

### LICENSING SUB-COMMITTEE 3

Tuesday, 14<sup>th</sup> July, 2009 at 10.00am  
in the Council Chamber, The Council House, Dudley

#### PRESENT:-

Councillor Mrs Dunn (Chairman)  
Councillors Mrs Ameson and Mottram

#### Officers

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer), Miss K Wilson and Mrs K Farrington (Directorate of Law, Property and Human Resources).

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1                    DECLARATIONS OF INTEREST

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

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2                    MINUTES

#### RESOLVED

That the minutes of the meeting of the Sub-Committee held on 5<sup>th</sup> August, 2008 be approved as a correct record and signed.

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3                    APPLICATION FOR VARIATION OF PREMISES LICENCE, THE BELL HOTEL, 20 MARKET STREET, STOURBRIDGE

A report of the Interim Director of Law, Property and Human Resources was submitted on an application received from Flint Bishop Solicitors for variation of the premises licence in respect of The Bell Hotel, 20 Market Street, Stourbridge.

Mr T Proudman, representative for Marstons plc was in attendance at the meeting, together with Mr S Kessey (Licensee), Mr Rose (Secretary of Pub Watch Group), Mr Waldron (The Designated Premises Supervisor), Mr Wellman and Mr Jones.

Also in attendance and objecting to the application were PC M Boyd, whose written representations were outlined in Appendix 2 of the submitted report, Ms K Richards (Legal Representative), Ms K Harvinder (Neighbourhood Watch) and Mr Jones.

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

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

Ms Richards stated that the Chief Constable of West Midlands Police maintains the view that the application should be opposed.

PC M Boyd presented the representations of West Midlands Police in respect of the application to vary the premises licence as submitted in Appendix 2 to the report submitted.

Reference was made to a separate report, which was submitted at the meeting highlighting the number of crimes in Stourbridge Town Centre and that the number of violent crime incidents in the Town Centre had increased from 15.6% in 2001/02 to 20.1% in 2005/06.

PC Boyd considered that if the application were approved then this would have a detrimental effect on the level of crime and disorder in Stourbridge Town Centre, and therefore suggested that the Sub-Committee refuse the application to vary the premises licence.

It was noted that a petition consisting of one hundred and twenty eight signatures had been received, which had been circulated to the Sub-Committee prior to the meeting. Mr Jones, on behalf of the objectors, expressed concern in relation to the anti-social behaviour that currently existed in Stourbridge Town Centre. Mr Jones stated that if the application to vary the premises licence were approved, then this would also have a detrimental impact on the level of unsociable behaviour, especially at weekends. In view of this, Mr Jones suggested that the Sub-Committee refuse the application.

In responding to a question from Mr. Kessey in relation to the decision making process for licenses, PC M Boyd explained that all applications were considered on their individual merits and this was also confirmed by Councillor Mrs Ameson.

In responding to a question from Mr. Kessey in relation to the number of premises in Stourbridge Town Centre that were covered by the Cumulative Impact Policy, the Licensing Officer confirmed that 31 licences was covered by the policy – 18 of which were liquor licenses.

Mr. Kessey also provided background information and reported that the premises were a specialist outlet for the lesbian, gay, bisexual and trans gender (LGBT) community.

The premises had opened on 29<sup>th</sup> May 2009 and had had a positive impact on the LGBT community, and had had no impact on crime and disorder in the area.

Mr. Kessey confirmed that special measures would be implemented to reduce anti social behaviour and would include increasing the number of SIA door staff and the installation of CCTV.

Mr. Kessey confirmed that he had been in contact with Environmental Health and no complaints had been received relating to the premises.

The premises did currently operate a private Taxi Marshall service, which allowed customers to exit the premises from the rear entrance to avoid confrontations from others.

Mr. Kessey made reference to the petition submitted by Mr Jones and highlighted that 11 addresses were incorrect; 10 addresses was a considerable distance from Stourbridge; 1 address was within 0.6 miles of the premises and 1 address was located in Hemsby, Norfolk.

Mr Rose expressed his support for the application and emphasised the professionalism of the team.

In responding to a question from PC Boyd, Mr. Kessey confirmed that the premises was available to all and not specifically for the LGBT community. A membership scheme would be introduced, to be valid from 9.00 p.m. There would not be a fee and would be available from the premises website in the near future.

PC Boyd highlighted that the membership scheme and the Taxi Marshall service were not listed in the operating schedule. Mr. Kessey confirmed that all conditions could be put in the schedule.

Mr Proudman concluded that by asking that the Sub - Committee consider the representations from the premises and to recognise the unique outlet which the premises had to offer.

At the request of the Chairman the respective parties withdrew from the meeting to enable a decision to be made.

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

**RESOLVED**

That the application received for a variation of the premises licence for The Bell Hotel, 20 Market Street, Stourbridge be refused based on the reasons indicted: -

## REASONS FOR DECISION

This application for the extension of licensing hours is made in the context of the Cumulative Impact Policy, brought into force in Stourbridge in 2007.

The West Midlands Police have presented detailed statistics of crime and disorder within the J2 Area from 2001-2006, which has additional data for up to early 2009.

The Committee is satisfied that the extension of licensing hours for the Bell Hotel will have detrimental impact on the incidence of violent crime within the Cumulative Impact Policy Area and therefore refuses the application for the extension of licensing hours.

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### APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT, THE CORN EXCHANGE, AMBLECOTE ROAD, BRIERLEY HILL

A report of the Interim Director of Law, Property and Human Resources was submitted on an application received from Gamestec for the grant of a licensed premises gaming machine permit for three machines in respect of The Corn Exchange, Amblecote Road, Brierley Hill.

As on three previous occasions, the designated premises supervisor was not in attendance at the meeting.

Following a brief discussion, it was

#### RESOLVED

That the application received from Gamestec for the grant of a licensed premises gaming machine permit for three machines for The Corn Exchange, Amblecote Road, Brierley Hill be refused, for the following reasons.

The applicant failed without any reasonable excuse to attend the Sub-Committee meeting despite the matter having been deferred on three previous occasions and having been notified by letter of the hearing.

The applicant would be informed of his right to appeal to the Magistrates' Court against the Sub-Committee's decision.

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The meeting ended at 12.00 noon

CHAIRMAN

LSBC3/4