

### **LICENSING SUB-COMMITTEE 3**

Tuesday, 26<sup>th</sup> July, 2005 at 10.00 am  
in The Council Chamber, The Council House, Dudley

#### **PRESENT:-**

Councillor Blood (Chairman)  
Councillors Finch and Hart

Officers

Assistant Director of Legal and Democratic Services and Mrs J Rees  
(Directorate of Law and Property)

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#### 5 **MINUTES**

##### RESOLVED

That the minutes of the meeting of the Sub-Committee held on 20<sup>th</sup> June 2005, be approved as a correct record and signed.

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#### 6 **DECLARATIONS OF INTEREST**

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

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#### 7 **APPLICATION TO VARY A PREMISES LICENCE, THE UNION, 54 WATER STREET, KINGSWINFORD**

A report of the Director of Law and Property was submitted on an application made by John Gaunt and Partners, on behalf of Wolverhampton and Dudley Breweries Plc in respect of The Union, 54 Water Street, Kingswinford to convert an existing licence into a premises licence and to vary the premises licence simultaneously.

The licensees, Mr and Mrs Baggott were in attendance at the meeting.

Also in attendance were Station Commander Mr C Wittington and Mr N Avery, representing the West Midlands Fire Service, objectors to the application.

Following introductions, Mr Tart (Assistant Director of Legal and Democratic Services), the legal advisor, outlined the procedure to be followed.

Mrs J Elliott (Licensing Officer) presented the report on behalf of the Council. She informed the Sub Committee that Mr M Charlton, an objector, who was unable to attend the meeting, had specifically requested that consideration be given to his objections, as set out in Appendix 4 to the report submitted.

The Food and Occupational Safety Manager, Directorate of the Urban Environment, then presented her evidence as set out in Appendix 2 of the report submitted and set out proposed conditions to address the concerns expressed.

In response, the Applicants stated that they did not wish to apply for an entertainment license, also they did not wish to serve food after 23.00. The premises were unsuited for live entertainment and their clientele did not want this.

The Chairman advised that the application before the Sub Committee was as indicated by the ticks on the boxes of the application form which indicated which activities and variations were being applied for. However, it appeared that the application form was incorrect. The Chairman pointed out that the Licensee could only apply for conditions appropriate to the premises as now and that if changes were required in the future, they would have to be applied for at that time.

The Legal Advisor commented that the Licensees should clarify what they were seeking as objections had been raised to the application as it stood. He suggested that the Licensees contact their solicitor and Wolverhampton and Dudley Breweries Plc, advising that the request for a license could have been dealt with without the necessity of coming before the Sub Committee, if the forms of application had been completed correctly.

In response the Licensees confirmed that they did not want to request longer opening hours, they did not want regular entertainment, and they did not wish to serve food after 23.00. They also confirmed that they did have a TV and Music Centre (which played background music) and games such as dominos, crib and darts were played in the pub.

Station Commander, Colin Whittington confirmed that the Fire Service's objections were based specifically on the original application and confirmed the reasons for the objection. He further confirmed that following discussions with the Licensees, they had agreed to these requirements being introduced. Upon clarification Station Commander Whittington advised that the West Midlands Fire Service had no objection to the revised application.

Arising from further consideration of the application the Legal Advisor advised that in respect of paragraphs 2 and 4 of Part B of the application it would not be appropriate to allow discretionary opening on up to 20 occasions per annum.

In response, the applicant agreed to withdraw this request.

The Food and Occupational Safety Manager advised that having heard the clarification of the application, and based on the fact that it was not intended to have live music, she would have no objection to the revised application.

In response to a question from the applicant, the Legal Advisor advised that it would be appropriate for the applicant to speak with the objector directly to attempt to reassure him on the exact nature of the revised application.

The objectors and Mr and Mrs Baggott summed up their respective positions and prior to their withdrawal, the Legal Advisor indicated to the parties the details of the legal advice to be given to the Sub-Committee which related to the objectives and aims of the Liquor Licensing Act 2003.

Having made their decision, all the remaining parties were invited to return and the Chairman then outlined the decision and the reasons for the decision.

Accordingly, it was

#### RESOLVED

That the application received from John Gaunt and Partners on behalf of Wolverhampton and Dudley Breweries Plc and the licensees of The Union, 54 Water Street, Kingswinford for a premises license, as set out in the operating schedule be withdrawn, and that a premises license be granted as follows:

##### Sale of Alcohol

Monday – Saturday	11.00 – 23.00
Sunday	12.00 – 23.00

Bank Holidays - where they fall on a Friday, Saturday or Monday. In respect of Christmas Eve and Boxing Day, the terminal hour will extend to 00.00.

No regulated entertainment shall take place on the premises (the use of television for non recorded programmes and background music is not a licensable activity)

Premises permitted to hold indoor sporting events such as darts competitions, to follow the hours granted for the sale of alcohol.

