

LICENSING SUB-COMMITTEE 2

TUESDAY 18TH SEPTEMBER, 2012

AT 10.00 AM
COUNCIL CHAMBER
COUNCIL HOUSE
PRIORY ROAD
DUDLEY

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

KAREN TAYLOR
DEMOCRATIC SERVICES OFFICER
Internal Ext – 8116
External – 01384 818116
E-mail – Karen.taylor@dudley.gov.uk

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Dudley
Metropolitan Borough Council

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 29th May, 2012 (copy attached).

5. APPLICATION FOR A CLUB PREMISES CERTIFICATE – COOMBS WOOD SPORTS AND SOCIAL CLUB (PAGES 1 – 3)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR A PREMISES LICENCE – DUDLEY STORES, 28 HIGH STREET (MARKET PLACE), DUDLEY (PAGES 4 – 7)

To consider a report of the Director of Corporate Resources.

7. APPLICATION FOR A PREMISES LICENCE – TESCO STORES LIMITED, 142 BROMLEY LANE, KINGSWINFORD (PAGES 8 – 11)

To consider a report of the Director of Corporate Resources.

8. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY)

To: All Members of Licensing Sub-Committee 2, namely:

Councillor Cowell Councillor Mrs Ameson Councillor Russell
(Chair)

LICENSING SUB-COMMITTEE 2

Tuesday 29th May, 2012 at 10.05 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair)
Councillors Mrs Ameson and Bills

Officers

Mr T Holder (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Corporate Resources)

1 APOLOGY FOR ABSENCE

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

2 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Bills had been appointed as a substitute member for Councillor A Finch, for this meeting of the Sub-Committee only.

3 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

4 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 28th February, 2012, be approved as a correct record and signed.

5 APPLICATION TO VARY A PREMISES LICENCE – THE DANILO SUITE, (FORMERLY THE PICTURE BOWL COMPLEX), 27-29 HAGLEY ROAD, STOURBRIDGE

It was noted that the application received from C N A Risk Management Limited, on behalf of Stourbridge Academy, for variation of the premises licence in respect of The Danilo Suite, (formerly the Picture Bowl Complex), 27-29, Hagley Road, Stourbridge had been withdrawn.

6 NOTICE OF TEMPORARY EVENT – THE BLACK HORSE, DELPH ROAD, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted to consider objections to the Notice of Temporary Event served on the Council by Mrs Karen Ann Whittaker in respect of The Black Horse, 52 Delph Road, Brierley Hill.

Mrs Whittaker, Applicant, was in attendance.

Also in attendance and objecting to the application was Ms Nellany (Food and Occupational Safety Manager), Directorate of Urban Environment.

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

In responding to a question by the Legal Advisor, Mrs Whittaker advised that the event was for one twenty one year old only and not two, as outlined in paragraph 3 of the report submitted. She further confirmed that she was in agreement as to the content of the report.

Ms Nellany then presented the representations of Food and Occupational Safety and in doing so highlighted that the objections made had been based under the licensing objective of preventing public nuisance.

A copy of the noise complaints received by Environmental Health in respect of The Black Horse from April 2010, was submitted at the meeting, and it was noted that the majority of complaints were made during St George's Day celebrations which were held outside.

It was also noted that following complaints received, letters were sent to Mrs Whittaker, and a visit was carried out to the premises following three years of complaints received.

Ms Nellany stated that she understood that there would be two DJ's located on the car park, and as this was a private party there would not be an opportunity to police the levels of sound and nuisance.

In responding to questions from the Legal Advisor, Ms Nellany confirmed that there had been no complaints received in regard to the operation of the business, and that formal investigations had not been carried out due to the complaints received being from different residents.

In responding to a question from a Member, Ms Nellany confirmed that the complaints made related mainly to the playing of music.

Mrs Whittaker then presented her case and in doing so highlighted that at the time of the complaints made, the premises were celebrating St George's Day when a 'Help the Hero's' brass band played live music on the car park, and that all outdoor events concluded before 9.00 pm.

She referred to another event that had taken place in 2011, where a DJ was located at the outside of the premises, and confirmed that no complaints had been received following the event. She advised that a DJ was not as loud as the brass bands used for the St George's Day celebrations.

In responding to a question by the Legal Advisor, Mrs Whittaker outlined on a map that had been displayed earlier in the meeting, where the DJ would be located for the event on Sunday 10th June, 2012.

Mrs Whittaker further confirmed that the DJ was not a professional, and that there would not be a lot of equipment used.

In responding to a question from the Legal Advisor, Mrs Whittaker advised that it was not possible for the event to be inside the premises due to the numbers attending and the lack of capacity inside the premises could present a health and safety risk.

She further confirmed that following conversations with the twenty one year old, it was anticipated that the party would take place for a maximum of three hours, and therefore would be finished before the requested time of 8.30 pm.

In responding to a question, Mrs Whittaker confirmed that she would not allow the DJ to be as loud as a live band and if it rained then there were marquees available to be erected.

She further informed the Sub-Committee that the party was for a local resident and advised that the majority of the guests were local and had visited the premises previously.

Arising from comments made in regard to the potential level of noise from the DJ, Mrs Whittaker advised that if the DJ was too loud and refused to turn the noise down then she would turn the music off.

In responding to a question by the Legal Advisor, Mrs Whittaker confirmed that herself, her husband and the father of the twenty one year old would monitor and police the event, however as the event was taking place on a Sunday it was anticipated that any additional people attending would be low.

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, arising from consideration of the objections raised to the Notice of Temporary Event served by Mrs Karen Ann Whittaker, the event, to be held on 10th June, 2012 be permitted.

