LICENSING SUB-COMMITTEE 3

<u>Tuesday, 16th November, 2010 at 10.00 am</u> in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Mrs Dunn (Chairman) Councillors Mottram and Ryder

Officers

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Law, Property and Human Resources).

17 <u>APOLOGY FOR ABSENCE</u>

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

18 <u>APPOINTMENT OF SUBSTITUTE MEMBER</u>

It was noted that Councillor Ryder had been appointed as a substitute member for Councillor Mrs Ameson for this meeting of the Sub-Committee only.

19 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

20 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 7th September 2010 be approved as a correct record and signed.

21 <u>APPLICATION FOR PREMISES LICENCE – UNIT 5, BARNETT LANE,</u> <u>KINGSWINFORD</u>

A report of the Director of Corporate Resources was submitted on an application received from Mr Joseph Brogan, in respect of Unit 5, Barnett Lane, Kingswinford.

Mr J Brogan (Applicant) was in attendance at the meeting.

Also in attendance and objecting to the application were Councillor P Miller (Ward Member for Kingswinford South) and Mr and Mrs Collins (Residents of Barnett Lane).

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

Mr Collins presented his objections, which had been circulated prior to the meeting in accordance with the Licensing Act 2003. In doing so he stated that, should the licence be approved, it was anticipated that anti-social behaviour would increase as previously experienced when the premises was an off-licence. He commented that the current traffic and parking problems in regard to customers and delivery vehicles would be increased, and suggested that should the licence be granted, Mr Brogan ensure that all deliveries be carried out at the rear of the premises.

Further to a comment made by Mr Collins in regard to Mr Brogan's operating schedule to supply alcohol at 8.00am as outlined in Appendix 1 of the report submitted, Mr Brogan confirmed that this was an error and that it should read 10.00am.

Councillor Miller on behalf of his constituents presented his objections, which had been circulated prior to the meeting in accordance with the Licensing Act 2003. He made particular reference to previous incidents of anti-social behaviour and nuisance to nearby residents, which had improved following co-operation with Police, and stated that should the licence be approved, there was a danger of the anti-social behaviour re-occurring.

In responding to a question from a Member relating to whether the antisocial behaviour was the result of alcohol consumption, Councillor Miller stated that there were between 12 - 15 premises within a one mile radius which supplied alcohol which could have fuelled the anti-social behaviour.

In responding to a question from a Member relating to whether there was living accommodation above the premises in the area, Councillor Miller confirmed that he believed that there was a mixture of private rented accommodation and some was used by the shop owners.

Mr Brogan (Applicant) then presented his case, and in doing so sympathised with the concerns raised by Mr Collins and Councillor Miller. He assured the Committee that he was committed to implement measures to reduce anti-social behaviour, and circulated information in regard to a scheme in Kingswinford where activities had been carried out with youngsters to prevent anti-social behaviour. Further to Mr Collins request to unload deliveries at the rear of the premises, Mr Brogan confirmed that it was his intention to collect all supplies with his own transport and that he would be prepared to unload deliveries at the rear of the premises.

In responding to a question from a Member, Mr Brogan confirmed that he would be agreeable to shorten the licensing hours should the Sub-Committee wish to do so. He confirmed that it was his intention to sell alcohol between 10.00am and 10.00pm.

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 Chairman then outlined the decision.

RESOLVED

That the application received from Mr Joseph Brogan, for a premises licence, in respect of Unit 5, Barnett Lane, Kingswinford, be approved, in the following terms.

Sale of Alcohol

Monday – Sunday

10.00am – 9.00pm

Reasons for Decision

The Sub-Committee has been impressed by Mr Brogan's willingness to try to cooperate with local residents to address their concerns, particularly around anti social behaviour, litter and parking/deliveries. The Sub-committee is also impressed that he has a wish to work with Police and the local community to help make the community a cleaner and safer place. The Sub-Committee would be grateful if the applicant would encourage all deliveries to be made at the back of the premises.

Mr Brogan has agreed that appropriate licensing hours would be between 10am and 9pm every day and that this will help to maintain the current level of antisocial behaviour in the area in line with recent community action and possibly reduce it further.

22 <u>APPLICATION FOR PREMISES LICENCE – THE DUKE WILLIAM, 25</u> <u>COVENTRY STREET, STOURBRIDGE</u>

A report of the Director of Corporate Resources was submitted on an application received from Rachel and David Craddock, in respect of The Duke William, 25 Coventry Street, Stourbridge.

Mr D Craddock (Applicant) was in attendance at the meeting.

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

In presenting his case, Mr Craddock stated that the purpose of the application was to cover all functions should the need occur, however, it was his intention that the current opening hours of 12noon – 11:00pm would remain.

It was noted that since the application had been submitted, following a meeting with PC D. Smith, Mr Craddock agreed to reduce the hours to 9.00am to 2.00am for all licensable activities. It was also agreed that any necessary arrangements with the Police could be made 14 days prior to any specified events in order to amend the licensing hours.

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 Chairman then outlined the decision.

RESOLVED

That the application received from Rachel and David Craddock, for a premises licence in respect of The Duke William, 25 Coventry Street, Stourbridge, be approved, in the following terms.

Sale of Alcohol and Regulated Entertainment (plays/films/live music/recorded music/performance of dance).

Monday – Sunday

09.00am – 02.00am

Reasons for Decision

The Sub-Committee has read the operating schedule, and heard from Mr Craddock, who after consultation with the Police, has agreed to reduce the hours sought in his application to 9.00am until 2.00am.

The Sub-Committee notes the single objection from a member of the public but there is no evidence before the Sub-Committee to substantiate this concern.

23 <u>APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE –</u> <u>CARE 2 GIVE LIMITED</u>

A report of the Director of Corporate Resources was submitted on an application made on behalf of Care 2 Give Limited for the grant of an House to House Collections Licence on behalf of Guideposts, Action Medical Research and the Woodland Trust.

In attendance were Mr P. Lowther (Managing Director) and Mr G. Hockley (Finance Director / Chief Promoter) for Care 2 Give Limited.

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

Following a brief discussion, 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 Chairman then outlined the decision.

RESOLVED

That, following careful consideration of the application made on behalf of Care 2 Give Limited, the grant of a house to house collections licence on behalf of Guideposts, Action Medical Research and the Woodland Trust, be approved for a period of twelve months.

24 <u>APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE –</u> <u>TREATING CHILDREN WITH CANCER</u>

This item was withdrawn.

The meeting ended at 11:45 am

CHAIRMAN