

LICENSING SUB-COMMITTEE 4

Tuesday 28th February, 2006 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Mrs Coulter and Donegan

Officers

Assistant Director Legal and Democratic Services (Legal Advisor) and
Mrs J Rees – Directorate of Law and Property

70

MINUTES

RESOLVED

That the minutes of the meetings of the Sub-Committee held on
11th January 2006, be approved as a correct record and signed.

71

APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillor Wright.

72

APPOINTMENT OF SUBSTITUTES FOR THE MEETING OF THIS SUB COMMITTEE

It was reported that Councillor Ryder had been appointed as a substitute
for Councillor Wright for this meeting of the Sub Committee only.

73

APPLICATION TO VARY A PREMISES LICENCE, THE WHITE SWAN HOLLAND STREET DUDLEY

A report of the Director of Law and Property was submitted on an
application received from Ridgeway Licensing Services, to vary the
premises licence granted for The White Swan, Holland Street, Dudley.

Miss H Richards, Area Manager of Admiral Taverns, was in attendance
at the meeting.

Councillor M Davis and nine residents objecting to the application were
also in attendance at the meeting.

Following introductions, the Legal Advisor advised that he was aware that Councillor M Davis and objectors, had met with the Area Manager of Admiral Taverns, outside of the meeting, in an attempt to overcome some of their differences. He requested an update of the current situation regarding their discussions, together with confirmation as to whether the differences had been sorted out and whether or not consideration of the application should be deferred. In the light of the responses given, it was agreed that consideration of the application be continued.

Mrs Elliott, Licensing Officer presented the case on behalf of the Council.

In response to questions from the Chairman, Miss Richards confirmed that, since taking over as Area Manager for Admiral Taverns in June/July 2005, she had found it necessary to dispense with the services of the previous licensee, putting in a holding tenant, who had since also proved unsuitable. As a direct result of these events, and in the light of previous problems expressed by local residents, who lived in very close proximity to the premises, the Brewery had taken the decision to close the premises until a more suitable tenant could be appointed. She fully appreciated the concerns of the residents, and acknowledged that they had experienced problems in the past, but was confident all the problems could be addressed, once a suitable tenant was found and the premises reopened.

Miss Richards advised that it was not the intention of the Brewery to refurbish the White Swan until a new tenant had been appointed. The Brewery considered that it would be easier to appoint a suitable tenant if the licence was varied as proposed.

In response to a query from the Legal Advisor, Miss Richards confirmed that although the original application had been a blanket application requesting all facilities, they would be happy with a licence until 12 pm seven nights a week, with regulated music. They did not intend to serve food.

She was aware that noise nuisance from music had been a problem in the past, due to the previous tenants leaving doors and windows open, and other problems, which she was confident could be resolved. She would also address the use of the side door in Swancote Street. In response to the Legal Advisor's suggestion that the application would be best deferred until the appointment of a new suitable tenant, she responded that in her professional opinion it would be easier to appoint a suitable tenant if a licence were already in existence rather than requesting a licence following an appointment, and therefore would not wish for a deferment.

Objectors then stated that they were not confident that their concerns could be addressed, in the light of their bad experiences previously. They were particularly concerned about noise nuisance, particularly from taxis hooting their horns when collecting customers in the early hours of the morning. They also expressed concerns regarding anti social behaviour on the car park of the premises even though it was closed at present.

In response to questions from objectors, Miss Richards advised that it was standard policy for empty premises to have "For Sale" signs outside.

In response to a request from the residents, Miss Richards undertook to investigate the possibility of the removal of the tables and chairs situated immediately outside of the premises, and if possible she would arrange for their removal..

In response to a request by the Sub Committee, Miss Richards agreed that when a suitable tenant was appointed, a meeting between the new tenant and residents would be arranged to discuss concerns relating to the premises. In order to facilitate this she would ensure that contact addresses were placed on the Brewery's file.

RESOLVED

- (1) That, following consideration of all the points raised during the discussion on this matter, the application to vary a premises licence in respect of The White Swan, Holland Street, Dudley be deferred until a new licensee has been appointed, as the Sub Committee will wish to interview any new licensee, in order that precise details of the proposed operation of the premises could be explained to them. This will give an opportunity for liaison with local residents.
- (2) That the applicant be requested to seek a return date when appropriate.

APPLICATION FOR A GAMING PERMIT, THE STAFF RESTAURANT, SAINSBURY SUPERSTORE, MERRY HILL

A report of the Director of Law and Property was submitted on an application received from Mr A Mosley, on behalf of Sainsbury Superstore, for a permit for the use of a gaming machine at The Staff Restaurant, Sainsbury's Superstore, Merry Hill.

The applicant, Mr Moseley, representing Sainsbury Superstore, was in attendance at the meeting.

Following introductions, the Legal Advisor outlined the procedure to be followed. In response to questioning Mr Moseley confirmed that the application was for one gaming machine only.

Mrs Elliott, Licensing Officer, presented the report on behalf of the Council. She confirmed that no objections had been raised by the bodies consulted.

In response to questioning by the Sub Committee, Mr Moseley confirmed that youths on work experience would always be supervised when in the staff restaurant, and would not be allowed to use the gaming machines. He confirmed that the profits from the machine would be placed in the staff association fund.

RESOLVED

That the application made by Mr A Moseley for a permit for one gaming machine for gaming under Section 34 of the Gaming Act 1968 at the Staff Restaurant, Sainsbury Superstore, Merry Hill, be approved.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING IN HIGH STREET, STONE STREET AND STONE SQUARE, DUDLEY TOWN CENTRE

A report of the Director of Law and Property was submitted on an application received from Mr McGillicuddy of LSD Promotions Ltd, for consent to trade in High Street, Stone Street and Stone Square Dudley Town Centre as part of the forthcoming St George's Day Celebrations.

Mr McGillicuddy, on behalf of LSD Promotions Limited, was in attendance at the meeting.

Mrs Elliott, Licensing Officer, presented the report on behalf of the Council and advised that a letter of support had been received from the Dudley Town Centre Manager. She also advised that comments had been made by Julie Jones, Commercial Operations Manager, who was not in attendance at the meeting. No other objections or comments had been made by any other agencies.

In response to questions from the Legal Advisor, Mr McGillicuddy advised that the market was part of a bigger plan to celebrate St George's Day in Dudley. The market would comprise art and craft stalls, together with a limited number of food stalls. All food stalls would work within the food restrictions laid down.

Accordingly it was

RESOLVED

That the application made on behalf of LSD Promotions Ltd for a Street Trading consent, to trade in High Street, Stone Street and Stone Square Dudley, as part of the St George's Day Celebrations, be approved.

The meeting ended at 11.25 am

CHAIRMAN