No conditions of licence other than those agreed with the Fire Authority:-

1. To equip the premises with an appropriate means for raising the alarm in the event of a fire.
2. To provide emergency lighting with sufficient intensity for all persons present within the premises to be able to see sufficiently to make their escape in the event of failure of the normal lighting.
3. To clearly indicate emergency routes and exits with the appropriate signs.
4. All the above to be carried out within a timescale agreed with the Fire Authority.

REASONS FOR DECISION – Not applicable in view of change of application and removal of objections.

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#### APPLICATION TO VARY A PREMISES LICENCE, THE CLIFTON, BULL RING, SEDGLEY

A report of the Director of Law and Property was submitted on an application made by Gosschalks, Solicitors, on behalf of JD Wetherspoon Plc in respect of The Clifton, Bull Ring, Sedgley to convert an existing licence into a premises licence and to vary the premises licence simultaneously.

In attendance at the meeting were Miss K Hughes, of Gosschalks, Solicitor acting on behalf of JD Wetherspoon Plc, Mr O Boyd, General Manager, Mrs Carpenter, Supervisor and Mr Stevens, Area Manager (all employees of JD Wetherspoon Plc)

Councillor Evans, Ward Councillor for Sedgley, was also in attendance representing members of the public from his Ward.

Following introductions, Mr Tart (Assistant Director of Legal and Democratic Services), the legal advisor, outlined the procedure to be followed.

Mrs J Elliott (Licensing Officer) presented the report on behalf of the Council.

Ms Hughes questioned the validity of the representation by the Ward Councillor and whether she could be furnished with the names and addresses of the people he represented in order to confirm the validity of Councillor Evans' attendance at the meeting. It would also enable her to liaise with local residents, on behalf of the applicants, to attempt to resolve their concerns.

In response to questions Councillor Evans confirmed that some of the residents were elderly and lived in Mill Bank which was very close to the Clifton. He added that it was unusual to be requested to give names and addresses of people he represented. He also advised that he and his fellow Councillors from Sedgley were concerned at the serious level of anti social behaviour.

The Legal Advisor advised that the Councillor had a right to object on behalf of those residents who lived in the close vicinity of the pub.

Councillor Evans then stated his case in that Sedgley experienced serious problems of anti social behaviour the main cause of which was drink related. It was for this reason that the three Sedgley Ward Councillors, on behalf of the people of Sedgley, believed that any increase in hours would increase the problem of anti social behaviour and he had been supported by the Police on this matter. He expressed surprise that the Police had not lodged any objections to the application. He also gave examples of anti-social behaviour and concerns expressed by residents, many of whom were elderly. For these reasons Ward Councillors rejected the extension of a license which they believed would create greater problems.

In response to questions, Councillor Evans confirmed that the road signs indicating Wolverhampton and Bilston had been raised higher to allow clear vision by CCTV close to the Clifton.

Councillor Evans referred to fighting and acts of anti social behaviour spilling over into the fish shop which had resulted in recent arrests. He confirmed that the incidents took place nine months ago.

The Legal Advisor advised that this could not be directly linked to people using the Clifton. The Legal Advisor also advised that with reference to parents worrying for the safety of their children walking through Sedgley this could not be directly connected to the Clifton.

In response to comments from the Sub Committee, Councillor Evans advised that he had a good working relationship with the police and had expected the Police to put in an objection, which they had indicated they would do.

Councillor Evans confirmed that there were no complaints from environmental health grounds to the application.

Ms Hughes, on behalf of JD Wetherspoon Plc, then stated her case in that The Clifton was a well-run pub and Miss Carpenter the Supervisor had a good working relationship with the Police. She had donated heavily towards the installation of the CCTV in the area. The pub attracted an older age group. They believed that slower dispersal, as a result of changes in the licensing hours would not make any difference to their regular clientele. Wetherspoon Plc did not sell cheaper alcohol such as during a "happy hour" and doubles did not cost less than singles. The pub also operated Challenge 21. She was unaware of any objections by the Police.

Ms Hughes confirmed that the application for non standard hours would only be on 12 occasions per year.

The objector and Ms Hughes summed up their respective positions and prior to their withdrawal, the Legal Advisor indicated to the parties the details of the legal advice to be given to the Sub-Committee which related to the objectives and aims of the Liquor Licensing Act 2003.

Having made their decision, all the remaining parties were invited to return and the Chairman then outlined the decision and the reasons for the decision.

Accordingly, it was

**RESOLVED**

That the application received from Gosschalks Solicitors on behalf of JD Wetherspoon Plc in respect of The Clifton, Bull Ring, Sedgley for a variation of premises licence be granted for the hours of operation contained within the application (both standard and non standard hours).

#### Conditions

1. As per application operating schedule with one exception:- on no more than twelve occasions per calendar year, if the event falls outside the current permitted hours on the premises, to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, details of which to be notified to the Police Licensing Officer for the area fourteen days beforehand. Permitted activities will however be limited to standard timings if the Police Licensing Officer serves seven days prior to the event written notice upon the designated premises supervisor.

### Reasons for Decision

The Sub Committee is of the opinion that the hours set for the sale of alcohol will 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 appropriate enforcement.

The meeting ended at 3.15 pm

CHAIRMAN