

LICENSING SUB-COMMITTEE 4

Tuesday 13th June, 2006 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Donegan (Chairman)
Councillors Mrs Aston and Mrs Coulter

Officers

Assistant Director Legal and Democratic Services – morning session only
and the Director of Law and Property – afternoon session only (Legal
Advisors) and Mrs K Farrington – Directorate of Law and Property

1 DECLARATIONS OF INTEREST

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

2 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on
28th February, 2006, be approved as a correct record and signed.

3 APPLICATION TO VARY A PREMISES LICENCE, THE LABOUR IN
VAIN, 59 RED HILL, OLDSWINFORD, STOURBRIDGE

A report of the Director of Law and Property was submitted on an
application received from John Gaunt and Partners, Solicitors, on behalf
of the Wolverhampton and Dudley Breweries, to convert an existing
licence into a premises licence and to vary the premises licence
simultaneously, in respect of the Labour In Vain, 59 Red Hill,
Oldswinford.

The Licensee, Ms D Tromans, was in attendance at the meeting together
with Mr C Thompson, Area Manager of Wolverhampton and Dudley
Breweries.

Also in attendance were six objectors, whose written representations were attached at Appendix 4 to the report submitted. Mrs J Elliott, Licensing Officer, Directorate of Law and Property, reported that she had received a letter from Mr Bowcott, whose written representation was also attached at Appendix 4, informing her that he was unable to attend the meeting. The Legal Advisor also reported that Mrs Smith was not a valid objector, as she did not submit a written objection within the statutory timescales and so would be unable to make comments at the hearing.

A letter of objection was also received from Lynda Waltho MP, on behalf of her constituents, which was also attached at Appendix 4 to the report submitted.

Following introductions, the Legal Advisor outlined the procedure to be followed. At this juncture he informed the Sub-Committee that the applicant had agreed to an amendment in the application form, in that, regulated entertainment would cease at 23.00 hours each day. The objectors indicated that they still wished to pursue their objections.

Mrs J Elliott presented the report on behalf of the Council.

Mrs Dolores Nellany, Food and Occupational Safety Manager, Directorate of the Urban Environment, then commented on the content of Appendix 3 to the report submitted. She stated that her main concern was the noise nuisance emanating from both inside and outside of the premises. She informed the Sub-Committee that previous complaints had been received from residents in respect of noise from customers using the beer garden late at night. She suggested that a condition be considered by the Sub-Committee when making their decision for the beer garden to be cleared of customers and glassware by no later than 22.30 hours each day.

In response to a question from one of the objectors, Mrs Nellany confirmed that the suggested 22.30 hours cut off time for drinking in the beer garden would include all outside areas.

The applicant had no specific questions, but stated that she would take on board and consider all the points Mrs Nellany had raised.

The objectors then stated their case, referring in particular to noise nuisance and anti-social behaviour. They stated that the premises was an old building with no sound installation to walls or windows, resulting in music being heard loud by residents in the surrounding areas. Their other main concern was the use of the beer garden and car park area. They feared that if the licensing hours were extended, this would allow patrons to remain in the beer garden late at night causing disturbance to local residents. Other concerns were expressed about the noise disturbance of private car doors slamming and the sounding of car horns to attract the attention of customers.

In response to a question asked by the Sub-Committee, the objectors confirmed that the beer garden and car park area were the main areas of the noise nuisance, although reference was made to the anti-social behaviour of customers leaving the premises late at night and cans and bottles being thrown into their gardens.

In response to a question put by Mr Thompson, the objectors reported that they had not contacted Ms Tromans or the Police with regard to their concerns.

On behalf of the applicant, Mr Thompson acknowledged the concerns expressed and indicated that the applicant was willing to work with local residents to ensure good relationships. He stated that the premises would continue to be a community based and food oriented public house, and emphasised that live entertainment would not take place every weekend and encouraged local residents to approach the applicant directly in the first instance, if any problems were experienced in future. On the issue of noise nuisance and anti-social behaviour from the beer garden and car park area, he informed the Sub-Committee that CCTV was installed and a total of nine cameras were in operation monitoring both inside and outside the premises.

Ms Tromans informed the Sub-Committee that she had just signed a 21-year lease with the brewery and stated that she was committed to making the premises a success. She reported that she had introduced a 21 age group policy for serving alcohol and assured the Sub-Committee that if proof of identification was not shown, alcohol would not be served. Arising from the environmental health officer's comments, she had agreed to comply with the suggested conditions.

