra in respect of Plaza Malls, Units 1, 2 and 3, 33-34 High Street, Dudley.

Mr Balu (CLB Lawyers), Miss Nagra (Applicant), Mr Singh (Applicant's father) and Mr G Powell (Manager of Plaza Malls) were in attendance at the meeting.

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

Arising from the presentation of the report, Mr Balu stated that significant work had been carried out by Miss Nagra to ensure that the business would be prepared should the licence be granted.

Mr Powell described the proposed layout and access to the business once the other units at the premises closed at 5.30pm. The proposals were compiled following recommendations from West Midlands Police. It was noted that the business would be accessed via one door at the front of the premises, and although the other units would be alarmed by roller shutters, the main alarm would be activated once the business has closed.

Mr Powell also confirmed that two SIA registered Security Guards would be employed, with one guard on site and the other on call, he further stated that three CCTV cameras had already been installed at the premises.

In responding to a question from a Member, Miss Nagra confirmed that the business would be selling groceries as well as alcohol.

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

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

RESOLVED

That the application received for a premises licence, in respect of Plaza Malls, Units 1, 2 and 3, 33-34 High Street, Dudley, be approved for the sale of alcohol on the following dates and times and, subject to the other conditions contained in the licence application:-

Monday – Sunday

08.00 – 23.00

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APPLICATION FOR A PREMISES LICENCE – JAIPUR WINE BAR, 53-54 HIGH STREET, QUARRY BANK

A report of the Director of Corporate Resources was submitted on an application made on behalf of Ms Begum for the grant of a premises licence in respect of Jaipur Wine Bar, 53-54 High Street, Quarry Bank.

Ms F Begum (Applicant) was in attendance at the meeting, together with her father.

Also in attendance and objecting to the application were, Councillor B Cotterill (Ward Member for Quarry Bank and Dudley Wood) and Ms D Nellany (Food and Occupational Safety).

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

The Legal Advisor made reference to the content of Appendix 2 to the report submitted, with regard to planning restrictions. He advised the Sub-Committee that as planning matters were not within the jurisdiction of the Sub-Committee any references to planning should be ignored.

Ms Nellany presented the representations of the Food and Occupational Safety Team as indicated in Appendix 2 to the report submitted, and in doing so emphasised her concerns regarding potential noise nuisance. She also requested that, should the licence be approved, due to the close proximity of residential dwellings including a flat above the premises, an additional condition be attached to the licence to close doors and windows whenever entertainment beyond incidental music was provided.

Ms Nellany informed the Sub-Committee that despite catering equipment not being listed on the plan submitted, the equipment had been identified following an inspection.

Councillor Cotterill on behalf of his constituents presented his objections, which had been circulated prior to the meeting in accordance with the Licensing Act 2003. He emphasised his concerns in relation to the hours in which the applicant wished to sell alcohol and to the similar outlets in the area, which could increase alcohol related anti social behaviour.

Councillor Cotterill further stated that as the premises had not provided a smoking area, it was likely that groups would gather at the front entrance of the premises, which could intimidate pedestrians.

In response to the objections made, Ms Begum confirmed that the catering equipment was unused and would be removed, as it was her intention to sell snacks rather than hot food. She also stated that the premises would not be similar to the outlets in the high street, as it was proposed that alcohol would not be served after 10.00 pm.

Ms Begum informed the Sub-Committee that identification would be required to enter the premises, and that if any customers appeared to be under 25 years old then identification would be requested. She also stated that two door staff would be employed to patrol the area and monitor the fire exits.

In responding to a question from Ms Nellany, Ms Begum confirmed that the closing hours of the premises would be 10.00 pm, which would also include bank holidays. She also confirmed that the flat above the premises was currently occupied but that the tenant would be vacating in the near future.

The Licensing Officer informed the Committee that as Ms Begum wished to sell alcohol until 10.00 pm and not 12.00 pm, then the application could be amended should the licence be granted. She also advised that as Ms Begum would not be serving hot food after 11.00 pm, then that licence would not be required. Ms Begum confirmed that she was happy to withdraw the application for hot food and to amend the licence in accordance with the change in hours.

Ms Begum also confirmed that the hours for recorded music would be the same as those for selling alcohol.

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

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

RESOLVED

That the application received from Ms F Begum, for a premises licence, in respect of Jaipur Wine Bar, 53-54 High Street, Quarry Bank, be approved, in the following terms.

Sale of Alcohol

Monday – Friday	09.00 – 22.00
Saturday	09.00 – 22.30
Sunday	09.00 – 22.00

Regulated Entertainment (Recorded Music)

Monday – Friday	09.00 – 22.00
Saturday	09.00 – 22.30
Sunday	09.00 – 22.00

Conditions

All conditions set out in the operating schedule.

- (1) All doors and windows shall be kept closed during regulated entertainment.
- (2) All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.

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.

24 APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE FULL MOON, 58-60 HIGH STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application received from Gamestec, for the grant of a licensed premises gaming machine permit for three category C machines in respect of The Full Moon, 58-60 High Street, Dudley.

Ms C Clarke and two colleagues from Gamestec were in attendance at the meeting.

RESOLVED

That the application received from Gamestec, for the grant of a licensed premises gaming machine permit for three category C machines in respect of The Full Moon, 58-60 High Street, Dudley be approved.

25 APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE ABRAHAM DARBY, MERRY HILL CENTRE, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an application received from J D Wetherspoon, for the grant of a licensed premises gaming machine permit for five category C machines in respect of The Abraham Darby, Merry Hill Centre, Brierley Hill.

Ms C Clarke and two colleagues from Gamestec were in attendance at the meeting.

RESOLVED

That the application received from J D Wetherspoon, for the grant of a licensed premises gaming machine permit for five category C machines in respect of The Abraham Darby, Merry Hill, Brierley Hill be approved.

The meeting ended at 12:00 p.m.

CHAIRMAN