

Minutes of the Licensing Sub-Committee 1

Thursday 30th May, 2019 at 10.00 am
In the Council Chamber, The Council House, Dudley

Present:-

Councillor S Keasey (Chair)
Councillors C Elcock and C Perks

Officers:-

S Smith – Team Manager Licensing and Waste Enforcement (Place Directorate);
R Clark – Solicitor and K Buckle – Democratic Services Officer (Chief Executive's Directorate).

1. **Declarations of Interest**

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

2. **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 18th January, 2019, be approved as a correct record and signed.

3. **Application for Grant of a New Premises Licence – 83a-85a Bridgnorth Road, Wollaston, Stourbridge**

A report of the Strategic Director Place was submitted on an application for the grant of a new premises licence, in respect of the premises known as 83a to 85a Bridgnorth Road, Wollaston, Stourbridge.

The following persons were in attendance at the meeting in respect of this application:-

Mr J Thomas and Mr L Brown – Applicants
Mr H Thomas – Harrison Clark Rickerbys Solicitors (Applicant's Solicitor)
Councillor N Barlow (Supporter)
N Baugh – West Midlands Fire Service
Ms C Vaughan and Mr I Grove – Environmental Safety and Health
Ms C Thomas and Ms D Eccles - Objectors

Following introductions, the Team Manager Licensing and Waste Enforcement presented the report on behalf of the Council. It was noted that representations had been received from a Ward Councillor, two local residents, the West Midlands Fire Service and Environmental Safety and Health.

In presenting the report submitted, the Team Manager Licensing and Waste Enforcement advised that the representations had been forwarded to all interested parties.

The current Designated Premises Supervisor was Mr J Thomas.

It was noted that Environmental Safety and Health had recommended a number of conditions to the licence, addressing issues of potential nuisance by the fitting and use of a sound limiter for amplified sound, ensuring doors and windows remained closed, the gate to the King Street Entrance be secured and was used as an emergency exit only and no external sound amplification equipment being used on the premises. The Applicants had accepted the potential conditions on any premises licence and upon that basis, the initial representations by Environmental Safety and Health had been withdrawn.

One of the Ward Councillors, Councillor N Barlow had made a written representation in support of the application and was in attendance at the meeting. He addressed the Committee stating that he had some initial planning concerns, however those had been addressed and he believed that the applicants had worked with the relevant authorities.

Councillor N Barlow stated that he had not been contacted by any of the local residents.

Written representations had been received from two local residents, Ms C Thomas and Ms D Eccles who were in attendance at the meeting.

The concerns raised related to potential noise into the evening and increased parking issues.

Ms C Thomas' property was attached to the proposed licenced premises and she raised concerns in relation to her ten year old twin children and the likely noise that would impact upon their sleep, health and wellbeing.

Ms C Thomas also raised concerns in relation to outside smoking and the detrimental impact that this would have upon the families' health. The impact upon traffic and parking in relation to deliveries and customers were referred to, as there were double yellow lines preventing parking outside the property and no car park for the premises. She was also concerned that the premises would not close prior to 11pm, should alcohol be sold up until 10.30pm, the proposed terminal hour.

Ms D Eccles' property was adjacent to the proposed new licenced premises and she stated that she had not moved to her current residence to have a public house open so close to her property. She raised concerns regarding potential noise and stated that any sound limitation device and closed windows would not prevent external noise from taxis and customers.

Ms D Eccles also referred to the maximum number of customers raising from sixty following a period of time and in her view the type of premises was likely to change the nature of the area, increase the number of people in the streets in the area with a likely rise in litter, drinking and noise. She referred to a public house "Graham's Place" that was a reasonable distance away from her home, that had a large car park.

In responding to questions from a Member and concerns raised that the notice displayed at the premises was placed in too high a position to read, the Team Manager Licensing and Waste Enforcement advised that the application was advertised in the press, the notice was displayed on the premises and had been checked by an Officer.

It was noted that there was no requirement to write to residents individually and the Officer who had attended to check the notice, believed that it had been displayed correctly.

Issues were also raised in relation to there being no need for a further licensed premises in the area and the proposals to build residential units above the premises, however it was noted that those matters could not be considered by the Sub-Committee.

The applicants' Solicitor referred Members to the Home Office Guidance that stated each application should be considered on its own merits and not in relation to other premises and under paragraph 2.1 (Crime and Disorder), the police had not made representations relating to crime and disorder and that they were the main source of evidence in that regard. At paragraph 2.19 any appropriate conditions should focus on the most sensitive periods, for example the late hours and the likely impact of noise. At paragraph 9.45, with regard to planning that was a separate issue it was noted it had been considered separately to the current application before the Sub-Committee.

