

LICENSING SUB-COMMITTEE 4

Tuesday 17th February, 2009 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Mrs Ameson (Chairman)
Councillors Mrs Coulter and Taylor

Officers

Senior Legal Assistant (Legal Advisor), Mrs J Elliott (Licensing Officer)
and Mrs K Farrington – Directorate of Law and Property

1 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Aston.

2 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was noted that Councillor Taylor had been appointed as a substitute member for Councillor Mrs Aston for this meeting of the Sub-Committee only.

3 **DECLARATIONS OF INTEREST**

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

4 **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 29th April, 2008, be approved as a correct record and signed.

5 **APPLICATION TO VARY A PREMISES LICENCE – THE COURT HOUSE, NEW STREET, DUDLEY**

A report of the Interim Director of Law and Property was submitted on an application received from Fraser Brown Solicitors, to vary a premises licence, in respect of The Court House, New Street, Dudley.

Mr McMeeking of Black Country Traditional Inns Limited was in attendance at the meeting, together with the Solicitor acting for the Company.

Also in attendance was Councillor M Davis, objecting to the application, together with twelve further objectors, whose written representations and a petition comprising twenty-four signatures had been sent to the Sub-Committee members prior to the meeting.

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. At this juncture, she informed the Sub-Committee of the licensed opening hours of establishments surrounding the Court House.

Councillor M Davis, on behalf of the objectors, expressed concern relating to the potential increase in noise nuisance and anti-social behaviour from customers using the Court House. He stated that previously, on numerous occasions, patrons had congregated at the front main entrance of the premises for a cigarette, as there had been no alternative area to accommodate the smokers and confirmed that he had received complaints from residents who had felt intimidated by such customers. He also stated that damage to residents' property had occurred and feared that this would increase if the establishment was allowed to extend their licensing hours. He informed the Sub-Committee that increased traffic flow and noise, especially from taxis using their horn to alert customers of their presence, as the premises had no parking facilities for patrons, would also cause noise problems to nearby residents.

Councillor Davis also referred, in particular, to complaints he had received regarding doors and windows being left open, causing excessive noise levels from the premises. He stated that the Court House was situated in a residential area, mainly consisting of elderly people, and confirmed that by increasing the licensing hours, it would have a huge impact on their quality of life. He also expressed concern regarding litter issues; stating that no proper arrangements had been arranged for the disposal of commercial waste, causing pest control problems.

Mr Hudson, objector to the application, informed the Sub-Committee that he had lived in Dudley for forty-two years; had an office ten yards from the premises and had an interest in the car park to the rear of the premises. He stated that by allowing the Court House to extend their licensing hours, customers would have the opportunity to consume more alcohol and leave the premises intoxicated, which would lead to unruly behaviour, causing noise nuisance to residents. He also stated that he had witnessed no management control of the premises and felt, in his opinion that the management and staff of the establishment had failed to take any action in relation to the anti-social behaviour that had taken place outside the premises and feared that this would continue in the future. In concluding, he urged the Sub-Committee to consider the consequences of allowing the establishment to extend their licensing hours and the impact it would have on the local residents.

Rita, objector to the application, informed the Sub-Committee that she worked in Tower Street and parking had always caused her a problem. She confirmed that she had to pass the premises at least twice a day and felt intimidated by the customers using the main entrance of the premises for a cigarette and asked the Sub-Committee to consider refusing the application.

Mr Wall, objector to the application, informed the Sub-Committee that he had had his car damaged by alleged customers of the Court House. He stated that he was a resident in the surrounding area and confirmed that he had previously witnessed fights and anti-social behaviour from customers and also loud music emanating from the premises.

Mr Hall, objector to the application, stated that he had resided in Dudley for twenty-four years and had regularly witnessed anti-social behaviour from customers of the Court House in the early hours of the morning. He also stated that the majority of residents were elderly people and confirmed that extended hours would have a huge impact on their quality of life.

At this juncture, Mrs Elliott confirmed that the issue relating to parking could not be taken into consideration when determining the application. She reported that she would advise residents of the name and number to contact if they had any future problems regarding noise and nuisance.

In responding to a question from the Sub-Committee, the objectors confirmed that they had previously informed the Police of problems occurring from customers of the premises, but stated that no action had been taken. At this juncture, the Chairman stated that people were prohibited from drinking alcohol outside the curtilage of licensed premises in Dudley Town Centre and suggested that residents contact the police if they witness customers consuming alcoholic drinks in the street. In responding, Councillor Davis stated that unless a specific incident had occurred involving violence, the Police would not respond.

