

LICENSING SUB-COMMITTEE 2

Tuesday, 4th July, 2006 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors Mrs Dunn and Mottram

Officers

The Assistant Director of Law and Property (Legal and Democratic Services) as Legal Adviser to the Sub-Committee, and Mr Sanders (Directorate of Law and Property)

1 APOLOGIES FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor J Woodall.

2 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Taylor had been appointed as a substitute member for Councillor J Woodall for this meeting of the Sub-Committee only.

3 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

4 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 21st March, 2006 be approved as a correct record and signed.

5 APPLICATION TO VARY A PREMISES LICENCE - THE TOP HOUSE (FORMERLY THE RANCH) HIGH STREET, WALL HEATH

A report of the Director of Law and Property was submitted on an application received from TLT Solicitors on behalf of Punch Taverns to vary a premises licence in respect of the Top House (formerly The Ranch), High Street, Wall Heath.

Mr Andrew Griffin, representing TLT Solicitors, and the Licensee of the premises, Mr Massey, attended the meeting. No objectors were in attendance.

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 report included reference to a petition from local residents, a copy of which had been sent to the Members of the Sub Committee and the applicant in accordance with the Licensing Act, 2003, objecting to the granting of the licence on grounds of noise pollution. A further letter sent on behalf of the petitioners, clarifying the grounds of the petition, was circulated together with three additional letters of objection.

The objections related to concerns regarding noise nuisance that complainants feared might arise from the proposal to provide live entertainment and on the implications of increased anti social behaviour which they considered might emanate from the premises as a result of its attracting a predominantly younger clientele. Other concerns included those relating to an increase of vehicular traffic in a largely residential area, particularly at night, and the extension of public house type drinking establishments to the perimeter of the village.

The Licensing Officer also reported orally on a complaint made to Environmental Services in respect of music from the premises heard by local residents on the night of 26 June 2006. Mr Griffin explained that the music had been played not as part of any karaoke type entertainment but as part of a music round in a pub quiz competition held at the premises. On being advised of the legal requirements regarding live entertainment, Mr Massey had apologised for the error and had undertaken to ensure that it would not happen again. The Legal Adviser to the Sub-Committee took the opportunity to remind Mr. Massey of the relevant licensing legislation in this regard.

Mr Griffin then outlined the case in support of the application, in which he referred to the changes in the structure of the premises proposed by Mr Massey. A plan was circulated indicating that the premises were to become a two roomed public house with a serving hatch between the rooms. The area in which live entertainment was proposed to be provided was pointed out. The premises included a large car park, which was used by the community on Sundays. Mr Massey intended to develop the premises into a community based public house which served food, by way of a carvery, and which provided some entertainment. He also wished to open from 8.00 am to provide breakfasts.

In response to questions, Mr Massey confirmed that the windows to the premises were not double glazed; that there was no amplified music to the outside of the building and clarified the times at which he proposed live entertainment would be provided. In this regard, Mr Griffin confirmed that the applicant would be happy to amend the application to state that karaoke would not start prior to the time at which alcohol was sold. In response to a question on noise nuisance, Mr Griffin confirmed that the windows to the public house did not open and that the applicants would have no objection to the imposition of a condition to provide that doors were closed when live music or karaoke was played. He also indicated that the applicants would be agreeable to the inclusion of a condition stating that no noise from regulated entertainment would be audible to the nearest noise sensitive premises.

Further questions were asked on the operation of the beer garden in response to which Mr Griffin and Mr Massey clarified its current usage and the way in which and times food and glasses were cleared.

The respective parties then withdrew so that the Sub Committee could come to a decision on the application.

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 premises licence of the Top House (formerly The Ranch), Kidderminster Road, Wall Heath, be varied to provide for the layout of the premises in accordance with the plan submitted to the meeting.

Conditions

All Conditions set out as in the operating schedule.

1. All regulated entertainments from 11.00 to 23.00 up to three days per week at Licensee's discretion.
2. The Beer Garden shall be cleared of glassware and bottles and no consumption of alcohol and food after 23.00.
3. All doors and windows shall be kept closed during regulated entertainments.
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 to state:- No ball games, no sounding of horns and to leave the car park quietly.
6. No noise from regulated entertainment to be audible to the nearest noise sensitive premises (local resident).

Reasons for Decision

The Sub-Committee is of the opinion that the hours set for the operation of these premises regulated entertainment should provide an opportunity for greater flexibility. 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 FOR FRENCH MARKET

A report of the Director of Law and Property was submitted on an application on behalf of Marjorie Vincent of Marche de France Limited with regard to a street trading consent for a French Market in High Street, Dudley. The Town Centre Manager for Dudley, Matthew Caddick, was in attendance at the meeting and supported the application.

RESOLVED

That the application by Marjorie Vincent for the grant of a Street Trading Consent for a French Market in High Street, Dudley, to be held on 13, 14, 15th July 2006, be approved.

The meeting ended at 11.45 am

CHAIRMAN