

## LICENSING SUB-COMMITTEE 2

Tuesday 18th October 2005 at 10.00am  
in the Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor J Woodall (Chairman)  
Councillors Mrs Dunn and Mottram

### Officers

Director of Law and Property and Mr J Jablonski (Directorate of Law and Property)

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### MINUTES

#### RESOLVED

That the minutes of the meetings of the Sub-Committee held on 30<sup>th</sup> September 2005 and 3<sup>rd</sup> October 2005, be approved as a correct record and signed.

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### DECLARATIONS OF INTEREST

No member made a declaration of interest in accordance with the Members' Code of Conduct.

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### APPLICATION FOR THE GRANT OF A PREMISES LICENCE, THE FOX AND GOOSE, BROMLEY LANE, KINGSWINFORD

A report of the Director of Law and Property was submitted on an application received from John Gaunt, Solicitors, for the grant of a premises licence in respect of the Fox and Goose, Bromley Lane, Kingswinford, West Midlands.

The licensee of the premises, Mr M Williams, was in attendance at the meeting, together with Mr B Danks, Business Development Manager, Union Pub Company (Wolverhampton and Dudley Breweries).

Following introductions by the Chairman, the Assistant Director, Legal and Democratic Services, outlined the procedure to be followed at the meeting.

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

The objectors then set out their case and made particular reference to noise nuisance occurring at closing time and during periods of entertainment, fighting taking place and the blaring of car horns, the noisy dispersal of customers and the kind of events the pub had proposed. These matters were, it was considered, inappropriate for the residential area in which the pub was located.

By way of clarification, Mr Naylor commented on the noise nuisance emanating from the premises when the doors of the premises were left open during periods of entertainment.

Mr Docherty commented on the kind of entertainment being proposed by the pub as being totally unsuitable for premises situated in a residential area and on the blaring of loud radio music by youths parked on the pub car park and that the noise had increased since the change in the management of the premises, mainly occurring on a Sunday. In response to a question he confirmed that he had not made an official complaint.

Mrs Sherwood commented that nuisance occurred at night when customers vacated the premises but that she had not experienced nuisance from noise emanating from inside the premises.

Mrs Sinar expressed her concern at the kind of entertainment being proposed at the premises and of the noise nuisance from inside the premises, smashed glass outside on the car park and the bad language used by customers leaving the premises. She also expressed her concern with regard to the frequency of visits by "tour buses", the issue of drugs being used on the car park, the car park being used as a "drag strip" and the general vandalism that included youths urinating on residents' gardens; garden fences had also been set on fire.

Mrs Lloyd stated that she had recently been ill and because of the level of nuisance from the pub, in particular the arrival of the double-decker tour buses, she had been forced to move from her bedroom at the front of the house to one at the back of the house; and the rude behaviour perpetrated by customers.

Mr Lloyd commented that the tour buses reversed up to residents' garden fences and that noise nuisance had been experienced from inside the premises.

In response to questions Mr and Mrs Lloyd explained where their garden fence was situated in relation to the pub car park and that tour buses had damaged the fence at the bottom of their garden by reversing into it.

Mr Chiswell commented that the tour buses frequently left their engines running for hours at a time and this had resulted in pollution being experienced by local residents. He commented on the broken glass on the car park of the pub and in the general area itself and stated that intoxicated people had been found collapsed on local residents' drives and gardens.

Mr Williams then stated his case in support of his application, and clarified the times for which he was applying. He also clarified that he and his partner had bought the premises and employed a Manager to reside at, and run the premises. He had owned the premises for approximately four months and, at present, the entertainment that took place consisted of private disco parties, an auction on a Wednesday and, on Sundays, the entertainment consisted of a singer who finished at 11.00 pm. The only recent additions had been the Ladies and Gents nights. He commented that he did not want to upset local residents and had been unaware of their concerns as he had received only one complaint recently in respect of car noise.

Mr Williams confirmed that tour buses visited the premises two to three times a month and that he had received a complaint from a local resident regarding the engine fumes and arranged for the buses to park elsewhere on the car park. He also confirmed that the local Cyber bus (operated by the local police) used the car park. He advised that the tour buses served drinks in plastic glasses and, in response to questions from the legal advisor; he agreed to erect "please leave quietly" notices within the premises. He also advised that the premises were fitted with a noise limiter, had air conditioning and already adhered to a "no doors and windows to be kept open during times of public entertainment" rule. He confirmed that live TV was fitted in the bar area.

Mr Williams confirmed that he intended to introduce more entertainment, specifically tribute bands and gradually introduce food to the premises.

In response to questions put by the objectors, Mr Williams stated that complaints with regard to the Cyber bus needed to be addressed to the police.

Following questions, the opportunity to sum up was given and prior to the withdrawal of the respective parties, the legal advisor indicated to them the details of the legal advice to be given to the Sub Committee which related to the aims and objectives of the new legislation, in particular the greater flexibility for the sale of alcohol and for opening hours to meet the objectives of the legislation and consideration of possible conditions to any licence granted.

