

## LICENSING SUB-COMMITTEE 3

Tuesday 3<sup>rd</sup> July 2007, at 10.00 am  
in the Council Chamber, Council House, Dudley

### PRESENT

Councillor Blood (Chairman)  
Councillors Mrs Cowell and Finch

### OFFICERS

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

### 1 COMMENTS BY THE CHAIRMAN

Councillor Blood reported that he was an acquaintance of one of the objectors who was present in connection with the application to be considered at this meeting. Following consideration of this matter it was noted that the relationship could not be termed as being a close association within the terms of the Members' Code of Conduct and therefore Councillor Blood could continue to hear the following application.

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### 2 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 9<sup>th</sup> January 2007, be approved as a correct record and signed.

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### 3 APPLICATION FOR VARIATION OF A PREMISES LICENCE THE CROSS HOTEL, HIGH STREET, KINGSWINFORD

A report of the Director of Law and Property was submitted on an application to vary a premises licence received from TLT Solicitors in respect of The Cross Hotel, High Street, Kingswinford.

Mr Silcox, the Licensee, was in attendance at the meeting as was Mr M Phipps, Solicitor for Punch Taverns, together with Ms S Tipton, representative of Punch Taverns. Also in attendance was Mr A Newman of Newman Designers contracted to carry out the design work on The Cross Hotel.

Also in attendance were Councillors Ms Boleyn and Lavender, objecting to the application, and Mr Cole and Mr Brearley (objectors).

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 report on behalf of the Council, and confirmed that a copy of a Memorandum of Understanding between the Licensee and the police had been received.

Councillors Ms Boleyn and Lavender informed the Sub Committee they had been contacted by a member of the public and had also received letters of representation from one of the objectors in attendance at the meeting regarding concerns in respect of the proposed application for a variation of the premises licence, in particular the increase in noise that might emanate from the premises, noise from taxis picking up customers and sounding their horns and an increase in vandalism and anti social behaviour. They also expressed concern regarding the extra traffic that would be created on two already busy roads.

Councillors Ms Boleyn and Lavender also stated that local residents had expressed concern about a proposed name change. They reminded the Sub Committee that The Cross Hotel was a Grade II listed building and that the changes to be made to the building needed to conform to the planning regulations for Grade II listed buildings; they also informed the Sub Committee that reservations had been expressed regarding the proposed designated smoking area.

Mr Cole (objector) informed the Sub Committee that he lived approximately thirty to forty metres away from The Cross Hotel and was concerned about the noise nuisance late in the evening and in the early hours of the morning.

Mr Cole also informed the Sub Committee that The Cross Hotel was situated in an upmarket residential area and the price of homes in close proximity could fall if there was an increase in noise from the premises or an increase in anti social behaviour in the surrounding area. He requested that soundproofing or secondary glazing be installed and also informed the Sub Committee that the new Licensee intended to change the name of the premises to "Arizona Crossing" and that local residents wanted to retain the original name as it had historical connotations.

Mr Brearley (objector) informed the Sub Committee that twelve or thirteen written objections had been submitted. He also pointed out that residential care homes were situated in the close vicinity of the premises. He informed the Sub Committee that on a personal basis he doubts the assertion made that the proposals put forward would not add to the problems of noise and nuisance in the area.

Councillor Mrs Cowell pointed out that no objections had been received from the care homes in the vicinity of The Cross Hotel.

Mr Brearley stated that the new licensee had experience in running a nightclub and was concerned that The Cross Hotel would become a nightclub. He requested reassurances from the licensee that this would not be the case and that The Cross Hotel would also retain its traditional features following the changes being made.

Councillor Finch pointed out that the police had not objected to the application.

Mr Cole informed the Sub Committee that no significant problems had been recorded in the recent past and he considered this was mainly due to the efforts of the previous licensee.

Councillor Blood questioned whether some of the noise and anti social behaviour was actually from The Cross Hotel or from other nearby licensed premises.

Mr Brearley responded that The Cross Hotel attracted anti social behaviour and was concerned that the problems might escalate if the Sub Committee granted the application; he was also concerned that the proposed alterations to the building would not be in keeping with its listed building status.

Mr Phipps, solicitor for Punch Taverns, pointed out the structural alterations to The Cross Hotel, and stated that the alterations as shown on a plan submitted were limited. The alterations included a disabled toilet and fixed seating and informed the Sub Committee that the pool table had already been removed.

Mr Phipps pointed out the proposed smoking area and that the Sub Committee might apply a condition whereby no alcohol was to be consumed in the proposed smoking area after 12 midnight. He further requested that the application for an extension of licensed hours during Bank Holiday be withdrawn.

Mr Phipps also repudiated Mr Brearley's assertion that the alterations to the building would not comply with its listed building status and explained that the design and variation to the premises would be in accordance with the plans submitted.

Mr Phipps also suggested that Mr Brearley's mistrust of the proposals might be alleviated if he studied the plan in detail; he explained that the plans broadly encompassed the structural alterations (which were limited), the inclusion of a disabled toilet, the introduction of fixed seating, the removal of the pool table and a new chair and table layout. He pointed out Mr Silcox's previous experience as a licensee and nightclub owner.

Mr Phipps also informed the Sub Committee that a meeting had taken place with a police representative and the concerns expressed by the police had been addressed at that meeting. He also informed the meeting that if an extension to the licence were to be granted the request for Bank Holiday extended hours would be withdrawn. He also informed the Sub Committee of a proposal for accompanied children to be allowed in the dining area and bar area and that door staff would be employed when live entertainment/disco was being held.

In response to a question put by Mr Brearley, Mr Phipps advised that Mr Silcox was the lessee/licensee of the premises with primary responsibility for the appropriate operation of the premises. He noted Mr Brearley's concerns with regard to changing the name of the premises and the erection of a neon sign to the front of the building.

