

LICENSING SUB-COMMITTEE 2

Tuesday 13th April, 2010 at 10.40am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillors Mrs Aston, Mrs Dunn and Vickers

Officers

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

29 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)

30 APOLOGY FOR ABSENCE

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

31 APPOINTMENT OF SUBSTITUTE MEMBER

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

32 DECLARATIONS OF INTEREST

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

33 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 12th January, 2010, be approved as a correct record and signed.

APPLICATION FOR A PREMISES LICENCE – OLD CHAIN YARD, 63
CASTLE STREET, COSELEY

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of the Old Chain Yard, 63 Castle Street, Coseley.

In attendance were Mr M Phipps (TLT Solicitors) and Mr R Bradford (Scottish and Newcastle Pub Company (Management) Ltd).

Also in attendance and objecting to the application were Mr N Readman and Ms W Barker.

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

Mrs J Elliott, Licensing Officer, presented the report on behalf of the Council. Mrs Elliott informed the Sub-Committee that a copy of a letter sent to Mr Readman from TLT Solicitors had been received on 12th April, 2010, copies of which had been distributed to members of the Sub-Committee.

Arising from a question raised by Mr Phipps, Mrs Elliott confirmed that copies of the previous premises licence had not been provided to members of the Sub-Committee.

Mr Readman, objector to the application, informed the Sub-Committee of his concerns as to why the application should be refused. He stated he had previously had problems with glasses and bottles being thrown at his premises and left in his garden, which resulted in the Council increasing the height of the garden wall at his property. He stated that his bedroom was located at the front of his property, and was concerned about noise and disruption that may be caused at closing times. He also went on to state that he and fellow residents felt intimidated at times, and raised concerns in relation to the affect this may have on their quality of life as the majority of the residents were elderly or of retirement age.

Mr Phipps, on behalf of Scottish and Newcastle Pub Company (Management) Ltd, then stated his case and in doing so he referred to the Licensing Act 2003. He stated that the previous tenant had been declared bankrupt and the licence had lapsed and therefore the application being considered was for the licence to be reinstated. He stated that the application being considered was almost identical to the previous licence. Reference was made to the operating hours of the public houses within close proximity to the property, all of which varied. He went on to state that the previous licence had not been lost due to problems and disruption, but due to the unfortunate bankruptcy.

Mr Readman informed the Sub-Committee that there had been problems previously and the Police had been contacted, but considered that as they did not consider the matters to be serious or urgent, officers did not attend straight away.

Arising from a question raised, the Sub-Committee was informed that a Designated Premises Supervisor was in place, but unfortunately he was unable to attend the meeting, and that he and his family would be living on the premises. It was also stated that he was an experienced landlord and that all the terms and conditions of the lease were in conjunction with the Licensing Act 2003.

The Principal Solicitor made reference to the standard licensing conditions.

In responding to a query raised, Mr Phipps confirmed that there was no intention to broadcast televised sporting events on a large scale, however, small flat screen televisions would be installed, but all broadcasting would be on a small scale. However, if say England was successful in the World Cup it was more than likely that their matches would be screened.

Following a query from a member, Mr Phipps stated that all parties were willing to work with the residents and local Councillors to try and resolve any issues or concerns, and contacts details would be provided for residents to report any incidents that occurred.

In summing up, Mr Readman reiterated that he was concerned about the quality of life for himself and other residents, stating they did not want to put up with bad language and anti social behaviour issues associated with alcohol and just wanted a quiet life.

In summing up, Mr Phipps stated that the application was a good application and mirrored the previous licence. The anxiety and concerns raised did not necessarily relate to the Old Chain Yard, as there were six other licensed premises in the area.

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 TLT Solicitors on behalf of Scottish and Newcastle Pub Company (Management) Limited in respect of the premises known as Old Chain Yard, 63 Castle Street, Coseley, be approved, in the following terms:-

Sale of Alcohol

Monday – Saturday 11.00 – 00.00

Sunday 12.00 – 00.00

Bank Holidays, Christmas Day and Boxing Day – Additional hour as sought except the Thursday before Easter.

Regulated Entertainment

Monday – Saturday 11.00 – 00.00

Sunday 12.00 – 00.00

Bank Holidays, Christmas Day and Boxing Day – Additional hour as sought except the Thursday before Easter.

Late Night Refreshment

Monday – Sunday 23.00 – 00.00

Bank Holidays, Christmas Day and Boxing Day – Additional hour as sought except the Thursday before Easter.

Conditions

All conditions set out as in the operating schedule

- (1) The beer garden shall not be used after 00.30 (01.30 on nights where an additional hour has been granted.
- (2) All doors and windows shall be kept closed during regulated entertainments.
- (3) All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
- (4) Signs in the car park to state:- No ball games, no sounding of horns and to leave the car park quietly.

Reasons for Decision

The Sub-Committee grants the application. It has received no evidence of actual concerns relating to these premises and the previous licence was granted on terms which were virtually identical to those sought in this application.

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.

The Sub-Committee has not granted an additional hour on the Thursday before Easter as this does not usually form part of the bank holiday.

35 APPLICATION FOR A PREMISES LICENCE – HALESOWEN AND HASBURY CLUB, 52 HAGLEY ROAD, HALESOWEN

It was noted that this application had been withdrawn.

The meeting ended at 11.45 am

CHAIRMAN