

## LICENSING SUB-COMMITTEE 4

Tuesday 6<sup>th</sup> November, 2012 at 10.25 am  
in the Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Roberts (Chair)  
Councillors Herbert and Taylor

### Officers: -

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor – All Directorate of Corporate Resources.

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31      DECLARATIONS OF INTEREST

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

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32      MINUTES

### RESOLVED

That the minutes of the meeting of the Sub-Committee held on 2<sup>nd</sup> October, 2012, be approved as a correct record and signed.

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33      APPLICATION TO VARY A PREMISES LICENCE – HOPE TAVERN, 50 CINDER BANK, NETHERTON

A report of the Director of the Corporate Resources was submitted on an application for variation of the premises licence in respect of the premises known as Hope Tavern, 50 Cinder Bank, Netherton, Dudley.

Mr D Sangha, the current premises licence holder, was in attendance at the meeting, together with his Solicitor, Mr Fraser-MacNamara.

Also in attendance and objecting to the application was Mr M Rahman, a petition organiser together with seven local residents, and a member of the press.

Also in attendance and making representations was Ms D Nellany on behalf of Food and Occupational Safety, Directorate of the Urban Environment, and PC A Taylor from West Midlands Police.

Following introductions by the Chair, the Licensing Officer presented the report on behalf of the Council.

Reference was made to an additional petition that had been requested to be submitted to the Sub-Committee, however due to the petition being submitted at short notice all parties agreed that the petition would not be considered.

Ms Nellany then made her representations on behalf of Food and Occupational Safety, and in doing so informed the Sub-Committee that the premises was located in a residential area and in close proximity to housing, the nearest being within thirty metres. She stated that concerns were raised in regard to the requested extension of hours, and by increasing the hours could potentially increase the noise from patrons leaving the premises during night time hours.

She then referred to a noise complaint received from a resident on 1<sup>st</sup> October, 2012 in relation to loud music from the premises preventing his family from sleeping. She confirmed that a letter had been sent to the Licensee, Mr Sangha informing him of the complaint received.

It was noted that another complaint had been received anonymously on 4<sup>th</sup> October, 2012, however as the caller was anonymous no further action had been taken.

Ms Nellany suggested that should the Sub-Committee grant the variation, it was recommended that the conditions, included in the report circulated to Members and interested parties prior to the meeting, be taken into consideration and attached to the licence.

In response to a question raised by Mr Rahman, Ms Nellany confirmed that residents could submit complaints to Environmental Health through Dudley Council Plus.

In response to Ms Nellany's representations, Mr Fraser- MacNamara confirmed that Mr Sangha accepted all conditions proposed by Environmental Health, and stated that Mr Sangha had volunteered to reduce the requested extension of hours to 01:00 hours on Fridays and Saturdays, and to withdraw the application for Sundays. He also stated that Mr Sangha would be willing to install a noise limiter and for the premises to be monitored over a six month period.

PC Taylor then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that there had been fifteen calls for Police service after midnight over a twelve-month period. He stated that complaints had been received in respect of drug use on the premises and in the car park, and that members of a local gang had been known to attend the premises.

In responding to a question by Mr Fraser- MacNamara, PC Taylor confirmed that no arrests had been made during the fifteen calls of service and West Midlands Police had not requested CCTV footage.

In responding to a question by the Chair, Mr Fraser- MacNamara confirmed that there were thirteen CCTV cameras installed altogether.

Mr Rahman then made his representations on behalf of local residents and referred to his statement that had been circulated to Members and interested parties prior to the meeting. He stated that although the residents objected to the application, they did support the Hope Tavern in principle and did not wish for Mr Sangha to lose his business.

Mr Rahman then referred to the four licensing objectives namely, the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the protection of children from harm. He stated that the premises was located in a residential area and that should the licence be granted it would attract customers, who would be under the influence of alcohol, from a wider area where pubs would generally close at 11pm. Concerns were also raised in respect of Mr Sangha's apparent failure to prevent crime and disorder in the premises, and that no assurance had been given that Mr Sangha would have the capacity to deal with additional crime and disorder if the premises were to remain open until 02.00 hours.

It was noted that residents had witnessed a number of fights outside the premises and customers urinating against their property, and feared that by granting the variation of licence it was likely that the incidents would increase.

