

## **LICENSING SUB-COMMITTEE 4**

Wednesday 2<sup>nd</sup> November, 2005 at 10.00 am  
in the Council Chamber, The Council House, Dudley

### **PRESENT:-**

Councillor Wright (Chairman)  
Councillors Mrs Coulter and Donegan

### **Officers**

Principal Solicitor and Mrs M Johal – Directorate of Law and Property

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### **MINUTES**

#### **RESOLVED**

That the minutes of the meetings of the Sub-Committee held on 27<sup>th</sup> September and 10<sup>th</sup> October 2005, be approved as correct records and signed.

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### **DECLARATIONS OF INTEREST**

There were no declarations of interest from Members in accordance with the Members' Code of Conduct.

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### **APPLICATION TO VARY A PREMISES LICENCE, THE NEW INNS, 117 HIGH STREET, WORDSLEY, STOURBRIDGE**

The Chairman reported that Agenda Item No 6 had been withdrawn.

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### **APPLICATION TO VARY A PREMISES LICENCE, THE BUTTON FACTORY, ALEXANDER ROAD, HALESOWEN**

A report of the Director of Law and Property was submitted on an application received from ASB Law, on behalf of Community Taverns Limited, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Button Factory, Alexander Road, Halesowen,

The licensee, Mr R Hicks and his partner, together with his representative, Ms W Francis, Area Manager, was in attendance at the meeting.

Also in attendance was Ms Majunder, objector to the application.

Following introductions, the Legal Advisor outlined the procedure to be followed.

Mrs J Elliot, Licensing Officer, Directorate of Law and Property, presented the case on behalf of the Council and, in doing so, informed Members that, subsequent to the report, the applicant had agreed to keep doors and windows closed during regulated entertainment and also to end regulated entertainment at midnight in accordance with environmental health requirements.

Ms Majunder then set out her reasons for objecting to the application which included turning the public house into an entertainment centre, attracting people from other areas, general disturbance and noise nuisance which could be heard even with the doors and windows being closed. The police had been called on several occasions and particular reference was made to a recent bungee jump event in the car park that had included the playing of loud amplified music outdoors.

Following questions of the objector by members of the Sub-Committee and the legal advisor, Ms Francis then stated the case for the applicant and acknowledged the concerns expressed and indicated that the company were committed to working with the community to promote good relationships. Arising from the environmental health objections, the applicant had agreed to keep doors and windows closed and to end regulated entertainment at midnight, which should alleviate some of the problems. The applicant was currently in the process of obtaining quotes to have bollards installed at the car park to stop "boy racers" and inappropriate use of the car park when the pub was closed. It was further pointed out that the last hour leading up to closing time would be used purely to incorporate a "cool down" period. The intention was to stop serving alcohol during this period and instead, to offer hot beverages, snacks and water to allow people to generally relax and to leave in their own time over a period of time, rather than having large crowds of people having to leave all at once. Ms Francis further pointed out that they were a business and entertainment such as a football team, dominos team and having a bouncy castle outside had to take place to be competitive with other companies.

The Chairman queried the early opening time of 7 am and, in responding, Ms Francis confirmed that this was purely to broadcast special sporting events such as the World Cup and was not intended to be in normal circumstances. The Chairman advised that this could be operated under the broadcast of televised sporting events upon 14 days prior notice in writing to the police and therefore the opening time could be amended. Ms Francis confirmed that the applicant was happy to proceed with that and upon further questioning, Ms Francis confirmed that they would not have any objections to any conditions imposed to include meeting with residents to discuss problems, closure of the beer garden at a set time and to the erection of signs around the premises.

At the conclusion of questions, each side 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 legal aspects of the application.

The Sub-Committee 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 received from ASB Law, on behalf of Community Taverns Limited, to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Button Factory, Alexander Road, Halesowen, be approved as follows:-

### Variation of Premises Licence

#### Alcohol

Hours:

Monday – Thursday 11.00 – midnight

Friday – Saturday 11.00 – 01.00

Sunday 11.00 – midnight

#### Regulated Entertainment

Hours:

Monday – Sunday 11.00 – midnight

#### Late Night Refreshments

Hours:

Monday – Thursday 11.00 – 01.00

Friday – Saturday 11.00 – 02.00

Sunday 11.00 – 01.00

Bank Holiday Fridays, Saturdays, Sundays, Christmas Eve, Boxing Day, St Patrick's and St George's Day, Halloween extra hour for alcohol, regulated entertainment and late night refreshments.

#### Conditions

All conditions set out as in the operating schedule, together with

1. The Beer Garden shall not be used after 11.20 pm and all glassware to be removed at that time.
2. All doors and windows shall be kept closed during regulated entertainments.
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. Signs in the car park to state:- No ball games, no sounding of horns, no music to be played from cars and to leave the car park quietly.
5. To permit the broadcast of televised sporting events of national/international interest outside normal operating hours to be confirmed upon 14 days prior notice in writing to the police, the police having 7 days to object prior to the event.

Recommended:-

6. That licensee discourages football team playing football in the street/car park.
7. That only taxis firms be contacted who agree not to sound hours after 11.00 pm.
8. That licensee meets with local residents, as necessary, to resolve local concerns.

Noted:-

9. It was noted that there was an intention that bollards would be erected to prevent inappropriate use of the car park.

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.

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.

The meeting ended at 12.15 pm.

CHAIRMAN