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

Accordingly, it was

**RESOLVED**

That the application received from John Gaunt, Solicitors, for the conversion and variation of a premises licence in respect of the Fox and Goose, Bromley Lane, Kingswinford, be approved, subject to the following terms and conditions and based on the reasons indicated

## Variation of Premises Licence

### Alcohol

Monday Tuesday and Wednesday - 10.00 hours to 23.00 hours  
Thursday, Friday and Saturday - 10.00 to 00.00 hours  
Sunday - 10.00 to 2300 hours

Bank Holiday, Christmas Day and Boxing Day – an additional half hour over and above the hours granted

### In Respect of Recorded Music, Live Music and Dance

No regulated entertainments to be permitted on the premises.

### Conditions

All conditions set out as in the operating schedule, including

1. No regulated entertainments permitted on these premises in respect of live music; recorded music; and performance of dance.
2. The beer garden shall not be used after 22.30 hours seven days per week.
3. Glasses and bottles to be cleared from the beer garden by 23.00 hours 7 days per week.
4. No glasses or bottles permitted in the car park of the premises.
5. All exit doors within the premises shall have signs asking customers to leave the premises quietly and respect local residents and their premises.
6. Signs in the car park shall state:-  
  
No ball games, no sounding of horns, no playing of radios and to leave the car park quietly.
7. To permit the broadcast of televised sporting events of national/international interest outside normal operating hours to be confirmed upon 14 days prior notice in writing to the Police, the Police having 7 days to object prior to the event.
8. Extended hours on 20 occasions per year is withdrawn.

### Reasons for Decision

The Sub Committee is of the opinion that the hours set for the sale of alcohol 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 Licensee has not asked for longer hours for the sale of alcohol on Monday/Tuesday/Wednesday.

We are satisfied that the nature of entertainment provided by the existing licensee over the last four months, together with that which is planned has, and will, contribute significantly to public nuisance and anti social behaviour. This has resulted in noise nuisance being caused within the premises and further noise and anti social behaviour caused by customers leaving the premises.

The premises are in a residential area and the nature of the entertainment is inconsistent with the community purpose of the premises.

We do not feel that we can control public nuisance or anti social behaviour emanating from these premises through Conditions of Licence as far as entertainment is concerned.

The applicant has the right to Appeal the decision reached by the Sub Committee to the Magistrates Court.

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### APPLICATION TO VARY A PREMISES LICENCE, THE BROOK, BOURNE STREET, WOODSETTON

A report of the Director of Law and Property was submitted on an application received from John Gaunt and Partners, on behalf of Wolverhampton and Dudley Breweries, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of The Brook, Bourne Street, Woodsetton.

Mr. Cooper, the tenant, Mr. J. Sambrooks, the designated premises supervisor and Mr. Danks of Wolverhampton and Dudley Breweries were in attendance together with Mr. Cook and Mrs. Coles, objectors to the application.

Following clarification by the Legal Advisor and confirmation from the tenant that the applicants wished to proceed on the basis of the application as now presented, with any variation being made the subject of a separate application, the Legal Advisor outlined the procedure to be followed at the meeting.

Mrs. Elliott, Licensing Officer, then presented the report on behalf of the Council and in so doing reported that any condition regarding the broadcasting of televised sporting events would include reference to the seven days in which the police had to object prior to the event.

The objectors then set out their case and made particular reference to disturbance and nuisance occurring over the last four to five months with fighting taking place, the blaring of taxi horns, the late time at which people dispersed, particularly at weekends, and the different types of events the pub had proposed. These matters were, it was considered, inappropriate for the residential area in which the pub was located and had not previously occurred.

By way of clarification, in response to questions by the Legal Advisor, Mrs. Coles referred to noise on a particular occasion in connection with a quiz night and that in her role as Neighbourhood Watch Co-ordinator, a letter had been written to the Union Pub Company. In response a letter received from Wolverhampton and Dudley Breweries gave the name of their Area Manager. Reference was also made to two major fights one of which had nothing to do with the pub. Regarding noise from the premises, it was stated that noise could be heard via an external speaker in the garden in the summer after 11.00 p.m.

In response to further questioning, noise nuisance when persons left the premises was also cited, together with other anti-social behaviour by patrons.

Mr. Cook then stated that the problems referred to had not occurred previously and that there had been a number of managers in post for short periods of time who did not appear to control patrons. He suggested that notices be placed asking people to respect local residents, but mainly suggested that the people running the premises controlled the people who used them. He also indicated that the people using the public house were very young, as older people did not use it. He also queried the application in respect of the provision of food.

In response to questions asked by the Legal Advisor, it was noted that, especially in the summer, the doors were left open enabling noise to escape from the premises. Mr Cook also considered that problems had occurred especially since the premises had been refurbished.