The meeting ended at 10.50am

CHAIR

Licensing Sub-Committee 2 – 18th September 2012

Report of the Director of Corporate Resources

Application for a Club Premises Certificate

Purpose of Report

1. To consider the application for the grant of a club premises certificate in respect of Coombs Wood Sports and Social Club.

Background

2. On the 2nd July 2012, an application was received from Coombs Wood Sports & Social Club, Stewarts & Lloyds House, Stewarts Road, Halesowen, West Midlands for the grant of a club premises certificate. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £100.00
4. The application for a club premises certificate is as follows:-

Supply of Alcohol/Indoor Sporting Events

Monday – Sunday 10.00 – 01.00

New Years Eve – 36 hours. To extend the hours to cover big sporting events such as the world cup giving the police licensing officer 7 days prior notice in writing of the event and times.

Live Music/Recorded Music/Performance of Dance

Monday – Thursday 18.00 – 23.30
Friday & Saturday 18.00 – 00.00
Sunday 18.00 – 23.30

Christmas Eve until 01.00
New Years Eve until 02.00
Bank Holiday Sundays until 00.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations were received from Councillor Mrs Shakespeare and Councillor Hill on the 12th July 2012 on behalf of local residents. Further representations have also been received from Councillor Mrs Shakespeare on behalf of local residents. A copy of those representations have been forwarded to the Committee Members, the applicant and interested parties in accordance with the Licensing Act 2003.
7. This matter was due to be considered by the Sub-Committee on the 21st August 2012. The Committee resolved at the request of the applicant that the matter be deferred.
8. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

9. There are no financial implications.

Law

10. The law relating to the determination of applications for the grant of a club premises certificate is governed by the Licensing Act 2003, section 72.
11. Pursuant to Section 72(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the Licensing objectives.
12. Pursuant to Section 72(4) the steps are:-
 - (a) to modify the conditions of the certificate
 - (b) to exclude from the certificate any of the qualifying club activities to which the application relates
 - (c) to reject the whole or part of the application
13. Where a Local Authority grant a certificate under section 72 of the Licensing Act, the holder of the certificate may appeal against any decision:-
 - (a) to impose conditions on the certificate under subsection (2) or 3(b) of that section, or

- (b) to take any step mentioned in subsection (4)(b) of that section (exclusion of licensable activity)
14. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the certificate ought not to have been granted, or
 - (b) that, on granting the certificate, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) of that section, he may appeal against the decision.
15. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 10.

Equality Impact

16. This report takes into account the Council's policy on equal opportunities.
17. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
18. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

19. That the Sub-Committee determine the application,



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janet.elliott@dudley.gov.uk

List of Background Papers

Licensing Sub-Committee 2 – 18th September 2012

Report of the Director of Corporate Resources

Application for a Premises Licence

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of Dudley Stores, 28 High Street (Market Place), Dudley, West Midlands, DY1 1PJ.

Background

2. On the 23rd July 2012, an application was received from Maruthalingam Kandeepan in respect of the premises known as Dudley Stores, 28 High Street (Market Place), Dudley, West Midlands. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £190.00
 - Consent of individual to being specified as premises supervisor
4. The application for a premises licence is as follows:

Sale of Alcohol

Monday – Sunday	08.00 – 20.00
Sunday	10.00 – 17.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from Dudley Primary Care Trust, Public Health. A copy of that objection has been forwarded to the Committee Members, the applicant and interested parties in accordance with Licensing Act 2003.
7. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

8. There are no financial implications.

Law

9. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
10. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the Licensing objectives.
11. Pursuant to Section 18 (4) the steps are:-
 - (a) to grant the licence subject to:-
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application
12. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-
 - 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and
 - 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and

- 1 (b) issue the application with the licence and a summary of it
13. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authorities reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
14. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must immediately give a notice to that effect stating its reasons for the decision, to
- (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police area in which the premises are situated

Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-

- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
15. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
16. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination at the conclusion of the hearing.
17. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

Equality Impact

18. This report takes into account the Council's policy on equal opportunities.
19. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

20. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

21. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

Licensing Sub-Committee 2 – 18th September 2012

Report of the Director of Corporate Resources

Application for a Premises Licence

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of Tesco Stores Limited, 142 Bromley Lane, Kingswinford, West Midlands, DY6 8QE.

Background

2. On the 25th July 2012, an application was received from Tesco Stores Limited in respect of the premises to be known as Tesco Stores Limited, 142 Bromley Lane, Kingswinford, West Midlands. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £315.00
 - Consent of individual to being specified as premises supervisor

4. The application for a premises licence is as follows:

Sale of Alcohol

Monday – Sunday 06.00 – 23.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from five local residents. A copy of those objections have been forwarded to the Committee Members, the applicant and interested parties in accordance with Licensing Act 2003.
7. Some residents made reference to the number of premises already licensed to sell alcohol within the area. This is not an issue for the Licensing Sub-Committee but a matter for the Planning Department of the Council.

8. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

9. There are no financial implications.

Law

10. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
11. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
- (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the Licensing objectives.
12. Pursuant to Section 18 (4) the steps are:-
- (a) to grant the licence subject to:-
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application
13. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-

- 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and
 - 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it
14. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authorities reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
15. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must immediately give a notice to that effect stating its reasons for the decision, to
- (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police area in which the premises are situated
- Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-
- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
16. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
17. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination at the conclusion of the hearing.
18. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

Equality Impact

19. This report takes into account the Council's policy on equal opportunities.
20. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
21. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

22. That the Sub-Committee determine the application.



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