

LICENSING SUB-COMMITTEE 2

Tuesday 12th January, 2010 at 10.15am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillors Mrs Aston, Ryder and Vickers

Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and Miss K Wilson (Directorate of Law, Property and Human Resources).

18 ELECTION OF CHAIRMAN

In the absence of the Chairman, it was

RESOLVED

That Councillor Vickers be elected Chairman for this meeting of the Sub-Committee only.

(Councillor Vickers in the Chair)

19 APOLOGY FOR ABSENCE

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

20 APPOINTMENT OF SUBSTITUTE MEMBERS

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

21 DECLARATIONS OF INTEREST

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

22 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 24th November, 2009, be approved as a correct record and signed.

23

APPLICATION TO VARY A PREMISES LICENCE – THE BELL HOTEL,
20 MARKET STREET, STOURBRIDGE

A report of the Director of Corporate Resources was submitted to consider an application for the variation of the premises licence in respect of The Bell Hotel, 20 Market Street, Stourbridge.

In attendance were Mr A Cochore (Solicitor), Mr Kessey (Licensee), Mr A Waldron (Designated Premises Supervisor), Mr A Rose (Stourbridge Pub Watch), Mr T Jones (Manager), Mr D Schilling (supporter) and Mr C Thomson (Marstons plc).

Also in attendance and objecting to the application were PC M Boyd, Ms K Richards and Inspector Quinny from West Midlands Police.

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

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

Ms Richards informed the Sub-Committee that the Chief Constable of West Midlands Police maintained that the application should be opposed, and considered that the application submitted did not address the Cumulative Impact Policy.

PC Boyd then presented the representations of West Midlands Police as indicated in Appendix 2 to the report submitted. He stated that the objections of West Midlands Police had been based on the licensing objectives and should the licence be granted, the prevention of crime and disorder; public safety and prevention of public nuisance could be undermined in accordance with the Cumulative Impact Policy.

It was noted that there were 66 bars and clubs within a one mile radius of Stourbridge, and it is the opinion of the West Midlands Police that should the licence be approved then it was predicted that other premises could apply to vary their licence hours in order to compete with rival businesses.

Reference was made to a separate report, which was submitted at the meeting, highlighting the crime pattern analysis in Stourbridge Town Centre and that the number of violent crime incidents had decreased from 18.2% to 12.5% since the introduction of the Cumulative Impact Policy in 2006.

West Midlands Police predicted that should the variation of the licence be approved then it could have a detrimental effect on the number of violent crimes in the Town Centre.

Reference was made regarding the request from the applicant to remove conditions 1 – 48 from the existing licence, although there were no objections made; however the West Midlands Police requested that conditions 40 and 45 remain on the licence as they related to the control of noise from the premises.

PC Boyd stated that since the Cumulative Impact Policy had been implemented, taxi marshals had been introduced to assist in stopping unauthorised vehicles coming into the High Street and to ease the flow of taxis collecting people.

In responding to a query from a Member, Inspector Quinny confirmed that the taxi marshals were present on the High Street until 3.00 am.

Mr Cochore then presented his case on behalf of the applicants and in doing so informed the Sub-Committee that the main reason for the application was to vary the business hours as indicated in paragraph 10 of the report submitted.

Further to the request from West Midlands Police in regard to conditions 40 and 45 remaining on the licence, Mr Cochore confirmed that the applicants had no objections.

It was noted that there had been no complaints received since the applicants had been managing the premises over the past nine months.

Mr Cochore informed the Sub-Committee that the applicants had proposed a membership scheme to be in force after 12.00 pm. Entrance to the premises would require membership, which would cost £3 and then a £2 entry fee. Members would be allowed to bring one guest.

It was noted that SIA registered door staff would be monitoring the premises, along with CCTV cameras in operation.

In responding to a query from a Member, Mr Kessey confirmed that alcohol would not be sold 30 minutes prior to the premises closing.