In responding to a further question from the Sub-Committee, Mr Hudson confirmed that he had complained to Environmental Health regarding the litter issue, but no action had been taken.

For the benefit of the objectors, the Chairman confirmed the correct procedure to be followed when reporting an incident to the Police.

The Solicitor, on behalf of the applicant, then stated his case, and in doing so, confirmed that Black Country Traditional Inns Limited was proposing to spend a vast amount of money to refurbish the premises and was committed to making the establishment a success. He explained in detail to the Sub-Committee the alterations proposed to be made and confirmed that Mr McMeeking was confident that the premises would be well managed and the concerns of residents alleviated. He stated that significant improvements to the premises would be made, which would help prevent potential noise nuisance problems, in particular, installing secondary glazing to the first floor function room and where necessary, baffling extraction fans and installing a CCTV unit.

He informed the Sub-Committee that Mr McKeeking was an experienced operator of licensed premises, operating around twenty successful premises around the Country. He stated that Mr McKeeking proposed to manage the Court House as a traditional public house with an emphasis on real ale and a modest food offer. He also stated that although, the application seeks the opening hours of 07.00 to 02.00 every day, there was no intention to trade the premises throughout the entirety of those hours at all times, but that these hours would give the flexibility to do so on specific occasions. He also confirmed that it was not the intention to operate an entertainment venue, however, there would be a small amount of entertainment on an occasional basis. He also explained that Mr McMeeking intended to organise day trips for customers on an occasional basis leaving the premises early in the morning and returning late afternoon.

The Solicitor acknowledged the concerns raised by the residents, however, he stated that the issues expressed were based on activities provided by the previous owners of the premises and assured the Sub-Committee that Mr McMeeking was committed to turning the premises into a well-respected establishment. He further stated that Mr McMeeking would be residing at the premises and would be responsible for the behaviour of the customers.

Regarding the residents' concern in relation to customers congregating at the front main entrance of the premises for a cigarette, he informed the Sub-Committee that Mr McKeeking had identified an alternative area for a small smoking shelter at the rear of the premises for customers to use and confirmed that ashtrays would be provided. He also stated that Black Country Traditional Inns Limited had a contract with a reliable refuse company and assured the Sub-Committee that litter would not remain a problem.

The Members then sought and received clarification of the information given in relation to the intended position of the proposed smoking facility. The Solicitor acting on behalf of Black Country Traditional Inns Limited then responded to numerous questions in relation to the structure and layout of the facility.

In responding to a question from the Members, Mr McMeeking confirmed that the first floor function room held in region of 100 people.

In response to a query from Councillor Davis, the Licensing Officer indicated that in accordance with usual practice copies of a map of premises were circulated to Members at the beginning of a meeting.

The Licensing Officer then stated that if the fears of residents in the area were fulfilled, under the licensing laws, there was a remedy in that the applicants could be brought back to the Sub-Committee for review.

In summing up, Councillor Davis stated that the premises was situated in a residential area and that anti-social behaviour had been a huge concern to residents for many years and urged the Sub-Committee to take into consideration the impact extra licensing hours would have on the quality of life of residents.

In summing up, the Solicitor acting on behalf of Black Country Traditional Inns Limited reported that no objections had been received from the Police or Environmental Health to the application. He stated that the residents had based their objections on they way the premises had been previously managed. He also stated that the applicants would be investing a vast amount of money into making the premises a success and proposed to create a traditional public house for customers to enjoy. He further confirmed that Mr McMeeking would be the licence holder of the premises and advised residents to contact him, in the first instance, if they had any concerns relating to the Court House, in order to try and resolve them, as Mr McMeeking was also committed to work with local residents to make the premises a success.

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

Following a lengthy discussion, 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 from Fraser Brown Solicitors, to vary a premises licence, in respect of The Court House, New Street, Dudley, be approved, in the following terms:-

Sale of Alcohol

Monday – Sunday 07.00 – 02.00

Regulated Entertainment

Monday – Sunday 07.00 – 02.00

Late Night Refreshments

Monday – Sunday 23.00 – 02.00

If applicable, an additional hour to the standard and non-standard times on the day when British Summertime commences.