Mr Rahman referred to the noise nuisance and the effect it was having on the local residents, some of which had families with children. He stated that Mr Sangha had no consideration for extending the hours, as it would affect children.

Mr Manley, a local resident, then referred to the calls of service received by West Midlands Police, and informed the Sub-Committee that he alone had made more than thirty complaints. He also stated that Mr Sangha had assured him that the premises would close at 12.30am, however this had happened once over a seven-month period.

It was noted that Mr Sangha had invested a large amount of money to refurbish to the premises.

Mr Rahman suggested that Mr Sangha consider his long-term business plan and the benefits that could be made, as Mr Sangha's short-term proposals were affecting local residents. He further asked Mr Sangha to consider remaining at the current licensing hours.

Mrs Parker, a local resident, echoed Mr Manley's statement and confirmed that she had also made more than thirty complaints to West Midlands Police in relation to noise nuisance and inappropriate behaviour.

PC Taylor suggested that the nuisance caused appeared to occur after Mr Sangha had vacated the premises.

Mr Manley further stated that when the premises closed at 12.30am, customers would regularly remain by the premises until 2.00am, and that he had witnessed people urinating against the side of his property.

Mr Fraser- MacNamara then presented the case on behalf of Mr Sangha and informed the Sub-Committee that the premises was located on a busy main road, and that Mr Sangha had invested a lot of money to refurbish the premises. He further stated that Mr Sangha had volunteered to withdraw the extension of hours on a Sunday, reduce the hours sought in the application to 1.00am on Fridays and Saturdays, install a noise limiter and to allow the premises to be monitored over a six-month period.

Mr Sangha informed the Sub-Committee that he had been the premises licence holder for the Hope Tavern for three years, and outlined the layout of the premises to the Sub-Committee. He further confirmed that there were thirteen CCTV cameras installed at the premises including the car park, toilets and the bar area, and that it would be available to West Midlands Police upon request.

It was noted that entertainment was provided on Fridays, Saturdays and Sundays including, singers, discos and karaoke and that there were licensed door supervisors employed on a Friday and Saturday. Mr Sangha stated that he monitored customers who were entering the premises, as he did not want to entertain bad customers, and that he considered that the majority of his customers were well behaved inside the premises.

In response to questions asked by a member, Mr Sangha stated that he currently employed two door supervisors, but that he would be willing to employ one more door supervisor. He further stated that in respect of the concerns raised of the car park, he had discussed the possibility of the Council marking double yellow lines outside the premises to restrict parking.

It was further noted that Mr Sangha regularly monitored the noise level outside the premises, and if he considered that the music was too loud he would ask that it be turned down.

In responding to a question asked by a member in relation to the tenant residing above the premises, Mr Sangha stated that the current tenant had been living at the premises for twelve months and reported that there had been no problems as the tenant had not made any complaints in relation to noise nuisance.

Reference was made to the calls of service reported by West Midlands Police, in particular, that the nuisance appeared to take place after the premises closed. Mr Sangha stated that he remained at the premises until it closed and had not witnessed any problems.

In responding to a question asked by the Chair, Mr Sangha informed the Sub-Committee that the car park was supervised.

In responding to a question asked by the Licensing Officer, Mr Sangha confirmed that although he did not display a poster asking for patrons to leave the premises quietly, he would be willing to display the poster and ask the door supervisors to ensure that customers leave the premises in a quiet manner.

In response to a question raised in relation to the seating area outside the premises, Mr Sangha confirmed that there was a separate smoking area, and that he did not allow customers to consume drinks outside after 9.00pm.

Following a question raised by a Member it was confirmed that windows were closed during entertainment, and on occasions the shutters had been down to attempt to reduce the level of noise.

In response to a question raised by Ms Nellany in relation to restricting entry to patrons, Mr Sangha stated that he would be willing to restrict entry to new customers at 12am.

It was further noted that the car park was open at all times and not lockable.

In responding to a further question by Ms Nellany, Mr Sangha confirmed that the windows installed were double-glazing and shatter proof, and confirmed that during the summer months the windows would remain closed.

In responding to a question by the Chair, Mr Sangha stated that he would leave the premises at 6.00pm and occasionally did not return to the premises, at which time his brother would deputise for him.

In responding to a question by PC Taylor, Mr Sangha confirmed that he would be willing to employ a SIA registered door supervisor to monitor the car park for a period of time after the premises had closed.