Following a query from a Member in regards to noise limitations, Mr Kessey confirmed that noise limiters had not been installed, however it could be considered in the future. He then presented a letter written by an adjoining establishment, The Talbot Hotel, which confirmed their support to the Bell Hotel. Mr Waldron stated that complaints had not been received from local residents.

In summing up, Ms Richards informed the Sub-Committee that since the introduction of the Cumulative Impact Policy, the Police had implemented measures to reduce the number of crimes in the area. Should the application be approved then it could have a detrimental effect on the crime and disorder in the area.

In summing up, Mr Cochore stated that the Sub-Committee should grant the application to vary the premise licence for the Bell Hotel as the management operation had been successful, and that there was no valid evidence to show that the hotel was not adhering to the licensing objectives.

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, arising from consideration of the application for variation of the premises licence in respect of The Bell Hotel, 20 Market Street, Stourbridge, in terms of hours for alcohol sale and late night refreshments, the application be refused for the following reasons;-

The Sub-Committee finds that the evidence presented by the Police demonstrates that an increase in the availability of late night drinking within the town centre area has a direct impact on crime and disorder in that area, in that it increases.

The Sub-Committee has considered the applicants proposals to implement a membership scheme. It is the Committee's finding that such a scheme would not significantly alter the trend analysis set out in the police data.

In terms of the conditions attached to the licence, the Sub-Committee notes that the police and other statutory bodies have raised no objection to their removal, with the exception of conditions 40 and 45, which the police wish to remain on the licence. The applicant accepts these conditions should remain. The Sub-Committee therefore revokes all the existing conditions with the exception of conditions 40 and 45.

This approach is consistent with the principles contained within the licensing legislation and our licensing policy.

ADJOURNMENT OF MEETING

At this juncture, the Committee adjourned until 12.10 pm.

A report of the Director of Corporate Resources was submitted to consider the transfer of the premises licence and variation of designated premises supervisor in respect of Naiks Mini Market, 3 Gladstone Buildings, New Street, Dudley.

In attendance were Mr A Curtis (Kenneth Curtis & Co. Solicitors), Mrs Gurbakhash Kaur (Applicant), Mr Gurnaik Singh and Mr Sohota (supporter).

Also in attendance and objecting to the application were PC M Boyd and Ms K Richards from the West Midlands Police.

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

Ms Richards informed the Sub-Committee that PC D Smith had submitted his apologies to the meeting.

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

PC Boyd then presented the objections on behalf of West Midlands Police, and in doing so provided details of previous test purchases, which had resulted in Mrs Kaur receiving two prosecutions, as she was the Designated Premises Supervisor at the time.

PC Boyd stated that as the same family operated the business for 20 years, it was his opinion that there would not be any improvement in how the premise was operated. He suggested that should the application be approved it could further impact on crime and disorder and the prevention of children from harm.

Mr Curtis on behalf of Mrs G Kaur presented his case and in doing so informed the Sub-Committee that at a previous hearing held on Tuesday 6th October, 2009 it had been reported that it was the intention of the applicant that the Designated Premises Supervisor would be Mrs G Kaur.

Reference was made to Mrs Kaur's prosecutions where Mr Curtis confirmed that Mrs Kaur was not present at the time of the test purchases. He also confirmed that Mrs Kaur had successfully completed a NCFE Level 2 National Certificate for Personal Licence Holders in November 2009.

It was noted that Mrs Kaur had been serving alcohol at the premises since 7th December, 2009 and no complaints had been received from that time.

In responding to a query from a Member, Mr Curtis confirmed that it was the intention of Mrs Kaur to work at the premises Monday to Friday and some hours on Saturday. He then presented the refusals register to the Sub-Committee, which confirmed Mrs Kaur's attendance at the premises.

Mr Curtis further stated that the representations of West Midlands Police at a previous hearing were not acceptable, as the representations were signed by a PC and not the Chief Officer of Police without any evidence of a valid delegation being submitted.