Conditions

All conditions set out in the operating schedule

- (1) All doors and windows shall be kept closed during regulated entertainments save for access and egress or in the case of an emergency.
- (2) Secondary glazing shall be provided to the first floor function room.
- (3) All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
- (4) Baffling extraction fans to be installed where necessary to reduce noise levels during the time when licensed activities will be taking place.

Reason for Decision

The Sub-Committee is of the opinion that the hours set for the sale of alcohol between 07.00 – 02.00 and regulated entertainment between 07.00 – 02.00 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. However, we recognise the legitimate concerns of local residents, but we believe that their concerns can be met through the licensing conditions and appropriate enforcement.

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APPLICATION FOR A PREMISES LICENCE – 135 PRIORY ROAD, DUDLEY

A report of the Interim Director of Law and Property was submitted on an application received from Kenyon Son and Craddock Solicitors, on behalf of Mr Paul Robert Danks and Mr Costas Xiourouppa for a premises licence, in respect of the premises known as 135 Priory Road, Dudley.

Mr Danks and Mr Xiourouppa were in attendance at the meeting.

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. At this juncture, she informed the Sub-Committee that the objection received from Mr Ferguson had been withdrawn following a meeting with the applicants prior to the Sub-Committee hearing. She also confirmed that the Licensing Office had written to the other objectors requesting them to advise whether their objections were still relevant, but that no response had been received.

Mr Xiourouppa informed the Sub-Committee that he owned the Priory Fryer Chip Shop and had successfully managed that business for a period of three years. He confirmed that residents had originally objected to the premises licence as they had been of the opinion that the premises would be converted into a bargain booze store. He stated that the police had been consulted in relation to installing a CCTV unit with thirty-one day digital recording, as to the correct positioning of the cameras and confirmed that the unit was currently in operation. In concluding, he confirmed that although the application seeks the opening hours 07.00 – 23.00 every day, it was not the intention to operate to the full extent of the hours.

In responding to a question from the Sub-Committee, Mr Danks explained the exact position of the beers and wines and confirmed that spirits would be located behind the cashier in order to monitor purchases and to ensure maximum security of the products.

In responding to a further question from the Sub-Committee, Mr Danks confirmed that six local residents would be employed, three part-time staff and three full-time staff.

RESOLVED

That the application received from Kenyon Son and Craddock Solicitors, on behalf of Mr Paul Robert Danks and Mr Costas Xiourouppa for a premises licence, in respect of the premises known as 135 Priory Road, Dudley, be approved.

Sale of Alcohol

Monday – Sunday 07.00 – 23.00

Reasons for Decision

The Sub-Committee are satisfied that the management of the premises including the installation of CCTV is sufficient and consistent with the principles contained within the licensing legislation and our licensing policy.

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GRANT OF HOUSE TO HOUSE COLLECTIONS PERMIT – MAKE A WISH FOUNDATION UK (CLOTHES AID)

A report of the Interim Director of Law and Property was submitted on an application received from Ms Taylor of Clothes Aid, for the grant of a house-to house collections permit on behalf of Make a Wish Foundation.

Mr M Colomity, a representative of Make a Wish Foundation UK was in attendance at the meeting.

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.

Mr Colomity informed the Sub-Committee that Clothes Aid was one of the biggest organisations in the Country having three hundred staff and representing nine well-known charities. He stated that the charities engaged them to generate long-term support to their work on an ongoing basis. He confirmed that only two prosecutions had been received in the nine years he had been working for Clothes Aid and reported that they had been related to administrative matters. He explained in detail the reason for the prosecutions and confirmed that the matter had been dealt with in an effective and efficient manner. He then informed the Sub-Committee that the charity that they were collecting for received 84% of the proceeds, which was higher than the national average required.

In response to a question from the Sub-Committee in relation to the reason why the promoter had not signed one of the returns statements, Mr Colomity informed them that Clothes Aid had recently employed a new promoter who had obviously forgotten to sign the form and assured the Sub-Committee that this omission would be rectified.

Concerns were raised by the Members in relation to the evidence submitted in the form of the Company's accounts not being completed properly. It was suggested that Mr Colomity arrange for the form headed House-to-House Collections Act 1939 – Form of Accounts to be completed and forwarded to the Licensing Office so that it could be kept on file. In responding, Mr Colomity confirmed that he would arrange for the form to be completed and forwarded to the Licensing Office.

RESOLVED

That the application received from Ms Taylor of Clothes Aid, for the grant of a House-to House Collections Permit on behalf of Make a Wish Foundation, be approved.

The meeting ended at 1.50pm

CHAIRMAN