

LICENSING SUB-COMMITTEE 2

Tuesday 14th December, 2010 at 10.20am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Woodall (Chairman)
Councillors Mrs Aston and Vickers.

Officers

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

36 DECLARATIONS OF INTEREST

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

37 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 13th April, 2010, be approved as a correct record and signed.

38 APPLICATION FOR A PREMISES LICENCE – CHIPPERS, FIRST FLOOR, 41A/42A, HIGH STREET, STOURBRIDGE

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence made on behalf of Mr C Watson and Mr S Peters in respect of Chippers, First Floor, 41A/42A, High Street, Stourbridge.

Mr C Watson (Applicant) was in attendance at the meeting.

Also in attendance and objecting to the application were Ms K Richards, PC D Smith and Sergeant S Gordon (West Midlands Police), Ms D Nellany (Food and Occupational Safety) and Councillor N Barlow (Ward Member for Wollaston and Stourbridge Town).

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

Mrs J Elliott, Licensing Officer, presented the report on behalf of the Council, and stated that since the writing of the report West Midlands Police had submitted disclosures highlighting the crime pattern analysis in Stourbridge Town Centre, copies of which had been distributed to members of the Sub-Committee.

Ms Nellany presented the representations of the Food and Occupational Safety Team as indicated in Appendix 2 to the report submitted, and in doing so emphasised her concerns regarding the close proximity of residential dwellings, the potential noise nuisance and the proposed level of sanitary accommodation for both males and females to facilitate 200 people.

It was noted that the residential accommodation referred to in Ms Nellany's representation was in Coventry Street, and not Market Street.

Ms Nellany informed the Sub-Committee that plant and machinery had been identified at the rear of the premises and requested that further information would be needed.

She then requested that should the licence be approved, five additional conditions be attached to the licence as outlined in Appendix 2 of the report submitted.

In response to Ms Nellany's concerns, Mr Watson stated that the premises capacity of 200 was a maximum, and it was anticipated that it would be likely that the premises would facilitate an average of 150 people. He also confirmed that the rear entrance of the premises would only be used as a fire exit.

Reference was made to Ms Nellany's concerns in regard to the proposed level of sanitary accommodation. Ms Nellany confirmed that Mr Watson would need to install additional toilets in order to meet the standards contained within the current British Standard.

Ms Richards then presented the representations of West Midlands Police as indicated in Appendix 3 of the report submitted. She also 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.

She stated that should the licence be approved then it was likely to add additional strain on the resources employed by West Midlands Police to reduce crime and disorder.

Ms Richards stated that since the Cumulative Impact Policy had been implemented, crime and disorder in the Town Centre had decreased. She commented that the conditions outlined in the operating schedule, as indicated in Appendix 1 of the report submitted, did not identify ways in which the premises would not have an adverse effect on the Cumulative Impact Policy.

Councillor Barlow on behalf of his constituents presented his objections and echoed the concerns raised by Ms Nellany and West Midlands Police, in particular in regard to the potential noise nuisance to the nearby residential areas.

Mr Watson then presented his case and in doing so informed the Sub-Committee that it was his intention that the premises and music would attract people over 25. He also stated that it would be difficult to say that the premises would not have any impact in the area, but that he was prepared to implement measures to eliminate the risk.

Reference was made to the current taxi marshall service, which had been implemented following the Cumulative Impact Policy, Mr Watson explained that he would encourage customers to use a free-phone service at the premises to book a taxi.

Mr Watson informed the Sub-Committee that he believed that an establishment with a maximum capacity of 200 people would not cause a significant impact to crime and disorder in the area.

In responding to a query from Ms Nellany, Mr Watson confirmed that the rear of the premises would be used only as a fire exit, and that there would not be any facility for a smoking area.

In responding to a query from a Member, Mr Watson outlined his background and experience within the industry.

Following a query from a Member regarding the installing of additional toilets, Mr Watson stated that the toilets had been reduced by previous owners and that although he would like to improve the facilities it would be difficult to extend the building without imposing on the fire exit.

Reference was made to Mr Watson's conditions outlined in the operating schedule, in particular to the management of the dispersal of customers. Mr Watson informed the Sub-Committee that he would encourage customers to use the free-phone to order taxis, and that he would propose to close the bar earlier to allow people to exit the building over a longer period.

In summing up, Ms Richards informed the Sub-Committee that the application submitted did not suggest that there would not be a negative impact of the Cumulative Impact Policy. Should the application be approved then it could have a detrimental effect on the crime and disorder in the area.

In summing up, Ms Nellany reiterated comments previously made.

In summing up, Mr Watson stated that it was difficult to justify the opening of a new premises against the Cumulative Impact Policy, but assured the Sub-Committee that he was committed to eliminating the risk of any negative impact.

Following a query from the Legal Advisor, Mr Watson confirmed that he would be willing to accept condition numbered 3 and 4, as outlined by Ms Nellany in her representations in Appendix 2 of the report submitted, only if it were deemed necessary but it was Mr Watson's opinion that it would not be.

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 on behalf of Mr C Watson and Mr S Peters, for a premises licence, in respect of Chippers, First Floor, 41A/42A, High Street, Stourbridge, be refused for the following reasons; -

This application for a new premises licence is made within an area in which a cumulative impact policy has been in operation since 2006. This creates a reputable presumption that any new application that is likely to add to the existing cumulative impact will normally be refused, following relevant representations.

The Sub-Committee has heard relevant representations from the Police, Environmental Health and a local Councillor. The Sub-Committee has heard evidence from the applicant Mr Watson and read his proposed operating schedule. The Sub-Committee is not satisfied that the applicant has considered the likely impact of a further 150 – 200 persons drinking and being entertained in the proposed club, and he has not demonstrated that the granting of this new licence will not impact negatively upon the rates of crime and disorder in the town. The evidence of Ms Nellany was the premises require some further work on the sanitary provision, and sound proofing and Mr Watson has expressed some reservations about this work on the grounds of both cost and necessity.

The Sub-Committee is therefore not satisfied that the premises will be suitable in terms of public nuisance and safety and is not satisfied that the granting of a licence will not have a negative impact on crime and disorder in the area. The application is therefore refused.

The meeting ended at 12:20 pm.

CHAIRMAN