

LICENSING SUB-COMMITTEE 3

Tuesday, 20th November, 2007 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Blood (Chairman)
Councillors Mrs Cowell and J Finch

Officers

Assistant Director Legal and Democratic Services (Legal Advisor), Mrs J Elliott, Licensing Officer and Mrs K Farrington (Directorate of Law and Property).

9. DECLARATIONS OF INTEREST

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

10. MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 18th September, 2007 be approved as a correct record and signed.

11. APPLICATION TO VARY A PREMISES LICENCE, THE ARIZONA CROSSING (FORMERLY THE CROSS), HIGH STREET, KINGSWINFORD

A report of the Director of Law and Property was submitted on an application received from TLT Solicitors, following the initial hearing of the application by the Sub-Committee at a meeting held on 3rd July, 2007, in relation to the application for variation of the premises licence, in respect of The Arizona Crossing (formerly The Cross), High Street, Kingswinford.

Mr Silcox, the Licensee, was in attendance at the meeting together with Mr M Stevenson, Solicitor for Punch Taverns, and Ms S Tipton and Mr M Horton, representatives of Punch Taverns. Also in attendance was PC S Turley, from West Midlands Police.

Also in attendance were Councillor Ms Boleyn and a Mr Cole. At this juncture, the Chairman reported that the Sub-Committee would only be reviewing Condition 10 of the current licence relating to the membership scheme and asked Councillor Ms Boleyn and Mr Cole if they were present as objectors. Councillor Ms Boleyn stated that she was only in attendance to ask questions. Mr Cole indicated that he was in attendance as an observer.

Following introductions, the Chairman outlined the procedure to be followed.

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

PC Turley stated that the Police did not have any concerns with the way the premises was currently being managed. He reported that the Memorandum of Understanding, which had been circulated to the Sub-Committee prior to the meeting, regarding the trial operation of a membership scheme, was an informal agreement between Mr Silcox and the West Midlands Police only and should not have been imposed as a condition of licence.

In response to a question from the Sub-Committee, PC Turley reported that since the membership scheme had been introduced, there had only been two incidents, which in his opinion, Mr Silcox could not have prevented. He reiterated his earlier point of having no concerns about the way the premises was currently being run.

Mr Stevenson then stated that the reason Mr Silcox came up with the idea of introducing a membership scheme was that he wished to work positively with the Police to minimise any potential disturbance to residents in the vicinity. He further stated that the scheme was an agreement between Mr Silcox and the West Midlands Police where the intention was to operate it for a trial period to ascertain whether there was a need for such a scheme indefinitely.

In response to a question from the Sub-Committee, Mr Silcox reported that the premises did have problems in the past regarding noise nuisance from customers, but he had since spent a lot of time and effort into making the premises a success. He stated that he wished to work positively with the residents and the Police and further stated that regular meetings had taken place to discuss and monitor how the premises was being managed. He informed the Sub-Committee that, in his opinion, it was not necessary for the membership scheme to continue.

Following the discussion, the Legal Advisor indicated that the premises appeared to be well managed and run, with no complaints from the public and suggested that the Sub-Committee consider withdrawing Condition 10 from the current licence.

Prior to the Sub-Committee making their decision, Mr Stevenson requested that Condition 3 of the licence be considered for amendment. In response, the Chairman suggested that a further application be submitted and considered at a future meeting of the Sub-Committee.

The Sub-Committee, having made their decision, it was

RESOLVED

That the current premises licence, in respect of The Arizona Crossing (formerly The Cross), High Street, Kingswinford, be varied by the deletion of Condition 10 of the licence, relating to a membership scheme.

12. APPLICATION TO VARY A PREMISES LICENCE, THE SPILLS MEADOW, 53 KENT STREET, UPPER GORNAL

A report of the Director of Law and Property was submitted on an application received for the variation of the premises licence, in respect of The Spills Meadow, 53 Kent Street, Upper Gornal, Dudley.

Mrs J Toogood, the Designated Premises Supervisor, was in attendance at the meeting, together with Mr Proudman, Representative from Marston's PLC.

Following introductions, the Chairman outlined the procedure to be followed.

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

Mrs D Nellany, Food and Occupational Safety Manager, Directorate of the Urban Environment, then commented on the content of Appendix 2 to the report submitted. She then reiterated comments made at a meeting of the Sub-Committee held on 30th October, 2007, which the Sub-Committee determined to defer the hearing, so as to allow the Designated Premises Supervisor to attend the meeting personally.

