

LICENSING SUB-COMMITTEE 2

Monday 31st October 2005 at 10.30am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor J Woodall (Chairman)
Councillors Mrs Ameson and Mottram

Officers

Mr K Edwards (Legal Adviser) and Mr Jewkes – Directorate of Law and Property

49

MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 18th October, 2005 be approved as a correct record and signed.

50

DECLARATIONS OF INTEREST

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

51

APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Dunn.

52

APPOINTMENT OF SUBSTITUTE FOR THIS MEETING OF THE SUB-COMMITTEE

It was reported that Councillor Mrs Ameson had been appointed to serve as a substitute for Councillor Mrs Dunn for this meeting of the Sub-Committee only.

53

APPLICATION TO VARY A PREMISES LICENCE, THE CROSS HOTEL, HIGH STREET, KINGSWINFORD

A report of the Director of Law and Property was submitted on an application received from Spirit Group Limited, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Cross, High Street, Kingswinford.

The licensee of the premises, Ms T Wilden, was in attendance at the meeting, together with Ms Knotts, legal representative of the Spirit Group, Ms Swan, Area Manager of Spirit Group and Ms Gilbert, the Assistant Manager of the premises. Councillor D Tyler, Mr T Brearley and Mr Cole were in attendance as objectors to the application.

Following introductions by the Chairman, the Legal Adviser outlined the procedure to be followed at the meeting.

Mrs J Elliott, Licensing Officer, then presented the report on behalf of the Council.

The objectors then set out their case, stating that although in the past the premises had been a focal point of the community, poor management in recent years had led to the increasing alienation of local residents. Noise nuisance emanating from the premises caused a constant disruption. This nuisance resulted from doors and windows to the premises being left open during entertainment, patrons leaving the premises and taxis sounding horns on the car park. Anti-social behaviour, for example urination on residents' gardens, was also a problem. It was accepted that the situation had improved since the current licensee had taken over the premises but concern was expressed that extending the opening hours would create new problems with disturbance going on later into the night. The objectors also expressed dissatisfaction with the manner in which the application had been pursued. Residents had not been consulted and many were not aware of the plans to extend the opening hours of the premises as late as 3am on certain occasions.

In response to a question from Mrs Elliott, Mr Cole said that although he had not reported problems associated with the premises to Environmental Health, he had telephoned the licensee on more than one occasion to bring to her attention problems of noise and other disturbances.

Following further questioning of the objectors, Ms Knotts then stated the case on behalf of the applicants, commenting that the application met all the necessary legal requirements specified in the Licensing Act 2003 and that it was in line with the objectives of that Act. The extension of opening hours was designed to allow a gradual dispersal of patrons from the premises, thus minimising noise nuisance and associated problems. She added that it could not be proved that patrons of the premises caused any of the problems experienced by local residents. Furthermore, if granted, the new extended hours would not be used as a matter of course but only as business dictated. The Licensee was making attempts to engage in the local community and the minimum age for entry to the premises was to be raised to 21 as of the following week, which it was hoped would further improve the situation with regard to keeping out any undesirable elements.

In relation to the raising of the minimum age of entry to the premises to 21, the objectors raised the question of how this would be enforced. In responding, the licensee confirmed that security and other staff would be instructed to refuse entry to people they suspected were under 21, unless they could provide an accepted form of identification proving their age.

In response to questions asked, confirmation was received that appropriate signage asking that patrons leave quietly and respect nearby residents was already in place inside the premises and that installing similar signs in the car park would not be a problem. Also, the licensee was prepared to ensure that taxis did not congregate on the car park to the premises without being ordered previously by patrons.

Following further questions, the Chairman offered both parties the opportunity to sum up their case. On behalf of the objectors, Councillor Tyler said local residents wanted the public house to be successful but had concerns about the kind of clientele it would attract should the application be approved. On behalf of the applicant, Ms Knotts stated that in order for the premises to survive in such a competitive commercial environment, it was necessary to obtain a degree of flexibility in terms of opening hours in order to attract business. On the issue of security in and around the premises, she said that should the application be successful, additional door staff would be recruited in order to maintain order and ensure patrons left the premises quietly.

Prior to the withdrawal of the respective parties, the legal adviser indicated to them the details of the legal advice to be given to the Sub-Committee which related to the aims and objectives of the new legislation, in particular the greater flexibility for the sale of alcohol and for opening hours to meet the objectives of the legislation and consideration of possible conditions to any licence granted.

The Sub-Committee having made their decision, the respective 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 Spirit Group Limited to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Cross, High Street, Kingswinford, be approved subject to the following conditions and based on the reasons indicated: -

Regulated Entertainment and Sale of Alcohol

Monday – Wednesday	10.00 – 00.00
Thursday – Saturday	10.00 – 01.00
Sunday	10.00 – 11.30

Provision of Late Night Refreshment

Monday – Wednesday	23.00 – 01.00
Thursday – Saturday	23.00 – 01.30
Sunday	23.00 – 12.30

Bank Holidays

Fridays, Saturdays, Sundays, Mondays and Thursday before Good Friday and Christmas Eve, extend by one hour.

Conditions

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

1. All doors and windows shall be kept closed during regulated entertainments and, in any event, from 11pm.
2. It is suggested that secondary glazing be considered.
3. Signs in the car park shall state: - No ball games, no sounding of horns, no playing of music and to leave the car park quietly.
4. The licensee shall only contact taxi operators who agree not to sound horns after 11pm.
5. The condition attached to the Public Entertainments Licence requiring no admission to the premises after 10.30pm shall be extended to 11.00pm on Thursdays, Fridays and Saturdays.
6. An additional CCTV camera shall be installed to scan the car park at the rear of the premises.

Reasons for Decision

The Sub Committee is of the opinion that the hours set out 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.

54 APPLICATION TO VARY A PREMISES LICENCE, THE MOOT MEET, HALESOWEN ROAD, NETHERTON, DUDLEY

This item was withdrawn from the agenda.

55 REVIEW OF STREET TRADING CONSENT/PROHIBITED SITES

A report of the Director of Law and Property was submitted on the application on behalf of the Dudley and Stourbridge Town Centre Manager and the Halesowen and Brierley Hill Town Centre Manager for the revision of the consent/prohibited streets in the Borough in respect of Street Trading.

Mrs Elliott reported that the applications made had been considered by the Licensing and Safety Committee on 8th September 2005. The Committee had resolved that a legal notice be published in the Express and Star newspaper in order that interested parties could raise objections they might have to the applications. No objections had been received by the licensing office.

In response to questions, Mrs Elliott outlined the procedure that would be followed should the applications be approved.

Following further discussion it was

RESOLVED

That the applications received from the Dudley and Stourbridge Town Centre Manager and the Halesowen and Brierley Hill Town Centre Manager for the revision of the consent/prohibited streets in the Borough in respect of Street Trading, be approved.

The meeting ended at 12.45pm.

CHAIRMAN