

LICENSING SUB-COMMITTEE 3

Wednesday, 5th October, 2005 at 10.00 am
in the Council Chamber, Council House, Dudley

PRESENT

Councillor Blood (Chairman)
Councillors Finch and Hart

OFFICERS

Principal Solicitor (Legal Advisor) and Mrs M Johal (Directorate of Law and Property)

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MINUTES

RESOLVED

That the minutes of the meetings of the Sub Committee held on 13th and 22nd September, 2005, be approved as correct records and signed.

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DECLARATIONS OF INTEREST

No member made a declaration of interest in accordance with Members' Code of Conduct.

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APPLICATION TO VARY A PREMISES LICENCE, THE ROBIN HOOD INN, 196 COLLIS STREET, AMBLECOTE, STOURBRIDGE

A report of the Director of Law and Property was submitted on an application received from MFG Solicitors, on behalf of David Bernard Jeavons, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Robin Hood Inn, Collis Street, Amblecote, Stourbridge.

The licensee, Mr D B Jeavons was in attendance at the meeting.

Following introductions, the Legal Advisor outlined the procedure to be followed.

Mrs J Elliot, Licensing Officer, Directorate of Law and Property, presented the case on behalf of the Council and, in doing so, referred to paragraph 4 of the report and stated that confirmation to the police in writing should be prior to 14 days, and not 7 days as stated in the report.

Mr Jeavons then presented his case and, in doing so, commented that the Robin Hood was a local public house that also offered hotel facilities for guests. He explained that the reason for opening until 1.30 am was to accommodate regular guests who worked shifts, such as 2pm – 10 pm and it was to allow them to have a drink in a more relaxed manner. He further said that he did not currently have any intention to open as long as stated, however he would like to have the option of flexibility to enable him to develop the business in the future. He further stated that he had not been approached by residents in relation to noise nuisance or disturbance and that the current objection had only come to light when summoned to the Sub-Committee. Since that time he had visited the residents' premises with a view to discussing the issues of concern, however as there was nobody in at that time, he had left a note asking for a meeting to be arranged.

In light of the comments made in the letter of objection, Mr Jeavons said that he had stood outside of the premises to test the noise from the extractor fan in the kitchen and he acknowledged that it was audible. He explained that it was a requirement to have the fan on whilst and after cooking, however, he volunteered to install a variable speed control on the extractor fan to reduce the speed of the fan after cooking. He would also put up signage asking people to leave quietly, install double glazed windows on the side of the public house adjacent to the objector's premises to help the situation.

At the conclusion of questions, Mr Jeavons and Mrs Elliott withdrew from the meeting.

The Sub-Committee having made their decision all the remaining parties 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 MFG Solicitors, on behalf of David Bernard Jeavons, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Robin Hood Inn, Collis Street, Amblecote, Stourbridge, be approved as follows:-

Variation of Premises Licence

Alcohol and Regulated Entertainment Other than Live Music

Hours:

Monday – Sunday 10.00 – 01.30

Late Night Refreshments

Monday – Sunday 23.30 – 01.30

Live Music

Monday – Sunday 10.00 – 23.30

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 at that time.
2. All doors and windows shall be kept closed during regulated entertainments.
3. Before regulated entertainments are undertaken secondary glazing shall be provided to the windows on the West side of the premises.
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 exits to state:- No ball games, no sounding of horns and to leave the car park quietly.
6. To permit the broadcast of televised sporting events of national/international interest outside normal operating hours to be confirmed upon 14 days prior notice in writing to the police, the police having 7 days to object prior to the event (replacement for condition in B2M).
7. There shall be no karaoke after 11.30 pm.
8. The electric fan in the kitchen shall be fitted with a variable speed control, which shall be reduced to the minimum speed after cooking has finished.

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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APPLICATION TO VARY A PREMISES LICENCE, THE KING WILLIAM, COLE STREET, NETHERTON, DUDLEY, WEST MIDLANDS

A report of the Director of Law and Property was submitted on an application received from TLT Solicitors, on behalf of Punch Taverns PLC to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the King William, Cole Street, Netherton, Dudley, West Midlands.

Mr H Clayton, Business Development Manager, Punch Taverns PLC was in attendance at the meeting.

