

Minutes of the Special Meeting of Licensing Sub-Committee 3

Thursday 16th October, 2014 at 10.15 am
in Committee Room 2, The Council House, Dudley

Present:-

Councillor J Cowell (Chair)
Councillors D Blood and K Finch

Officers:-

R Clark (Legal Advisor), L Rouse (Licensing Clerk), B Hughes (Licensing Enforcement Officer) and K Taylor (Democratic Services Officer) – All Directorate of Corporate Resources.

21 **Declarations of Interest**

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

22 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 30th September, 2014, be approved as a correct record and signed.

23 **Notice of Temporary Event – Seven Stars, Brook Road, Oldswinford, Stourbridge**

A report of the Director of Corporate Resources was submitted on the objections received to the Notice of Temporary Event served on the Council by Miss F Witts-Hewinson in respect of The Seven Stars, Brook Road, Oldswinford, Stourbridge.

In attendance at the meeting were Mr T Glews, Environmental Protection Manager, Directorate of the Urban Environment, and PC A Baldwin, Licensing Officer, West Midlands Police.

It was noted that the applicant, Miss F Witts-Hewinson, was not in attendance at the meeting, and reasons for her non-attendance had not been received, despite having been hand delivered a letter dated 8th October, 2014.

Following a brief adjournment, during which Mr Hughes attempted to contact Miss Witts-Hewinson, the Sub-Committee being satisfied that appropriate notice had been given, resolved to proceed in the absence of the applicant.

The Licensing Clerk then presented the report on behalf of the Council.

Mr Glews presented the representations of Environmental Health and Safety and in doing so referred to the history of noise complaints made by nearby residents dated back to 2005. He stated that during the period dating July 2007 to November 2009, fifteen different noise related complaints alleging nuisance were submitted, and following a Licensing Sub-Committee meeting a number of conditions were attached to the Premises that were consistent with the Operating Schedule in order to promote the four licensing objectives, in particular, the prevention of public nuisance.

Mr Glews then reported that since 8th May, 2014, and Miss Witts-Hewinson's appointment as Designated Premises Supervisor, a number of complaints had been received from three different households in the vicinity of the premises in respect of noise nuisance, in particular of patrons occupying the beer garden and the front car park after the permitted hour of 11.00 pm. Mr Glews referred to an event that had taken place on 24th August, 2014, that commenced in the early afternoon and finished just after midnight the following morning, which involved the speakers being used outside the premises. It was noted that the event had taken place after Licensing Officers had undertaken an enforcement visit to the premises two days earlier.

In concluding, Mr Glews recommended that the Sub-Committee refuse the application to extend the licensing hours to 1.00 am due to the difficulty in controlling noise made by regulated entertainment, patrons and vehicles outside the premises in such close proximity to residential accommodation.

PC Baldwin then presented the representations of West Midlands Police and in doing so referred to the number of calls associated to the premises, predominately relating to noise and disorder, in particular to an incident that had taken place on 26th September, 2014, involving a large number of people in a disturbance around midnight.

It was noted that PC Baldwin, together with Mr Hughes, had visited the premises and discussed with Miss Witts-Hewinson the premises licence, including the conditions imposed, and her responsibility associated to it. However, since the meeting, there have been at least two breaches of the premises licence that had been documented by Police and Dudley MBC that were currently under investigation and complaints continued to be received.

In responding to a question by a member, it was confirmed that the current licensing hours permitted inside the premises were 1.00 am, and 11.00pm outside.

In responding to a question by a member, Mr Hughes stated that both West Midlands Police and Licensing had concerns in respect of the management of the premises following the number of complaints received, in particular, in relation to the use of the beer garden after 11.00 pm. It was also noted that Miss Witts-Hewinson had not cooperated with Police or Licensing in order to address the concerns and complaints made associated to the premises.

Mr Glews reported that the latest noise complaints were received on 27th September, 2014 at 12.45 am and 28th September, 2014 at 12.30 am.

The Legal Advisor stated that consideration should be given to the evidence presented and whether it impacted on the Licensing Objectives, in particular, in relation to noise and crime and disorder. He stated that the temporary event notice had been appropriately given, in accordance with statutory time scales, and that although conditions could be placed on the notice, these should relate to the existing conditions imposed on the licence.

Following further discussion the parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

Resolved

That the application received for the Notice of Temporary Event served on the Council by Miss F Witts-Hewinson in respect of The Seven Stars, Brook Road, Oldswinford, Stourbridge, be refused.

Reasons for Decision

This is an application for a Temporary Event, made by Miss Francesca Witts-Hewinson, the Premises Licence Holder at the Seven Stars for a Halloween party from 19.00 until 1.00am on the morning of 1st November, 2014. The TEN has been appropriately given, in accordance with statutory time scales. Representations have been received from the police and environmental health.

Miss Witts-Hewinson did not attend the Sub-Committee today, despite having been given notice of the hearing by hand delivery on 8th October. The Licensing Officer attempted to make contact with her by telephone this morning but both of her telephone contact numbers went to voice mail. She had not attended at the time when the Sub-Committee concluded hearing representation at about 10.50am.

Evidence was heard from Mr Glews from Environmental Health. There has been a history of complaints relating to the premises whilst under previous management, but also complaints since Miss Witts-Hewinson became the Premises Licence Holder in May, 2014. The last noise complaints were on 27th September at 12.45am and 28th September at 12.30am. Although the premises are licensed until 1.00am the beer garden is only licensed until 11.00pm.

There have been a number of issues on the premises, which have necessitated the police being called, in August and September 2014. Persons have had to be cleared from the outside beer garden after midnight and the police have attended to deal with an alleged assault, substance abuse on the premises and public nuisance issues.

A series of complaints has been received by the Licensing Authority and they have attended with the police and Environmental Health.

The Premises Licence Holder has not contacted any of the Responsible Authorities in order to discuss the presentations and with a view to mediate the concerns. PC Baldwin from the Police have evidence that the Premises Licence Holder has not cooperated with the Police in order to address concerns generally about the premises, and this has made addressing the licensing objectives very difficult indeed.

On the evidence heard today, the Sub-Committee finds that to open the beer garden for the sale of alcohol and recorded music after 11.00pm is likely to cause a public nuisance due to noise. The application is therefore refused.

The meeting ended at 11.10 am.
CHAIR