

Minutes of the Licensing Sub-Committee 1

Tuesday 16th September, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor D Russell (Chair)
Councillors D Blood and C Perks

Officers:-

R Clark (Legal Advisor), L Rouse (Licensing Clerk) and K Griffiths (Democratic Services Officer) – All Directorate of Corporate Resources.

5 **Declarations of Interest**

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

6 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 8th July, 2014, be approved as a correct record and signed.

7 **Application to vary a Premises Licence – The Red Lion, Brettell Lane, Stourbridge**

A report of the Director of Corporate Resources was submitted on an application for the variation of the premises licence in respect of the premises known as The Red Lion, Brettell Lane, Stourbridge.

Mr P Guy, Designated Premises Supervisor was in attendance at the meeting, together with Mr M Hill of the Furious Pub Company Limited.

Also in attendance was Mr T Glews, Environmental Protection Manager, Directorate of the Urban Environment.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council. It was noted that a representation from a resident, objecting to the application, had been received.

Mr Glews outlined the representations received from Environmental Health and Safety and highlighted that the grounds of objection were based on the licensing objective concerning the prevention of public nuisance. He stated that The Red Lion public house was situated on Brettell Lane in a highly populated residential area. A copy of a map showing the extent of the residential area was circulated to the Sub-Committee. He indicated that any extension of licensing hours for the sale of alcohol and regulated entertainment at the premises could potentially increase the level of noise nuisance. Mr Glews reported that extending the licensing hours until 1.00am seven nights a week would increase the potential for noise disturbance created by music and patrons within the public house and patrons leaving the premises during sensitive night time hours, in what was a quiet residential area. He also referred to the beer garden at the rear of the public house and that the male toilets could only be accessed through the rear garden and expressed concerns that smokers would potentially cause noise nuisance to nearby residents.

Mr Glews then referred to the history of noise complaints made by residents. He reported that a total number of twelve complaints had been received from residents of five properties during September and October 2007, June and July 2009, August 2010 and October 2011. He stated that all of the complaints alleged noise disturbance from the playing of amplified music and/or the use of the rear yard of the premises.

In concluding, Mr Glews recommended that that the Sub-Committee refuse the application to extend the licensing hours to 1.00am due to the character of the neighbourhood and the difficulty in controlling noise made by patrons and vehicles around the premises. He also requested that the Sub-Committee consider including additional conditions to the premises licence on the grounds of preventing public nuisance. A list of the proposed conditions had been circulated to all parties prior to the meeting.

Mr Guy indicated that he had no specific questions, however he stated that an area on the map, which had been circulated, and which was in close proximity to residential properties, was left vacant as the area was not owned by Furious Pub Company Limited.

In responding to a question from a Member, Mr Glews confirmed that no complaints had been received from adjoining properties, however he stated that the main complainant lived in Oakfield Close and made representations on behalf of the residential area surrounding the public house.

Mr Guy then presented his case and stated that he took all the comments from Environmental Health and Safety on board. He indicated that he did not intend to fully utilise the licensing hours applied for, however, wished to retain flexibility for special occasions and instances where it would be commercially viable to remain open. He had concerns that he would be at a commercial disadvantage as other competitors in the area had been granted additional opening hours. Whilst acknowledging the previous reputation of the premises, he indicated that practical measures had already been taken to address potential concerns relating to disorder, nuisance and anti social behaviour surrounding the premises. He referred in particular to the new CCTV system which had been installed, four cameras inside the premises, one at the rear and another at the front of the premises as protecting customers and monitoring clientele was a major priority. He also stated that new doubled glazed windows and doors had been fitted throughout the premises to control the level of noise emanating from the premises.

In continuing, Mr Guy indicated that he had extensive experience in managing a successfully run public house, having managed The Robin Hood without receiving any noise related complaints. He confirmed that he did not intend to run Karaoke nights, however, he would be supporting special events such as St Georges Day, 'New Moon' evenings and New Year but assured the Sub-Committee that the level of noise would be controlled. He indicated that his aim was to create a comfortable environment for customers to enjoy a social night out, providing speciality Belgian beers and assured the Sub-Committee that clientele causing anti-social behaviour and using bad language would not be tolerated.

