

## LICENSING SUB-COMMITTEE 5

Tuesday 24<sup>th</sup> January 2006 at 11.00 am  
in the Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Taylor (Chairman)  
Councillors Bradney and Ms Craigie

### Officers

Assistant Director of Legal and Democratic Services (Legal Advisor) and  
Mrs K Farrington - Directorate of Law and Property

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### MINUTES

#### RESOLVED

That the minutes of the meeting of the Sub-Committee held on the 19<sup>th</sup> December 2005 be approved as a correct record and signed.

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### DECLARATIONS OF INTEREST

There were no declarations of interest from Members in accordance with the Members' Code of Conduct.

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### APPLICATION TO VARY A PREMISES LICENCE, THE GOOD INTENT, 21 VALE STREET, UPPER GORNAL, DUDLEY

A report of the Director of Law and Property was submitted on an application received from Ridgeway Licensing Services, to vary a premises licence, in respect of The Good Intent, 21 Vale Street, Upper Gornal, Dudley.

Ms H Richards, Business Development Manager of Admiral Taverns was in attendance at the meeting.

Also in attendance was Mr A Allman, Environmental Health Officer, Directorate of the Urban Environment, whose written representations were submitted at Appendix 2 to the report submitted.

The Chairman introduced the Members of the Sub-Committee and at this juncture, the Legal Advisor asked Ms Richards to explain to the Sub-Committee the situation regarding the premises.

Ms Richards explained to the Sub-Committee that since submitting the application, the licensee had left the premises resulting in the public house being closed. In view of this, she informed the Sub-Committee that she wished to withdraw her application and re-apply at a later date once a new licensee had been appointed.

RESOLVED

That the application received from Ridgeway Licensing Services, to vary a premises licence, in respect of The Good Intent, 21 Vale Street, Upper Gornal, Dudley, be withdrawn.

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APPLICATION TO VARY A PREMISES LICENCE, THE CROWN, 12 BARRACK LANE, HALESOWEN

A report of the Director of Law and Property was submitted on an application received from Ridgeway Licensing Services, to vary a premises licence, in respect of The Crown, 12 Barrack Lane, Halesowen.

Mr B Jones, Licensee, was in attendance at the meeting together with Ms H Richards, Business Development Manager of Admiral Taverns.

Also in attendance were five residents, whose written objections were attached at Appendix 2 to the report submitted. Further objection letters received by the Licensing Officer together with a petition of 58 names were also included at Appendix 2 of the report.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property then informed the Sub-Committee that discussions had taken place prior to the meeting between the applicant, the residents and Mr A Allman, Environmental Health Officer, Directorate of the Urban Environment. The outcome of those discussions was that the applicant was prepared to accept the conditions set out in Appendix 3 to the report submitted and an additional condition for secondary glazing to be provided to the ground floor of the premises by June, 2006.

The Licensing Officer also informed the Sub-Committee that the applicant had also suggested a reduction in times, in that, all regulated entertainment should now cease at 11.00pm seven days per week and that the hours for sale of alcohol be reduced to the following:-

Monday – Thursday	10.00 – 00.00
Friday and Saturday	10.00 – 02.00
Sunday	10.00 – 00.00

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

The Licensing Officer then presented the report as updated at the meeting on behalf of the Council.

The objectors then set out their reasons for objecting to the application. They stated that although they had witnessed a slight improvement with regard to noise emanating from the premises since the application had been submitted, they were still experiencing problems. Their main concern was with the anti-social behaviour such as noise nuisance, brawling outside of the premises, which the police had been made aware of, and people urinating and vomiting in public on or near residents' homes. Other concerns were expressed about the noise disturbance of private car doors slamming and the sounding of car horns to attract the attention of customers. Residents had kept a written log of the number of disturbances from the premises since the beginning of December 2005, which was read out at the meeting. The objectors then responded to questions asked by the Sub-Committee.

Ms Richards then stated the case for the applicant and acknowledged the concerns expressed. She indicated that the applicant was committed to working with the local residents, not against them. She then went on to explain to the Sub-Committee that a large amount of money had been spent on refurbishing the back room of the premises to convert it into a function room, where entertainment was now being held. This was the reason why complaints about loud music emanating from the premises had been reduced. She then responded to questions asked by the Sub-Committee.

The objectors and the applicant then summed up their respective cases and at the request of the Chairman the parties withdrew from the meeting to enable a decision to be made.

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.

#### RESOLVED

That the application received from Ridgeway Licensing Services, to vary a premises licence, in respect of The Crown, 12 Barrack Lane, Halesowen, be approved, subject to the following conditions and based on the reasons indicated:-

## Variation of Premises Licence

### Hours for Sale of Alcohol

Monday – Thursday	10.00 – 23.30
Friday – Saturday	10.00 – 00.00
Sunday	10:00 – 23.30

Bank Holiday	)	
Christmas Day	)	Extra hour on existing times
Boxing Day	)	

### Conditions

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

1. All regulated entertainments shall end at 23.00, seven days per week.
2. The beer garden shall not be used after 20.30, seven days per week by agreement with applicant.
3. All doors and windows shall be kept closed during regulated entertainments save for access and egress.
4. Secondary glazing shall be provided to the ground floor of the premises by June 2006.
5. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
6. Signs in the car park to state:- no ball games, no sounding of horns and to leave the car park quietly.
7. An acoustic cover to be provided to the external fan opening to the function room.
8. The gaps around the frame to the fire door to the function room to be sealed to prevent sound escaping.
9. Exit doors to be fitted with a mechanism to ensure no noise is created from closure.

