

## **LICENSING SUB-COMMITTEE 3**

Monday, 20<sup>th</sup> June, 2005 at 11.10 am  
in The Council Chamber, The Council House, Dudley

### **PRESENT:-**

Councillor Mrs Ameson (Chairman)  
Councillors Hart and Finch

Officers

Assistant Director of Legal and Democratic Services, Mr J Jablonski and  
Mrs J Holland (Directorate of Law and Property)

---

### 1 **DECLARATIONS OF INTEREST**

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

---

### 2 **APOLOGY FOR ABSENCE**

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

---

### 3 **APPOINTMENT OF SUBSTITUTES FOR THIS MEETING OF THE SUB-COMMITTEE**

It was noted that Councillor Mrs Ameson had been appointed to serve as  
a substitute for Councillor Blood.

---

### 4 **APPLICATION TO VARY A PREMISES LICENCE, THE WOODMAN INN, BROMSGROVE ROAD, HALESOWEN**

A report of the Director of Law and Property was submitted on an  
application made by TLT Solicitors on behalf of Punch Taverns Plc, to  
vary the premises licence in respect of The Woodman Inn, Bromsgrove  
Road, Halesowen.

The Licensee (Mr Wood) was in attendance at the meeting, together with  
Mr Kendall (Operations Director, Punch Taverns Plc), Mr Horton (Area  
Manager, Punch Taverns Plc) and Mr Williamson (Barrister) acting on  
behalf of Punch Taverns Plc and the Licensee.

Also in attendance were Messrs Randle, Hunt and Wycherley, 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 Councillor Jackson had submitted an apology as he was unable to attend in support of the objectors and other local residents but had requested that his support be noted by the Sub Committee.

Mr A Allman, Senior Environmental Health Officer, then presented his evidence and informed the Sub Committee that on a visit to the premises he had observed a raised stage area not indicated on the plan of the premises circulated at the meeting. He had also noted that the premises were single glazed and that there was no noise insulation to the fire door. Recommendations in respect of the application were set out in Appendix 4 to the report submitted.

In response, the applicant confirmed the position of the stage on the plan and confirmed that the public entertainment would consist mainly of disco and karaoke.

By way of clarification, the Legal Advisor informed the Sub Committee that the police had stated they had no objections to the application subject to the installation of CCTV. The Licensee had informed them that he intended to install CCTV at the premises. Further clarification was also sought on the hours of opening over the Christmas period.

In response to a question asked by an objector, the Licensing Officer confirmed that it was the Licensee's responsibility to ensure that all doors and windows were kept locked during periods of public entertainment.

In response to a question asked by Mr Williamson (Barrister), Mr Allman confirmed that no complaints had been received in respect of the Woodman Inn, during the last four years.

In response to a question asked by an objector, the Legal Advisor explained the difference between a public entertainments licence and a premises licence.

The Licensing Officer informed the Sub Committee that an application for a public entertainments licence had been received on behalf of The Woodman Inn and that it was being processed.

The objectors were then asked to present their case to the Sub-Committee. In doing so, Mr Randle referred to the young clientele of the premises, to loud music causing a nuisance to local residents and to bottles and half empty glasses left lying on the ground near to residential

property and outside the premises itself which were also left on the car park overnight. Bottles and glasses had also sometimes been thrown into residents' gardens and problems had been experienced with youths congregating in a gully at the side of his house.

Mr Hunt in his comments referred to the more frequent opening hours under the current licensee and that littering was occurring on a more frequent basis. He confirmed that he had not experienced any problems with late night drinkers and that noise from music ceases by 11.00 pm.

Mr Williamson (Barrister) in his questioning asked the objectors to confirm that a McDonalds fast food outlet and an off-licence were also situated in the nearby area. In response, the objectors confirmed that they were and that they could be contributing to the littering but were not contributing to the issue of discarded and uncollected glasses.

In response to a question put by Councillor Finch, the objectors confirmed they had never complained to the brewery, police or local authority, or asked the local authority to carry out a litter pick.

Mr Williamson then introduced the case of his client by informing the objectors and the Sub-Committee that the Licensee had undertaken to give out his telephone number to local residents so that they could contact him with any problems; he would also ask the taxi drivers from the "preferred taxi company" not to use their horns when picking up passengers at the premises; he would also display notices requesting customers to exit the premises quietly so as not to disturb local residents. He had also agreed to ban the burger van from plying its trade on the car park and to keep a video library of the footage recorded by the CCTV cameras to the satisfaction of the police. Furthermore, he had agreed to review the positioning of the security lighting at the premises in response to a complaint from a resident that his house was suffering from "light pollution", and would conclude public entertainment by 11.30 pm. The holding of discos/karaoke and live music would also be agreed upon.

Mr Williamson then introduced the Licensee and proceeded to question him with regard to the application.