Mr Rahman suggested that Mr Sangha consider retaining the existing licensing hours following the concerns raised by local residents, in response Mr Sangha stated that the industry was very difficult at the moment and that he requested an additional hour in order to gain profits, and following requests made by his customers.

Mr Rahman then referred to comments made by Mr Sangha in particular that he did not allow customers to consume drinks outside the premises, and stated that residents had witnessed customers drinking outside the premises on a regular basis.

Mr Manley further commented that door supervisors vacated the premises at midnight, and that he was not assured that Mr Sangha could control his premises until 1.00am, as he considered he was unable to manage correctly under his existing licence.

In summing up Mr Rahman reiterated his comments on the effects the noise nuisance was having on the residents, and that Mr Sangha was not adhering to his existing conditions. He stated that he wished Mr Sangha success in his business but not at the expense of the residents.

In summing up, Ms Nellany stated that there had been one complaint made in respect of the Hope Tavern in relation to noise nuisance, and should the variation be granted there was potential for additional complaints.

In summing up Mr Fraser- MacNamara on behalf of Mr Sangha stated that the Sub-Committee had heard Mr Sangha's representations and reiterated that Mr Sangha had volunteered to withdraw the extension of hours on a Sunday and reduce the hours sought in the application to 1am on Fridays and Saturdays, and that he would ensure that door supervisors would remain at the premises until all customers had left.

In responding to a question by the Chair, all parties confirmed that they had a fair hearing.

Following all comments, the Legal Advisor stated that the Sub-Committee would determine the application made on the information submitted and comments made at the meeting by all parties, and that any decision made must be reasonable and proportionate.

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

RESOLVED

That the application for variation of the premises licence in respect of the premises known as Hope Tavern, 50 Cinder Bank, Netherton, Dudley, be approved, subject to the following conditions:-

Sale of Alcohol

Monday – Thursday	10:00 - 00:00
Friday – Saturday	10:00 – 01:00
Sunday	10:00 – 00:00

Regulated Entertainment

Monday – Thursday	10:00 - 00:00
Friday – Saturday	10:00 – 01:00
Sunday	10:00 – 00:00

Conditions

- (1) No regulated entertainment to take place in outdoor areas and no alcohol to be consumed in outdoor areas.
- (2) The doors and windows of the premises must be closed during regulated entertainment, except for access and egress.
- (3) Signage will be prominently displayed at exits and in the car park, requesting that patrons leave in a quiet manner.
- (4) The Premises Licence Holder shall install a sound limiter to be approved by Environmental Health.
- (5) SIA Registered security staff shall remain at the premises on Friday and Saturday until all patrons have left the premises and the car park cleared.
- (6) No new patrons shall be allowed into the premises after 00:00 on Friday and Saturday.

## REASONS FOR DECISION

The Sub-Committee has heard the applicant present the application to vary the premises licence, and the applicant has volunteered to withdraw the extension of hours on a Sunday and reduce the hours sought in the application to 01:00 hours on Fridays and Saturdays.

The Sub-Committee has also heard representations by, and on behalf, of local residents, the police and Environmental Health. The residents, in particular, oppose the extension of licensing hours. The police evidence is that they have received 15 service complaints in relation to the premises. Two of the residents have stated that individually, they have made 30 complaints or more to the police by telephone relating to noise and inappropriate behaviour. The Sub-Committee finds that the police log is unlikely to be complete. The Sub-Committee also notes that the applicant has stated in his evidence that he has only recently become aware of the strength of the concerns of the local residents and is taking some additional steps to address these. The applicant has amended his application today which is further evidence that he is listening to the local community.

The Sub-Committee is sympathetic to the concerns of the residents, and finds that by granting the reduced hours and by attaching the conditions accepted by the applicant, the concerns should be alleviated. The Sub-Committee accepts the assurances given by the applicant that he wishes to work with his community and that he is willing for Council Enforcement Officers to regularly monitor the premises, particularly, over the next six months. He clearly understands the significance of local residents making further complaints about his premises.

The Sub-Committee therefore grants the application for the variation of the licence for the sale of alcohol until 1.00am on Friday and Saturdays, and the playing of music (and dance) until 1.00am on Friday and Saturdays. The variation applied for on Sunday has been withdrawn.

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The meeting ended at 1.15 pm

CHAIR