In response to questions from the objectors, Ms Tromans advised that the reason for the Labour In Vain requesting extended hours was to keep in line with other establishments in the surrounding area.

In response to questions from the Sub-Committee, Ms Tromans reported that the CCTV was movement activated, the DVD rewrote itself once full and that if an incident occurred, it would be recorded onto a separate tape and would be kept for as long as was necessary. She also reiterated that she was committed to working with the local residents and stated that if they did experience any further concerns in the future, they should approach her direct in the first instance. She also stated that she was willing to give residents her contact numbers.

In response to further questions from the Sub-Committee, Ms Tromans stated that she would agree to a reduced number of nights regulated entertainment would take place and that signage would be displayed clearly both inside and outside the premises, requesting customers to respect local residents.

The objectors and the appellants then summed up their respective cases and 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, the 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, Solicitors, on behalf of the Wolverhampton and Dudley Breweries, to convert an existing licence into a premises licence and to vary the premises licence simultaneously, in respect of the Labour In Vain, 59 Red Hill, Oldswinford, be approved, subject to the following terms and conditions and based on the reasons indicated:-

Variation of Premises Licence Alcohol and Late Night Refreshments

Monday – Thursday	10.00 – 00.00
Friday – Saturday	10.00 – 01.00
Sunday	10.00 – 00.00

Conditions

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

1. All regulated entertainments shall end at 23.00 hours and take place on up to three days per week only.
2. The beer garden shall not be used and will be cleared of customers and glassware by 22.30 hours with the agreement of the Licensee.
3. All doors and windows shall be kept closed during regulated entertainments except for access and egress. Access to the beer garden is by way of the external door off the rear lobby adjacent to the toilets. The rear door from the lounge to the garden to be kept closed.
4. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises. This signage to include the beer garden.
5. Signs in the car park to state:- no ball games, no sounding of horns and to leave the car park quietly.

We advise the licensee to advise taxi firms to collect customers from inside the premises and specifically not to use car horns outside the premises

We advise the objectors and licensee to meet in order to resolve any future problems, if possible.

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.

4

APPLICATION TO VARY A PREMISES LICENCE – THE GATE, 110 COLLEY LANE, HALESOWEN

A report of the Director of Law and Property was submitted on an application received from Fraser Brown, Solicitors, to vary a premises licence, in respect of The Gate, 110 Colley Lane, Halesowen.

The Licensee, Ms M Smith, was in attendance at the meeting together with Ms H Richards, Area Manager of Admiral Taverns.

Also in attendance was Mr N Williamson, objector to the application, whose written representation was attached at Appendix 4 to the report submitted.

Following introductions, the Legal Advisor 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 Dolores Nellany, Food and Occupational Safety Manager, Directorate of the Urban Environment, then presented her evidence and commented on the information contained in Appendix 3 to the report submitted, referring in particular to two complaints received in September and October 2005, in relation to noise nuisance. Mrs Nellany also outlined conditions for consideration by the Sub-Committee. Mrs Nellany then responded to questions asked by the Sub-Committee.

Mr Williamson, objector to the application, then stated his case. He informed the sub-Committee that his main concern was the closeness of the premises to residential properties and the increase in anti-social behaviour in terms of noise nuisance in relation to both customers and loud music emanating from inside the public house. He also expressed concern about the type of patron that would be attracted to the premises arising from any extension of hours. He then responded to questions asked by the Sub-Committee.

Ms Richards then stated the case on behalf of the applicant. She acknowledged the concerns expressed and indicated that the applicant wished to work positively with the local residents to ensure that any problems were minimised and dealt with accordingly. She informed the Sub-Committee that a large amount of money had been spent refurbishing the premises and was committed to making the premises a success. She also reported that since Ms Smith had taken over the licence, no problems had been recorded either from the Police or the Brewery.

Following questions, in particular relating to the two complaints which had been reported in September and October of last year, the objector and the appellant summed up their respective cases, then 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, the 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 Fraser Brown, Solicitors, to vary a premises licence, in respect of The Gate, 110 Colley Lane, Halesowen, be approved, subject to the following terms and conditions and based on the reasons indicated:-

Variation of Premises Licence Alcohol and Late Night Refreshments

Monday – Sunday	10.00 – 00.00
Bank Holiday)	
Christmas Day)	Bank holidays as per the operating
Boxing Day)	schedule