Mr Phipps further informed the Sub Committee that the premises hold cabarets with diners being seated at chairs and tables and the provision of a small dance floor facility. Alcoholic drinks would not be available at a discounted price and an invitation to residents and local Councillors to visit the premises and inspect the changes being made was extended in order to allay some of their concerns.

Councillor Ms Boleyn thanked Mr Phipps for his reassurances and stated that she hoped that local residents would be placated with the proposed measures for alleviating nuisance and noise.

Mr Cole stated that he was not reassured and suggested that CCTV be installed around the building. In response Mr Phipps informed Mr Cole that five additional cameras would be installed in the premises and one camera would be outside.

In response to a question from Mr Cole regarding the use of the fire door that opened on to Moss Grove. Mr Newman (Designer) informed Mr Cole of the positions of the fire doors; Mr Silcox pointed out the main entrance on the plan.

A discussion then ensued regarding the car park to the premises, during which Mr Cole stated that closure of the car park at the front of the premises on Moss Grove would solve a lot of the noise issues for the residents of Moss Grove.

In response to a question from the Legal Advisor, Mr Silcox indicated that he would be prepared to install a dedicated telephone line to a local taxi firm for use by customers.

The use of the garden area was further discussed and Mr Newman informed the Sub Committee that the garden area was being enlarged but that this would not encroach on the front car park area.

In response to a question from the objectors regarding cars with “for sale” signs on them parked on the car park the previous week, Mr Silcox explained that this matter had been noted and would not reoccur.

In response to a question from Mr Brearley, Mr Phipps stated that the licensee and Punch Taverns were willing to work closely with local residents to ensure any concerns that arise are addressed.

Councillor Blood advised of the local Police and Community Together (PACT) meetings held locally on a bi-monthly basis at Kingswinford Community Centre; local residents could raise any concerns that arise.

In response to a question from Councillor Finch, Mr Silcox stated that a lot of “sound dampening” products had been used within the premises, particularly around the stage area.

Mr Newman also explained that there were no proposals to install secondary glazing and that a meeting had been held with Ms Pilkington (Council Officer responsible for listed buildings) who had indicated issues in relation to the installation of secondary glazing or double-glazing to the windows.

Mr Silcox stated that consideration was being given to the introduction of a membership scheme.

In response to concerns expressed by Councillor Blood regarding children being allowed in the dining area until 12 midnight, it was suggested an age gradient indicator could be applied, for example “no children under the age of .....be allowed after .....”.

The Legal Advisor informed the Sub Committee that Environmental Health would need to inspect the proposed smoking area in order to define it.

In summary, Mr Phipps stated that the licensing hours had not changed, only the internal lay out of the premises. He agreed that a direct telephone number to Mr Silcox would be provided for use by local residents should any concerns arise with regard to noise and nuisance emanating from the premises.

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.

RESOLVED

That the application to vary the premises licence in terms of layout in accordance with plans submitted, of The Cross Hotel, High Street, Kingswinford, be granted subject to the following conditions:-

### Conditions

#### Sale of Alcohol

Monday, Tuesday and Wednesday 10.00 am to 12 midnight  
Thursday, Friday and Saturday 10.00 am to 1.30 am

Sunday 10.00 am to 11.30 pm

Bank Holiday, Christmas Day and Boxing Day withdrawn

#### Regulated Entertainment

Monday, Tuesday and Wednesday 10.00 am to 12.00 midnight  
Thursday, Friday and Saturday to 10.00 am 1.45 am  
Sunday to 10.00 am to 11.30 pm

Bank Holiday, Christmas Day and Boxing Day withdrawn

#### Late Night Refreshment

Existing hours to continue.

### Conditions

All Conditions of Licence in accordance with operating schedule and application together with:-

1. Designated smoking area approved as marked on the plan, subject to Environmental Health ratification.
2. The outside area to be cleared of customers and glasses by 11.00 pm. No consumption of drinks or alcohol beyond 11.00 pm. Customers permitted to use the designated smoking area for smoking only beyond 11.00 pm.
3. No children to be permitted in the bar area beyond 9.00 pm and the dining area beyond 10.30 pm and at all times to be accompanied by an adult. (Persons under the age of 18 years are children for this purpose).
4. SIA door staff will be on duty Thursday, Friday and Saturday and Bank Holiday evenings when live music or disco is being provided.
5. No alcohol promotions to be permitted on these premises

6. Licensee to have dedicated taxi arrangements with local firm(s) to minimize nuisance to neighbours.
7. Two CCTV cameras monitoring the area of the car park to be retained.
8. The Licensee to provide a contactable telephone number to local residents (Mr Cole and Mr Brierley) and the local Councillors, this number to be displayed on the licence. We recommend that local residents, who are concerned about the operation of these premises, report these concerns to their local Councillors and PACT (Police and Community Together) meetings.
9. Any noise from regulated entertainment must not be audible to the nearest residential property (Mr Cole of number 6 Moss Grove, Kingswinford).
10. A membership scheme will operate at the venue and only members of this scheme will be allowed entry after 11.00 pm on Friday and Saturday evenings.

#### 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.

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4. APPLICATION TO VARY A PREMISES LICENCE – THE CORN EXCHANGE, AMBLECOTE ROAD, BRIERLEY HILL  
A report of the Director of Law and Property was submitted on an application received from Spirit Group Limited to vary the premises licence in respect of The Corn Exchange, Amblecote Road, Brierley Hill.

Mrs J Elliott Licensing Officer informed the Sub Committee that the applicants had requested that their application be withdrawn.

RESOLVED

That the application be withdrawn.

The meeting ended at 2.30 pm

CHAIRMAN