Also in attendance were Mr and Mrs Round, objectors to the application.

Following introductions, the Legal Advisor outlined the procedure to be followed.

Mr C Phillips, Senior Licensing Clerk, Directorate of Law and Property, presented the case on behalf of the Council.

The objectors then set out their reasons for objecting to the application, and in doing so, referred to a petition that had been signed by residents and submitted to the Licensing Officer, who had advised them that it would not be considered as it had been received outside the timescale. Copies of the petition were circulated to the Sub-Committee and to Mr Clayton for information. Mrs Round then set out the reasons for the objections, which included that the dwellings around the area were private residential properties, the majority of residents were over sixty years of age, (some of whom were widows and lived alone), noise nuisance and disturbance from discos, rowdiness and swearing by drunk people, people urinating on the streets and near the Chapel and also that the public house allowed "lock ins" where people drank after hours. It was further pointed out that children were allowed at the premises at all

times and some children were in pushchairs being pushed on streets by people who could hardly stand up. Darby End area was referred to as a deprived area and there were many people out of work resulting in limited income and it was feared that the public house needed to attract people from other areas to be viable.

Mrs Round further reported that several complaints had been made to the police and to a local Councillor, however to no avail. Reference was made to a particular incident involving noise nuisance from a discotheque and when a resident had approached the licensee to ask that the music be turned down, he was laughed at by the licensee, however the music was turned down.

Following questions of the objectors by members of the Sub-Committee and the Legal Advisor, Mr Clayton then presented his case, and in doing so, made particular reference to the fact that Punch Taverns had made a decision to apply for all licences in their name to ensure maximum control and to ensure the licensees adhered to rules and regulations. The company were also committed to working with Neighbourhood Watch and Tenants Associations with a view to combating any problems or issues. He reported that the new tenant had been in place since July 2005 and since that time had decorated the premises to include new carpets, new fixtures and fittings, new beer garden and generally tidied up the premises. He responded to comments made by the objectors and pointed out that there were three public houses in the area and it was difficult to link those people that caused disturbance to any particular public house, however he undertook to ensure that signs to leave the premises quietly and to carry out noise and monitoring checks were carried out by the licensee.

Upon questioning, Mr Clayton confirmed that the application for live entertainment had been made under "grandfather rights", which allowed them to have amplified music with a maximum of two singers at anytime.

At the conclusion of questions, each side summed up their respective positions and prior to their withdrawal, the Legal Advisor indicated to the parties the details of the legal advice to be given to the Sub-Committee relating to legal aspects of the application and specifically pointed out that the petition that had been circulated would be disregarded and not taken into account in the decision.

The Sub-Committee having made their decision all the remaining parties 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 TLT Solicitors, on behalf of Punch Taverns PLC to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the King William, Cole Street, Netherton, Dudley, West Midlands, be approved as follows:-

Variation of Premises Licence

Alcohol

Hours:

Monday – Wednesday	11.00 – 23.00
Thursday – Saturday	11.00 – 00.00
Sunday	12.00 – 23.00

Bank Holiday – Additional 1 hour for every Friday, Saturday, Sunday and Monday for May/Spring and August bank holidays.

Additional 1 hour Thursday, Friday, Saturday, Sunday and Monday for Easter, Christmas Eve and Boxing Day.

Live and Recorded Music

Monday – Wednesday	11.00 – 23.00
Thursday – Saturday	11.00 – 23.30
Sunday	12.00 – 23.00

Bank Holiday – Additional 1 hour for every Friday, Saturday, Sunday and Monday for May/Spring and August bank holidays.

Additional 1 hour Thursday, Friday, Saturday, Sunday and Monday for Easter, Christmas Eve and Boxing Day.

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

1. The Beer Garden shall not be used after 22.30 hours and all glassware cleared at that time. No drinking at the front of the premises to Cole Street shall take place and the tables removed by 24th November, 2005.
2. All doors and windows shall be kept closed during regulated entertainments.
3. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.

4. Signs in the car park to state :- No ball games, no sounding of horns and to leave the car park quietly.

Recommendation

Committee mindful of licensing legislation relating to children and asks the applicant to remind the premises supervisor of these requirements.

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.

The meeting ended at 3.50 pm.

CHAIRMAN