Conditions

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

1. All regulated entertainments shall end at 23.00 hours up to a maximum of three days per week.

2. Whenever entertainment beyond incidental music is provided, any doors and windows opening into the entertainment area are to be kept closed, except for the purposes of access and egress from the premises.
3. Whenever entertainment beyond incidental music is provided, any extractor fans be acoustically treated to prevent breakout of sound.
4. Noise limiting device is installed and used on all power points used in connection with the amplification equipment to the satisfaction of the Environmental Health Officer in consultation with local residents.
5. The external part of the premises that may be used as a beer garden will close at 22.30 hours with all glasses and customers being cleared at that time.
6. Location of speakers to be agreed with Environmental Health Officer.
7. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
8. No regulated entertainment to take place until noise limiter is fitted to the satisfaction of the Environmental Health Officer.

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 Licensee, Mrs J Kelly, was in attendance at the meeting together with Mr Kelly, her husband and Mr Proudman, Area Manager of Union Pub Company.

Also in attendance was Mr Barker, objector to the application, whose written representation was attached at Appendix 4 to the report submitted. Further objections received by the Licensing Officer were also included at Appendix 4 of the report.

Following introductions, the Director of Law and Property 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 Dolores Nellany, Food and Occupational Safety Manager, Directorate of the Urban Environment, then informed the Sub-Committee that mediation had taken place between Mr Proudman and Environment Health Officers a few weeks prior to the meeting, which resulted in the representations made, being withdrawn. Mr Proudman had agreed to the conditions, set out in Appendix 3 to the report submitted, suggested by the Environment Health Officers, except for the condition requesting entertainment beyond incidental music to cease at 23.00 hours. She reported that, as no complaints in relation to loud music had been received, regulated entertainment should end at 23.30 hours. She then responded to questions asked by the Sub-Committee.

Mr Barker, objector to the application, then stated his case and in so doing, he informed the Sub-Committee that his main concern was the closeness of the premises to residential properties. He stated that although residents had not experienced many disruptions in the past, he feared that, if the licence was granted to extend the hours, anti-social behaviour and noise nuisance from customers using the premises would increase, causing disturbance to local residents.

On behalf of the applicant, Mr Proudman outlined the application made by Mrs Kelly. He addressed the comments and concerns raised and reported that Mrs Kelly wished to work positively with the local community to ensure that any problems were minimised and dealt with accordingly. He also reported that Mrs Kelly was committed to making the premises a success and stated that if residents do experience any problems in the future, Mrs Kelly would be available to meet with local residents to discuss and deal with their concerns accordingly. He then responded to questions asked by the Sub-Committee.

The objector and the appellants then summed up their respective cases. The Director of Law and Property confirmed that there were no specific legal issues to which attention should be drawn and 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, the 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 Mrs J Kelly, to vary a premises licence, in respect of The Summerhouse, 67 Sedgley Road, Woodsetton, Dudley, be approved, subject to the following terms and conditions and based on the reasons indicated:-

Variation of Premises Licence

Monday – Thursday	10.00 – 00.00
Friday – Saturday	10.00 – 01.00
Sunday	12.00 – 23.30

Conditions

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

1. All recorded music shall end at 23.30 hours Monday – Saturday and 22.30 hours on Sunday.
2. All regulated entertainments shall end at 23.30 hours Friday and Saturday.
3. The beer garden shall not be used after 22.30 hours and all customers and glassware cleared at this time.
4. All doors and windows shall be kept closed during regulated entertainments.
5. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.

Additional Recommendations

The applicant shall use only taxi firms who agree to collect customers from inside the premises to avoid the sounding of horns.

The applicant is requested to liaise with local residents to deal with any complaints they may have.

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.

APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT FOR A FRENCH MARKET IN HALESOWEN TOWN CENTRE

A report of the Director of Law and Property was submitted on an application received from Ms Martine Lefrancois, for the grant of a street trading consent for a French Market in Halesowen Town Centre on Friday 16th and Saturday 17th June 2006.

Ms Martine Lefrancois was not in attendance at the meeting but had requested that Mr Stuart Perry, Halesowen Town Centre Manager, Directorate of Urban Environment, attend in her absence.

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

Mr Perry informed the Sub-Committee that the French Market was very reputable and stated that the market would be good for the town as it would increase footfall and create a positive atmosphere. Accordingly, it was

RESOLVED

That the application received from Ms Martine Lefrancois, for the grant of a street trading consent for a French Market in Halesowen Town Centre on Friday 16th and Saturday 17th June 2006, be approved.

The meeting ended at 3.20pm

CHAIRMAN

LSBC4/11