

LICENSING SUB-COMMITTEE 4

Tuesday 25th July, 2006 at 2.00 pm
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 (Legal Advisor) and
Mrs L Jury – Directorate of Law and Property

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DECLARATIONS OF INTEREST

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

8

MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on
13th June, 2006, be approved as a correct record and signed.

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APPLICATION FOR A PREMISES LICENCE, LONG LANE WINES, 72 LONG LANE, HALESOWEN

A report of the Director of Law and Property was submitted on an
application received from Lockett and Co. for the grant of a premises
licence in respect of Long Lane Wines, 72 Long Lane, Halesowen.

The applicant, Mrs S Kaur, was unable to attend the meeting but was
represented by her husband, Mr Singh, together with Mr C Underwood,
Solicitor, representing the applicant.

Also in attendance at the meeting was Mrs K Hudson, an objector to the
application, whose written representation had been sent to the
Committee members prior to the meeting.

Following introductions, the Legal Advisor outlined the procedure to be
followed at the meeting. He confirmed that no objections had been
received from either Environmental Health or the Police.

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

Mrs Hudson, an objector to the application, then set out the basis of her objections specifically referring to problems already in existence with traffic congestion and parking on Belgrave Road. Mrs Hudson sought clarification on the number of parking spaces available for staff and customers to park and she expressed concern about cars being forced to reverse out from the back of the premises onto a busy road. She also expressed concern at the opening hours of the proposed premises stating that there was already a problem with drunken youths within this vicinity at around 10.30pm.

At this juncture, the Legal Advisor informed the Committee that drunken, anti-social behaviour was known to exist in this area and made specific reference to the problems currently being experienced by the Bargain Booze off-licence with drunken youths sitting outside the nearby bus stop. There was no evidence, however, to prove that alcohol had been purchased from these premises especially as the off-licence in question were concerned that these youths were affecting their business. It was noted that Councillor Mrs Faulkner, Ward Councillor, who although not objecting to this application, had spoken to local residents who were also concerned about the anti-social behaviour.

In response to a question put by Mr Underwood seeking clarification of the objection to the application on retail or specifically the selling of alcohol grounds, Mrs Hudson stated that she was specifically concerned with the sale of alcohol as there were already three off-licences in the area and she believed that the Post Office was also applying for a license to sell alcohol.

In response to a question put by Mr Underwood regarding any business interests Mrs Hudson had in the area, she confirmed that she rented out three establishments in the area, including the Bargain Booze off-licence.

The Chairman informed the Committee that the Police and the Council had tried to address anti-social behaviour issues in the area and were aware that some of the behaviour was not associated with alcohol. In response, Mrs Hudson confirmed that there was evidence that some of the behaviour could be attributed to the taking of drugs.

Mr Underwood, Solicitor, then outlined the application on behalf of the applicant and, in outlining the background to the premises, pointed out that prior to the applicant taking over the premises it had been a retail unit. He advised that both Mrs Kaur and her husband were experienced retailers. Mrs Kaur held a personal licence and staff employed on the premises would be trained in the selling of alcohol. The Challenge 21 identity scheme would be introduced and signage in this connection would be displayed around the premises. All spirits would be stored behind the counter only with other alcoholic beverages being placed adjacent to the counter. CCTV cameras would also be installed and the premises would be secured using pull down shutters.

Continuing, Mr Underwood confirmed that there were some unrestricted parking spaces adjacent to the premises and two spaces behind the premises, one for the use of the occupier of the flat above the premises and one space allocated for the use of staff. In conclusion, Mr Underwood reiterated that he considered that the operating schedule that had been submitted satisfied the licensing objectives. He had welcomed the points raised by Mrs Hudson and felt that these had been dealt with during the presentation. The issue of staff parking would be addressed with staff once appointed.

Arising from these comments, the Sub-Committee were given the opportunity to ask questions and further reference was made to the internal security arrangements and staffing.

In response to a question raised by the objector in respect of a reduction to the time alcohol was sold, the Legal Advisor explained that due to the new Licensing Act, retailers could sell alcohol during their opening hours and were no longer restricted. In connection with this issue, Mr Underwood stated that although the opening hours stated were 7.00am-11.00pm, the hours of opening would eventually be assessed on their financial viability.

At the conclusion of questions, Mr Underwood summed up the position on behalf of the applicant and prior to the withdrawal of all parties, the Legal Advisor commented on the legal aspect of issues that had been considered and regarding parking and the submission of a planning application in respect of an extension to the premises. He reiterated to the applicant's representatives the seriousness of supplying alcohol to persons under the legal age as the Authority regularly carried out inspections and recently a number of convictions had been 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 Lockett and Co. Solicitors, for the grant of a premises licence in respect of Long Lane Wines, 72 Long Lane, Halesowen, be approved, as follows:

Grant of Premises Licence

Monday – Sunday 07.00 – 23.00

Conditions

All conditions as set out in the operating schedule.

Reasons For Decision

The Sub Committee had no evidence to refuse the application. The Operating Schedule should address our Licensing objectives contained within the Licensing Policy Document.

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APPLICATION FOR A PREMISES LICENCE – SILVER JUBILEE PARK, BIRMINGHAM NEW ROAD, COSELEY

A report of the Director of Law and Property was submitted on an application received from the Director of the Urban Environment, for the grant of a premises licence in respect of Silver Jubilee Park, Birmingham New Road, Coseley.

Mr P Mason, Greenspaces Team Leader, on behalf of the applicant, was in attendance at the meeting.

Mr M Bates, an objector to the application, was not in attendance but his written representation had been sent to Committee Members prior to this meeting.

Following introductions, the Legal Advisor outlined the procedure to be followed and presented the report on behalf of the Council.

Mr Mason then outlined the case on behalf of the applicant and stated that mainly events would be held in association with the Friends of the Park Group, an active group that had been established to organise community related activities to encourage the use of the park and to help eradicate the anti-social behaviour associated with the park. He submitted to the Sub-Committee a fifteen-signature petition that had recently been organised by the Friends Group in support of the application.

In response to a question asked by a Member with respect to any other concerns raised by local residents, Mr Mason stated that he was not aware of any other objections to the application as many local residents had signed the petition.

Referring to the written concerns of the objector, Mr Mason clarified that the events would primarily be based around the flat, tennis-court area, not directly adjacent to the objector's property.

In response to a question raised by the Chairman, Mr Mason confirmed that the Himley Events team would assess all requests for the holding of events where security, insurance, and the provision of facilities such as toilets, would be scrutinised. He acknowledged that no alcohol would be sold at these events.

Following questions, Mr Mason summed up the case on behalf of the applicant, then at the request of the Chairman he 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 the Director of the Urban Environment, for the grant of a premises licence in respect of Silver Jubilee Park, Birmingham New Road, Coseley, be approved, as follows:

Grant of Premises Licence.

To allow the provision of regulated entertainment (live music/plays/recorded music/performances of dance/provision of facilities for dance)

Monday – Sunday 10.00 – 23.00

Conditions

All conditions as set out in the operating schedule.

Reasons For Decision

The sole objector has failed to attend the Committee hearing. We have received a petition in support of the application signed by fifteen Friends of the Park Group. The provision of the entertainment will be focused on the Friends of the Park Group. The proposal should assist in terms of the objectors concerns.

The meeting ended at 3.10pm.

CHAIRMAN