In response, the Licensee confirmed he had taken over the licence of the Woodman Inn on 15<sup>th</sup> December 2004; that the age range of the clientele was between twenty to mid thirties; that he had not had any calls from the police since he had been Licensee; that he intended that disco and karaoke entertainment would take place on a Friday and Saturday and live performances would take place approximately once every two weeks; that pub meals would be introduced to attract a more family orientated clientele; that glasses may not be cleared up at night but were cleared up the following day; he confirmed that the premises had not been involved in drug taking during his tenure as Licensee and he gave an undertaking that double-glazing would be installed as part of a forward plan of improvements.

The licensee then responded to questions asked by the objectors, Members of the Sub-Committee and Officers, and in so doing, stated that his main business competitors were located nearer to the town centre; that a juke box was installed in the premises; that the Lease was due for renewal and that the brewery had put forward some general ideas in respect of improvements to the premises; assured the Committee that glasses would be collected from outside the premises and from the car park each night; that he would install insulation against noise to the door to the premises and that he would try to ensure that littering around the premises was kept to a minimum.

The objectors and Mr Williamson then 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, including the effective tackling of binge drinking, monitoring of flexible arrangements, hotspots and crime and nuisance; any conditions the Sub-Committee may wish to impose linked to the licensing objectives; the taking into account of the objections made and the philosophy behind the legislation.

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 TLT Solicitors on behalf of Punch Taverns Limited and the licensee of the Woodman Inn, Bromsgrove Road, Halesowen, to vary the premises licence, be granted subject to the following days and times and terms and conditions and based on the reasons indicated, as follows:

##### Days and Times

Monday, Tuesday, Wednesday	10.00 am to 11.30 pm
Thursday, Friday and Saturday	10.00 am to 12 midnight
Sunday	11.00 am to 11.30 pm

##### Easter Bank Holiday

Thursday and Saturday	10.00 am - 1.00 am
Friday	10.00 am - 12 midnight

Sunday	11.00 am - 11.30 pm
Monday	10.00 am - 12 midnight

May Bank Holiday and Spring and August Bank Holidays

Fridays and Saturday	10.00 am - 1.00 am
Sunday	11.00 am - 11.30 pm
Monday	10.00 am - 12 midnight

Christmas Eve and Boxing Day

Mondays/Tuesdays/Wednesdays An extra hour depending on day each falls	10.00 am – 12.30 pm
Thursdays/Fridays/Saturdays An extra hour depending on day each falls	10.00 am – 1.00 am
Sundays	11.00 am – 11.30 pm

<u>Christmas Day</u>	12 noon - 3.00 pm 7.00 pm – 10.30 pm
----------------------	---

New Years Eve and New Years Day

In accordance with existing statutory provision.

Conditions of Licence

- Licensee to provide local residents with details of his telephone number in order to respond to complaints;
- CCTV to be installed on the premises. To maintain a library of tapes and install the number of cameras by agreement with the Police;
- Licensee to place signage in and around premises inviting customers to leave quietly, to act responsibly and not to deposit litter. (Licensee advised to consider whether sufficient litterbin provision on public house car park);
- Licensee to ensure that all glasses and bottles outside the premises are removed each evening;

- Regulated entertainment must cease at 11.30 pm and take place only inside the premises.
  - \* In respect of karaoke and discos, this type of entertainment is permitted up to once per week.
  - \* In respect of live music, this type of entertainment is permitted up to once per fortnight.
  - \* All doors and windows to remain shut during periods of entertainment.
- All other Licensing Conditions in accordance with the information provided in the Licensing Application Operating Schedule.
- Undertaking accepted to remove burger van from premises car park, and
- Sub Committee also notes:
  - \* Licensee to inform preferred taxi provider to ensure that taxi drivers attending at the premises to collect customers do not blast their car horns.
  - \* Licensee to ensure that car park security lighting is positioned in such a way as not to interfere with residents' enjoyment of their properties (specifically to ensure that light is not shining into neighbours rooms).

REASONS FOR DECISION  
Variation of Premises Licence

The Licensing Sub Committee are of the opinion that the hours set for the sale of alcohol (as well as regulated entertainment) 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 particularly those residents who attended the Sub Committee Hearing, as well as the significant number who provided written representations in relation to this matter. Given that the public house is situated in a residential area, we take the view that the hours requested by the applicant are inappropriate, not only because of its location, but also because there has been some degree of nuisance caused by customers, primarily leaving the premises at closing time.

In order to address the licensing objectives and particularly those relating to prevention of crime and public nuisance, we have imposed a number of conditions of licence. All of these conditions are imposed either at the request, or with the agreement, of the applicant, the police, our Environmental Health Division and, taking into account the representations of local residents.

The meeting ended at 1.30 pm

CHAIRMAN