Mr Proudman also reiterated comments made at the previous hearing.

The Legal Advisor sought clarification from Mrs Toogood as to the current position regarding the length of time she proposed to be the Designated Premises Supervisor at the Spills Meadow. In response, Mrs Toogood reported that she was working with the Brewery in promoting the premises to attract more customers. If this proved to be a success, she would consider extending her contact.

The Legal Advisor informed Mrs Toogood that at the previous meeting, Mr Proudman had agreed to the condition of closing doors and windows, except for access to and egress from the premises during entertainment beyond incidental music and also to the condition of fitting all doors leading to external areas with self-closing devices. He reported that the condition relating to the external smoking shelter had not been agreed and invited her to comment on this matter.

Mrs Toogood acknowledged the concerns raised relating to the impact the smoking shelter would have on the nearby residents in relation to the likely increase in noise nuisance, but assured the Sub-Committee that the external smoking area would be well monitored and policed by herself, her husband and the bar staff completing regular patrols of the area. She also welcomed the suggestion of restricting the consumption of alcohol after 11.00pm.

In response to a question in relation to the type of entertainment currently being offered, Mrs Toogood informed the Sub-Committee that karaoke was provided with a disco to follow. She stated that she wished to work positively with the local residents and requested that they approach her direct in the first instance, if they had any concerns. She further stated that she had received no direct complaints from local residents.

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

The Sub-Committee, having made their decision all the remaining parties were invited to return and the Chairman then outlined the decision.

RESOLVED

That the application received for the variation of the premises licence, in respect of The Spills Meadow, 53 Kent Street, Upper Gornal, Dudley, be approved, subject to the following terms and conditions and based on the reasons indicated:-

Sale of Alcohol

Monday – Thursday	10.00 – 23.00
Friday – Saturday	10.00 – 00.30
Sunday	12.00 – 23.30

Regulated Entertainment

Monday – Thursday	10.00 – 23.00
Friday – Saturday	10.00 – 00.30
Sunday	12.00 – 23.30

Late Night Refreshments

Monday – Thursday	10.00 – 23.00
Friday – Saturday	10.00 – 00.30
Sunday	12.00 – 23.30

CONDITIONS

1. All doors and windows shall be kept closed during regulated entertainment except for access and egress to the premises.
2. All doors leading to external areas to be fitted with self-closing devices.
3. Designated smoking area to be used for smoking only, no alcohol or drinks to be consumed in that area after 11.00pm.
4. Signage to confirm smoking area to be used for smoking only after 11.00pm and advising customers to respect local residents and leave premises quietly.

REASONS FOR DECISION

The Sub-Committee is of the opinion that the hours set for the sale of alcohol and regulated entertainment should provide an opportunity for greater flexibility and in turn a reduction in customers leaving the premises in large numbers at a set time with consequent nuisance and associated anti-social behaviour to local residents. This approach is consistent with the principles contained within the licensing legislation and our licensing policy.

13. APPLICATION FOR AMUSEMENTS WITH PRIZE MACHINES PERMIT, THE LAWNSWOOD, LAWNSWOOD ROAD, WORDSLEY, STOURBRIDGE

A report of the Director of Law and Property was submitted on an application received on behalf of Poppleston Allen, for the grant of an amusements with prize machines permit for three machines, in respect of The Lawnswood, Lawnswood Road, Wordsley, Stourbridge.

Ms A Hodge, Designated Premises Supervisor was in attendance at the meeting, together with Ms D Vale, representative from Mitchells and Butlers Leisure Retails Ltd.

Following introductions by the Chairman, the procedure to be followed was outlined.

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

In presenting the case, Ms Hodge indicated on the plan of the premises previously circulated the exact location of the existing two machines together with the proposed location for the new machine.

In response to a question from the Sub-Committee, Ms Hodge advised that there were currently two amusement machines and one quiz machine on the premises. The current request was for a further amusement machine, which would take the place of the current golf machine.

In response to a further question, Ms Hodge confirmed that the machines already on the premises and the location of the current request of a third machine were in clear view of staff in attendance at the bar.

RESOLVED

That approval be given to the grant of an amusements with prizes machine permit for three machines, in respect of The Lawnswood, Lawnswood Road, Wordsley, Stourbridge.

The meeting ended at 11.50am

CHAIRMAN