

## LICENSING SUB-COMMITTEE 2

Tuesday 29<sup>th</sup> May, 2012 at 10.05 am  
in The Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Cowell (Chair)  
Councillors Mrs Ameson and Bills

### Officers

Mr T Holder (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Corporate Resources)

---

1      APOLOGY FOR ABSENCE

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

---

2      APPOINTMENT OF SUBSTITUTE MEMBER

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

---

3      DECLARATIONS OF INTEREST

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

---

4      MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 28<sup>th</sup> February, 2012, be approved as a correct record and signed.

---

5      APPLICATION TO VARY A PREMISES LICENCE – THE DANILO SUITE, (FORMERLY THE PICTURE BOWL COMPLEX), 27-29 HAGLEY ROAD, STOURBRIDGE

It was noted that the application received from C N A Risk Management Limited, on behalf of Stourbridge Academy, for variation of the premises licence in respect of The Danilo Suite, (formerly the Picture Bowl Complex), 27-29, Hagley Road, Stourbridge had been withdrawn.

---

6 NOTICE OF TEMPORARY EVENT – THE BLACK HORSE, DELPH ROAD, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted to consider objections to the Notice of Temporary Event served on the Council by Mrs Karen Ann Whittaker in respect of The Black Horse, 52 Delph Road, Brierley Hill.

Mrs Whittaker, Applicant, was in attendance.

Also in attendance and objecting to the application was Ms Nellany (Food and Occupational Safety Manager), Directorate of Urban Environment.

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

In responding to a question by the Legal Advisor, Mrs Whittaker advised that the event was for one twenty one year old only and not two, as outlined in paragraph 3 of the report submitted. She further confirmed that she was in agreement as to the content of the report.

Ms Nellany then presented the representations of Food and Occupational Safety and in doing so highlighted that the objections made had been based under the licensing objective of preventing public nuisance.

A copy of the noise complaints received by Environmental Health in respect of The Black Horse from April 2010, was submitted at the meeting, and it was noted that the majority of complaints were made during St George's Day celebrations which were held outside.

It was also noted that following complaints received, letters were sent to Mrs Whittaker, and a visit was carried out to the premises following three years of complaints received.

Ms Nellany stated that she understood that there would be two DJ's located on the car park, and as this was a private party there would not be an opportunity to police the levels of sound and nuisance.

In responding to questions from the Legal Advisor, Ms Nellany confirmed that there had been no complaints received in regard to the operation of the business, and that formal investigations had not been carried out due to the complaints received being from different residents.

In responding to a question from a Member, Ms Nellany confirmed that the complaints made related mainly to the playing of music.

Mrs Whittaker then presented her case and in doing so highlighted that at the time of the complaints made, the premises were celebrating St George's Day when a 'Help the Hero's' brass band played live music on the car park, and that all outdoor events concluded before 9.00 pm.

She referred to another event that had taken place in 2011, where a DJ was located at the outside of the premises, and confirmed that no complaints had been received following the event. She advised that a DJ was not as loud as the brass bands used for the St George's Day celebrations.

In responding to a question by the Legal Advisor, Mrs Whittaker outlined on a map that had been displayed earlier in the meeting, where the DJ would be located for the event on Sunday 10<sup>th</sup> June, 2012.

Mrs Whittaker further confirmed that the DJ was not a professional, and that there would not be a lot of equipment used.

In responding to a question from the Legal Advisor, Mrs Whittaker advised that it was not possible for the event to be inside the premises due to the numbers attending and the lack of capacity inside the premises could present a health and safety risk.

She further confirmed that following conversations with the twenty one year old, it was anticipated that the party would take place for a maximum of three hours, and therefore would be finished before the requested time of 8.30 pm.

In responding to a question, Mrs Whittaker confirmed that she would not allow the DJ to be as loud as a live band and if it rained then there were marquees available to be erected.

She further informed the Sub-Committee that the party was for a local resident and advised that the majority of the guests were local and had visited the premises previously.

Arising from comments made in regard to the potential level of noise from the DJ, Mrs Whittaker advised that if the DJ was too loud and refused to turn the noise down then she would turn the music off.

In responding to a question by the Legal Advisor, Mrs Whittaker confirmed that herself, her husband and the father of the twenty one year old would monitor and police the event, however as the event was taking place on a Sunday it was anticipated that any additional people attending would be low.

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 Chair then outlined the decision.

**RESOLVED**

That, arising from consideration of the objections raised to the Notice of Temporary Event served by Mrs Karen Ann Whittaker, the event, to be held on 10<sup>th</sup> June, 2012 be permitted.

---

The meeting ended at 10.50am

CHAIR