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, having considered the applications to transfer the premises licence and variation of designated premises supervisor in respect of Naiks Mini Market, 3 Gladstone Buildings, New Street, Dudley, the application be approved for the following reasons: -

The Sub-Committee grants the applications by Mrs Gurbakhash Kaur for the transfer of the premises licence and to vary the premises licence to specify Mrs Gurbakhash Kaur as the designated premises supervisor.

The Sub-Committee notes that she has two previous convictions for sale of alcohol to underage persons, when she was a designated premises supervisor but not present at the sales. Having now passed her NCFE Level 2 for Personal Licence Holders, the Sub-Committee expects her to understand her role as a licence holder and designated premises supervisor fully and would view any further breach most seriously.

The Sub-Committee notes that the applicant does not accept that the Chief Officer of Police has made a valid representation, as this was signed by a PC, and there is no evidence of a valid implied delegation.

The Sub-Committee finds that the Chief Officer of Police has a power to delegate his functions and has done so to specific licensing officers.

ADJOURNMENT OF MEETING

At this juncture, the Committee adjourned until 2.15 pm.

25

APPLICATION FOR A PREMISES LICENCE – YELTZ SPORTS CLUB, OLD HAWNE LANE, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of the Yeltz Sports Club, Old Hawne Lane, Halesowen.

In attendance at the meeting was Mr J Jordan (Solicitor) on behalf of the applicants.

Also in attendance was Ms D Nellany (Food and Occupational Safety, Environment Safety).

Mr Jordan informed the Sub-Committee of the reasons why the applicants had not attended, and explained that the applicant was aware of the submissions from Environmental Health and confirmed that there were no objections to the recommendations.

Ms Nellany stated that the application could be considered between the applicant and Environment Health, subject to a letter being sent to Ms Nellany from the applicants confirming that they had no objections to the recommendations raised by Environmental Health. Mr Jordan confirmed that this could be arranged.

In responding to a query from a Member, Mr Jordan confirmed that a designated smoking area had not been allocated, however there was an area to the rear of the premises that could be appropriate.

Following further discussion it was

RESOLVED

That, following consideration of the application for the grant of a premises licence in respect of the Yeltz Sports Club, Old Hawne Lane, Halesowen, authorisation be given for the applicant and environmental health to agree the conditions of the premises licence and that if the parties were unable to agree the matter, the application be considered at a future meeting of a Sub-Committee.

EXCLUSION OF THE PUBLIC

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below; and that in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Item</u>	<u>Paragraph Numbers</u>
Grant for House to House Collections Licence	1
Grant for House to House Collections Licence	1

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APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE

A report of the Director of Corporate Resources was submitted on an application made on behalf of a Ms BAI for the grant of a House to House Collections Licence.

It was noted that the applicant was not in attendance at the meeting.

Following a brief discussion, it was

RESOLVED

That, in view of the applicants non-attendance, the application received on behalf of Ms BAI, for the grant of a House to House Collections Licence, be deferred to a future meeting of the Sub-Committee.

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APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE

A report of the Director of Corporate Resources was submitted on an application made on behalf of a Ms OR for the grant of a House to House Collections Licence.

In attendance at the meeting were Ms OR (Applicant) and a supporter.

Following introductions, the Chairman explained that Committee Members had concerns that the applicants had not submitted accounts for a period of 12 months to identify the donations to charity.

Ms OR informed the Committee that as the company had not carried out any collections then there would not be any accounts available and confirmed that the service provided was on a sub-contractor basis.

Ms OR stated that she had applied to all Council's for a house to house collections licence and confirmed that 23 licences had been granted to date.

Following further 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

- (1) That, following careful consideration of the application made on behalf of a Ms OR, the grant of a house to house collections licence be approved for a period of twelve months to allow the company to be in operation to produce financial accounts.
- (2) That any future renewals for a house to house collections licence be referred to a Sub-Committee for determination.

The meeting ended at 3:05 pm.

CHAIRMAN