### Reasons for Decision

These premises are situated in the middle of a residential area and we have had regard to other premises hours for the sale of alcohol in the locality.

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 FOR GRANT OF A GAMING PERMIT, 17 THE MOOR CENTRE, BRIERLEY HILL

A report of the Director of Law and Property was submitted on an application made by Mr Mark Stanley for the grant of a permit for the use of gaming machines for gambling at 17 The Moor Centre, Brierley Hill.

Mr M Stanley, Director of Gaming Machines Rentals Limited, was in attendance at the meeting.

There were no objectors present at the meeting, but attached at Appendix 3 to the report submitted was a letter of objection from the Commercial Director of RAL Limited.

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

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

The West Midlands Fire Service made comments on the application, attached at Appendix 2 to the report submitted. Their letter stated that they would not have any objection to the grant of a permit provided that the premises were provided with adequate emergency lighting throughout and that a final inspection was carried out once occupation of the premises had been completed.

Mr Stanley then stated his case. He informed the Sub-Committee that he had been in the gaming business for many years and that he was, at the moment, operating a similar centre in Great Bridge and had done so for four years with no complaints. He then gave a brief explanation of the type of machines that would be used in the premises. He emphasised that he had a strict policy on underage gambling and told the Sub-Committee that customers always had to produce identification before entering the premises. The clientele was mostly middle aged ladies. He also stated that CCTV would be in operation at all times and that his staff were very experienced ladies. Mr Stanley handed the Legal Advisor copies of certificates for a course that his staff had attended on Corporate Responsibility. He then responded to questions asked by the Sub-Committee.

The applicant then summed up his case and at the request of the Chairman the parties withdrew from the meeting to enable a decision to be made.

The Sub-Committee, having made their decision, the remaining parties were invited to return and the Chairman then outlined the decision.

#### RESOLVED

That the application made by Mr Mark Stanley for the grant of a permit for the use of gaming machines for gambling at 17 The Moor Centre, Brierley Hill, be approved, subject to the conditions, outlined in Appendix 2, from West Midlands Fire Service being met.

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#### APPLICATION FOR A PREMISES LICENCE, THE JUNAID'S KEBAB HOUSE AND FAST FOOD, 171 HIGH STREET, BRIERLEY HILL

A report of the Director of Law and Property was submitted on an application received from Mr S Ali, for the grant of a premises licence, in respect of premises known as The Junaid's Kebab House and Fast Food, 171 High Street, Brierley Hill.

The applicant, Mr S Ali was in attendance at the meeting, together with a Mr I Hussain.

Also in attendance were Mr S Skidmore and Mr D Botwood of the Brierley Hill Traders Association, whose written objections were attached at Appendix 2 to the report submitted.

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

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

At this juncture, the Legal Advisor asked the applicant what his current hours of trading were. Mr Hussain replied stating the following times.

Monday – Thursday	12.00 – 02.00
Friday – Saturday	12.00 – 04.00
Sunday	12.00 – 02.00

The objectors then set out their reasons for objecting to the application informing the Sub-Committee that the late night opening hours of takeaways in the Brierley Hill area was affecting the character of the townscape. Their main concern was with the anti-social behaviour such as noise nuisance from patrons shouting and arguing outside of the premises and from private cars and taxis sounding horns, loud music from car radios and the slamming of doors, which was causing disturbance to residents. Other concerns expressed were with the general littering of the surrounding area and the type of patron that would be attracted to the premises. The objectors then emphasised that they did not have a problem with the applicant himself, but had made it clear to the Sub-Committee that they would be objecting to all other applications of the same nature in the Brierley Hill Area. The objectors then responded to questions asked by the Sub-Committee.

Mr Hussain then presented the case on behalf of the applicant, stating that Mr Ali had been the owner of the premises since 1999. He informed the Sub-Committee that the majority of the business of the shop came late at night from young people on their way home from the Waterfront and also from people who worked late such as taxi drivers. In relation to complaints by the objectors regarding litter left by customers, it was confirmed that litterbins were provided both inside the premises and in close proximity to the seating area. It was also confirmed that the police had advised the applicant that CCTV should be installed, and this was now in operation at the premises at all times. He then responded to questions asked by the Sub-Committee.

The objectors and the applicant summed up their respective cases and at the request of the Chairman the parties withdrew from the meeting to enable a decision to be made.

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. At this juncture, Mr Hussain requested a further amendment to the opening times for Thursdays. Upon consideration of this, it was

## RESOLVED

That the application received from Mr S Ali, for the grant of a premises licence, in respect of the premises known as The Junaid's Kebab House and Fast Food, 171 High Street, Brierley Hill, be approved, subject to the following conditions and based on the reasons indicated:-

### Variation of Premises Licence

#### Hours

Monday – Wednesday	12.00 – 02.00
Thursday	12.00 – 02.30
Friday – Saturday	12.00 – 04.00
Sunday	12:00 – 02.00

#### Conditions

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

1. Signage on the premises inviting customers to deposit litter in the bins provided and leave the premises quietly and respect local residents.

#### Reason for Decision

No evidence of nuisance or anti-social behaviour directly relating to these premises to justify a further restriction on their hours of operation.

The meeting ended at 4.15pm.

CHAIRMAN