Mrs. Elliott, then asked a question regarding the type of entertainment at the premises and in response it was noted that karaoke had been included.

Mr. Cooper then responded to points raised by the objectors and in so doing, stressed that he was completely unaware of the concerns of the objectors and that nothing had been received from the Union Pub Company. He also stated that if people wished to complain, they should complain to him and he would give the objectors his details to facilitate this. He then went on to refute a number of the comments made by the objectors, stating that only two managers had been employed at the premises in recent times, made reference to the involvement of Environmental Health regarding the kitchen facilities at the public house in connection with the application for food and stressed that he was deeply concerned at the references made to violence.

Regarding the attendance of the police at the public house, the reference made to a disturbance on 26<sup>th</sup> August, 2005, was in response to the police being contacted by Mr. Sambrooks, who had handled the situation. He also apologised that the external speaker had inadvertently been left on and stated that this would not recur. He also confirmed that there were notices in the pub asking people to leave quietly. He reiterated that the police had no objections to the application and if he had been contacted and the circumstances made known to him, he would have addressed them. He also confirmed that the use of karaoke was an error as the premises did not have a public entertainments licence.

Regarding the nature of the premises, Mr. Cooper stated that he wished the premises to be a community pub and did not seek to attract youths and underage drinkers. Also, he was ultimately responsible for the licence and did not encourage the behaviour referred to. He furthermore wished the pub to be used by locals supporting local charities and did not want the issues referred to to recur. He reiterated the offer for the petitioners referred to by Mrs. Coles to come and see him so that their concerns could be discussed.

Mr. Cook and Mrs. Coles then asked questions of the tenant and Mrs. Coles stated that if she had been aware of Mr. Cooper, then she would certainly have contacted him.

In response to queries regarding the entertainment to be provided, Mr. Cooper stated that the provision of entertainment would depend on financial resources available.

In response to questions asked by members of the Sub-Committee, Mr. Cooper stated that he would arrange for the outdoor speaker to be removed and confirmed that he would have no objection to the beer garden being closed as 11.00 p.m. and glasses cleared thereafter.

In response to questions regarding the management arrangements for the public house, it was noted that there was a General Manager for the various pubs of which Mr. Cooper was the tenant and that he did arrange to meet with designated premises supervisors of these on a regular basis. Mr. Sambrooks was then invited to and responded to a question asked by a member of the Sub-Committee in relation to the entertainment that had been proposed.

In response to a question from the Legal Advisor regarding future entertainment, it was stated that this would be most likely to be karaoke and singers for parties. Again, this would be on the basis of when finances allowed. Mr Sambrooks confirmed that he now understood that he needed a Public Entertainment Licence in order to have karaoke.

Mr. Cook and Mrs. Coles were then given the opportunity to sum up together with Mr. Cooper and prior to their withdrawal from the meeting, the Legal Advisor informed them that he would be advising the Sub-Committee on the conditions to be attached to any licence granted, the responses made by Mr. Cooper to the comments made by the objectors and on the principles and objectives of the legislation, especially with the regard given to mediation.

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

According, it was

#### RESOLVED

That the application received from John Gaunt and Partners, on behalf of Wolverhampton and Dudley Breweries to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of The Brook, Bourne Street, Woodsetton, be approved, subject to the following terms and conditions and based on the reasons indicated.

#### Variation of Premises Licence - Alcohol

##### Hours

Monday - Thursday	10.00 - 23.00
Friday and Saturday	10.00 - 00.00
Sunday	12.00 - 22.30

Bank Holidays	To midnight Friday, Saturday, Sunday and Monday to include Christmas Eve and Boxing Day
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##### Conditions

All conditions set out in the operating schedule, together with:-

- (1) All regulated entertainments shall end -  
Monday - Thursday 22.30



- (2) All regulated entertainments shall end -
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|---------------------|-------|
| Friday and Saturday | 23.30 |
| Sundays             | 22.00 |
- (3) The beer garden shall not be used after 23.00 and all glasses to be cleared by 23.30, except on Sundays, when the beer garden shall not be used after 22.30 and glasses cleared by 23.00.
- (4) All doors and windows shall be kept closed during regulated entertainments, save for access and egress and fitted with a self-closing mechanism.
- (5) Late night refreshment permitted Fridays and Saturdays to 00.00.
- (6) All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
- (7) The external speaker to be removed.
- (8) To permit the broadcast of televised sporting events of national/international interest outside normal operating hours, to be confirmed upon 14 days prior notice in writing to the police, the police having 7 days to object prior to the event.
- (9) Extended hours on 20 occasions per year is withdrawn.
- (10) Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

We are pleased to see that Mr. Cooper is willing to meet with local residents and hope that this is taken up with Mrs. Coles, as Neighbourhood Co-ordinator and other local residents. This should resolve future potential problems with these premises.

#### Reasons for Decision

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 meeting ended at 4.00 p.m.

CHAIRMAN