The applicants' Solicitor stated that the planning application had been considered and granted. Parking issues had been considered as part of that planning application by both Planning and Highways as part of the change of use of the premises.

It was stated that deliveries would take place between 9am and 6pm and it was proposed that the premises licensing hours would be limited between 10am and 10.30pm Monday to Saturday inclusive.

Noise had also been considered with an acoustic report commissioned and air conditioning was installed. There were no windows downstairs in the premises that could be opened and the doors had self-closing mechanisms.

It was stated that alcohol would not be permitted to be consumed outside the premises.

It was confirmed that there would be no amplification of sound from the premises and the rear gate onto King Street, Wollaston would not be used to access the premises, only being used for emergency purposes.

A noise management plan was required with a sound limiter as a consequence of planning consent and there would be background music only at the premises.

The applicants' Solicitor admitted that the courtyard area was small and could only house six to eight people at most, and the predicted levels for the courtyard would be less. The courtyard would be utilised as a smoking area, would have noise notices displayed and there would be no seating.

In responding to a Member's concern in relation to noise emanating from air conditioning units, the applicants' Solicitor advised that conditions on the planning application were in place in relation to installing those units and those conditions would be adhered to.

Members also raised concerns in relation to the termination time of the licence and the applicants' Solicitor advised that should the Sub-Committee wish the termination time to be earlier, the applicants would agree to that, and should customers not comply with the smoking conditions, they would be refused entry to the premises.

Members suggested that there should be no seating or heating in the courtyard area, in order to ensure that potential noise levels remained at a minimum.

Further the applicants had agreed to conditions on the licence to address some noise issues, and the applicants had confirmed that they would encourage use of a local hackney carriage and/or private hire service with an agreement in place.

Environmental Safety and Health advised that they continued to have concerns in relation to the courtyard area.

The applicants had agreed to provide a private telephone number in order that should local residents have concerns, they could be contacted with a view to put measures in place to address issues.

The applicants disagreed that the premises were in a residential area, advising that it was a mixed use area including businesses and a nearby busy supermarket. The applicants asserted that the opening hours were extremely restricted.

In relation to Members comments regarding “off sales” the applicants’ Solicitor advised that the representations made had not raised concerns relating to “off sales”, however any such sales would be in sealed containers.

It was again reiterated that West Midlands Police had not made any representations in relation to potential issues with crime and disorder.

The parties withdrew from the meeting to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Chair outlined the decision.

Resolved

That, following consideration of the information contained in the report submitted and presented at the meeting, the application for grant of a premises licence in respect of premises known as 83a-85a Bridgnorth Road, Wollaston, Stourbridge, be approved, in the following terms:-

Sale of Alcohol

Monday to Saturday inclusive	10:00 – 22.15
Sundays	10:00 – 15:00

CONDITIONS ON PREMISES LICENCE

- (1) A (Challenge 25) proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- (2) A record shall be kept detailing all refused sale of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.
- (3) The premises shall install and maintain CCTV systems. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

- (4) A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised Council Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- (5) An incident log shall be kept at the premises, and made available on request to an authorised Officer of the Council or the Police. It will record the following:-
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
- (6) The Premises Licence Holder will conduct and implement a fire risk assessment. The capacity of the premises will be in accordance with risk assessment.
- (7) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- (8) No external sound amplification equipment shall be used on the site of the licensed premises at any time or for any purpose.
- (9) A Sound Limiter shall be fitted and used with any amplified sound arising from within the licensed premises in order to control internal noise levels. The sound limiter shall be used to ensure the inaudibility of amplified sound in nearby properties.
- (10) The gate that provides access / egress from the rear courtyard to the footpath to King Street, Wollaston, Stourbridge shall be secured and shall be used only in the event that an emergency exit is required from the premises.
- (11) Notices shall be prominently displayed at the exit to the premises requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- (12) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly

- (13) A direct telephone number for the manager at the premises shall be publicly available at all times whilst the premises remains open. The telephone number shall be made available to residents and businesses within the vicinity of the premises.
 - (14) The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport to customers, with contact numbers made readily available to customers who shall be encouraged to use such services.
 - (15) All windows to the external façade of the licenced premises shall remain closed whilst the premises are open to members of the public. All doors to the external facade of the premises shall be kept closed except for access/egress. All external doors to the licensed premises shall be fitted with self-closing devices.
 - (16) Any off sales from the premises shall be made in sealed containers.
 - (17) There shall be no heating or seating in the smoking courtyard.
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The meeting ended at 1.00 pm.

CHAIR