Mr Guy indicated that he and Mr Hill had invested a lot of time and money into refurbishing the premises and stated that he was committed to working with local residents to make the premises a success. He indicated that all residents would be warmly welcomed. Photographs of the premises before and after refurbishment were circulated to the Sub-Committee.

Arising from a query, Mr Guy confirmed that on evenings when there was a full moon, special entertainment would be held in the premises, mainly as a reason to attract customers.

In responding to questions from a Member, Mr Guy confirmed that the old fencing surrounding the premises had been replaced. He also confirmed that he was happy with the three additional conditions recommended by Environmental Health and Safety and stated that he had approached a number of residents and provided them with his contact number. He would be keen to meet with local residents should they have any concerns in relation to the premises in order to try and resolve them, as he was committed to working with local residents to make the premises a success.

In responding to a question from a Member, Mr Guy confirmed that he did not intend to provide a restaurant at the premises, however, light foods such as home made chips, salads and freshly made cobs would be available for customers. Although he indicated that the establishment would be a family run public house, he stated that children would not be allowed in the premises after 9.00pm.

In responding to a number of questions, Mr Guy indicated that the premises had been bought in January 2014 and refurbishment had commenced in March 2014. He confirmed that he was aware of the location of the schools in the vicinity, however none of them referred to were in close proximity to the public house.

In responding to a further question, Mr Guy re-iterated comments previously made in that he did not intend to fully utilise the licensing hours applied for, however, wished to retain flexibility for special occasions and to be in a position to be competitive with other establishments in the surrounding area.

In concluding, Mr Guy referred to historical concerns in relation to noise related nuisance, however confirmed that a meeting had taken place with himself and an officer of Environmental Health and Safety to discuss measures to mitigate the noise emanating from the public house and particularly the beer garden located at the rear of the premises.

In summing up, Mr Glews acknowledged the measures which had been put in place to improve the premises and re-iterated concerns previously made in relation to noise related nuisance, especially noise emanating from the rear of the premises. He indicated that the public house was located in a highly residential area and although he would like to think the premises would be managed well, the location of the establishment was a concern. He reported that any extension of hours could potentially increase the number of complaints in relation noise nuisance.

In summing up, Mr Guy referred to the success of the premises that he had previously managed and indicated that he was committed to working with local residents to make the premises a success.

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 Chair then outlined the decision.

Resolved

That the application received for the variation of the premises licence in respect of The Red Lion, Brettell Lane, Stourbridge, be approved, in the following terms:-

Sale of Alcohol/Recorded Music

Monday – Saturday (inclusive)	10.00 – 01.00
Sunday	12.00 – 01.00

The following conditions will be attached to the premises licence:-

Conditions

- (1) The doors and windows must be kept shut during regulated entertainment except for access and egress.
- (2) No regulated entertainment in the outside areas.
- (3) Signage to be prominently displayed at exits requesting that customers leave in a quiet manner.

Reasons for Decision

This is an application to vary a premises licence to extend the hours for permitted sale of alcohol and the playing of recorded music. The current hours are 10.00am to 11.00pm Monday to Saturday, 12.00 noon to 10.30pm on Sundays. The variation sought is to permit these activities from 10.00am to 1.00am on Monday to Saturday and from 12.00 noon to 1.00am on Sundays. Closing would be at 1.30am.

Environmental Health have lodged a representation dated 22nd August, 2014 principally based on noise nuisance from the premises under previous management and the proximity of the public house to residential premises. The public house has been closed for many months and was bought around January 2014 and refurbished around March 2014.

On 14th August, 2014, a local resident also made a representation based on noise from the pub under previous management.

The Police have made no representations.

The Designated Premises Supervisor explained how much money had been invested in the pub, including new doors, windows, a covered walkway to the rear toilets and a back inner lobby to reduce sound escaping from the pub. He also explained that music would really be background only and that there would be no Karaoke. The sound system was new and had targeted sound to contain its noise where it was wanted.

Mr Guy accepted the three conditions proposed by Environmental Services. These are directly related to the reduction of noise from the premises and are clearly aimed at preventing noise nuisance. The Sub-Committee is satisfied that the planned management of the premises, together with the refurbishment and the three condition outlined above, will ensure that noise from these premises should be kept to a minimum in the future. The application is therefore granted.

The meeting ended at 11.00am.

CHAIR