

LICENSING SUB-COMMITTEE 3

Wednesday, 31st August, 2005 at 10.00 am
in the Council Chamber, Council House, Dudley

PRESENT

Councillor Blood (Chairman)
Councillors Finch (a.m. session only), Hart and Taylor (pm session only).

OFFICERS

Mr P Tart, Assistant Director of Legal and Democratic Services (Legal Advisor - a.m. session only), Mr. K. Edwards, Principal Solicitor (Legal Advisor - p.m. session only); and Mr S Griffiths (Directorate of Law and Property).

23 DECLARATIONS OF INTEREST

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

24 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Taylor would be appointed as a substitute for Councillor Finch for the afternoon session of this meeting only.

25 APPLICATION TO VARY A PREMISES LICENCE -THE BROADSTONE, TWO GATES, TANHOUSE LANE, HALESOWEN

A report of the Director of Law and Property was submitted on an application made by Cobbetts Solicitors, on behalf of Pyramid Pub Management Ltd., to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Broadstone, Two Gates, Tanhouse Lane, Halesowen.

The licensee, Mr E Snape, was in attendance at the meeting together with Mr J Smith, Business Development Manager.

Also in attendance were three local residents, objectors to the application.

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

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, presented the case on behalf of the Council and, in doing so, referred to letters of support submitted by the applicant. The Chairman requested that copies of the correspondence be made available to all parties to the hearing.

Mr A Allman, Directorate of the Urban Environment, presented his evidence and commented on the information contained in Appendix 2 to the report submitted. Mr Allman outlined additional conditions, for consideration by the Sub-Committee, to minimise noise and nuisance to local residents and in the interests of public safety. It was reported that Environmental Health Officers had previously made visits to the premises to investigate complaints of noise nuisance.

The Sub-Committee received written and oral representations from the objectors. The objectors set out their reasons for objecting to the application which included noise nuisance associated with music; disturbance from people leaving the premises late at night and particularly at weekends; concerns about potential problems arising from the benches placed outside the premises and the extended hours for alcohol sale which might attract late-night drinkers leaving other public houses. The residents also indicated that there had been problems on adjacent land, including under-age drinking, however, it was acknowledged that this was not directly associated with the public house. The licensee confirmed that no under age drinking was permitted at the public house.

Following questions of the objectors, the applicants presented their case acknowledging the concerns expressed and outlining the measures already taken to monitor and minimise any potential nuisance. The applicants wished to work positively with the local community to ensure that any problems were minimised and dealt with accordingly. The applicants encouraged local residents to approach them direct in the first instance if any problems were experienced in future. It was noted that the premises would close one hour after the sale of alcohol had ceased, however, on some occasions, the premises may close earlier for commercial reasons.

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 advice to be given to the Sub-Committee, which related to legal aspects of the application.

Having made the decision, all of the remaining parties were invited to return and the Chairman outlined the decision and the reasons for the decision. The parties were also advised of the right of appeal.

Accordingly, it was

RESOLVED

That the application received from Cobbetts Solicitors, on behalf of Pyramid Pub Management Ltd., to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Broadstone, Two Gates, Tanhouse Lane, Halesowen, be approved as follows:-

Variation of Premises Licence

Hours - Alcohol (All Year):-

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

Regulated Entertainment

Hours:

Monday to Sunday	10.00 – 23.00 (Recorded Music)
Friday and Saturday	20.00 – 23.30 (Live Music)

Conditions

All conditions set out as in the operating schedule, and as set out below, subject to the following hours of opening:

Monday to Thursday and Sunday – 01.00
Friday and Saturday – 02.00.

1. Regulated entertainment shall not be permitted outdoors.
2. The fitting of a sound limiting device to restrict the level of music within the premises to the satisfaction of the Environmental Health Officer (Directorate of the Urban Environment).
3. The external drinking area shall not be used after 23.20 and will be cleared of all glassware by 23.30.
4. All doors and windows shall be kept closed during regulated entertainments.
5. The provision of acoustic cowls to extract vents serving the lounge area, and bar area in the event that regulated entertainment is provided in the latter.

6. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
7. Signs in the car park to state:- No ball games, no sounding of horns and to leave the car park quietly.
8. The electrical installation be inspected by a competent electrician (eg: an approved National Inspection Council for Electrical Installation Contracting (NICEIC) Contractor) and any recommended improvements be carried out.
9. All power sockets likely to be used for the purpose of providing electrical power to entertainment equipment shall be protected by a residual current device (RCD) having rated residual operating current not exceeding 30 milliamps to operate within 40 milli-seconds, in accordance with the relevant British Standard and the Institution of Electrical Engineers.
10. The Sub-Committee note that the Licensee is to resolve the nuisance caused by his dog barking during the evening.

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 the Council's Licensing Policy.

However, the Sub-Committee recognise the legitimate concerns of local residents, but believe that their concerns can be met through the licensing conditions and appropriate enforcement.

A report of the Director of Law and Property was submitted on an application made by David and Deborah Baggott to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Smiths Arms, Compton Grove, Halesowen.

The applicants, Mr and Mrs Baggott, were in attendance at the meeting together with Mr T Woodcock, Area Manager.

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

Mr C Phillips, Licensing Clerk, Directorate of Law and Property, presented the case on behalf of the Council.

The Sub-Committee received written representations from the Directorate of the Urban Environment, two local residents and a local Councillor. It was submitted that the additional recommended licensing conditions would address the concerns expressed and no objectors were present at the meeting. It was reported that the representations of the local Councillor had also been withdrawn.

The applicants presented their case and concurred with the view that the revised licence conditions would address any concerns previously raised. It was acknowledged that any complaints after 24th November, 2005 would be dealt with accordingly and, if necessary, be reported to the Licensing Sub-Committee.

Following questions from the Sub-Committee, the applicant confirmed that the extended hours for the sale of alcohol would only be utilised if this was deemed to be commercially viable.

At the conclusion of questions and prior to the withdrawal of the applicants, the Legal Advisor indicated to the parties the details of the advice to be given to the Sub-Committee, which related to legal aspects of the application.

Having made the decision, the applicants were invited to return and the Chairman outlined the decision and the reasons for the decision. The applicants were also advised of their right of appeal.

Accordingly, it was

RESOLVED

That the application received from David and Deborah Baggott to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Smiths Arms, Compton Grove, Halesowen, be approved as follows:-

Variation of Premises Licence

Hours (Alcohol):-

Monday to Sunday 10.00 – 01.00

Bank Holidays:

08.00 – 02.00 (NB: These hours shall also apply to Fridays, Saturdays, Sundays and Mondays on bank holiday weekends, Christmas Eve and Boxing Day)

10.00 New Years Eve – 23.00 New Years Day

Regulated Entertainment

Hours:

Sunday to Thursday 10.00 - 23.30

Friday and Saturday 10.00 - 00.00

Conditions

All conditions set out as in the operating schedule, and as set out below.

1. All regulated entertainment shall end at 23:30 on Sunday to Thursday.
2. All regulated entertainment shall end at 00:00 on Friday and Saturday.
3. The beer garden shall not be used after 22:30 and all glassware shall be cleared by 22:45.
4. All doors and windows shall be kept closed during regulated entertainments.
5. Before regulated entertainments are undertaken secondary glazing shall be provided in the bar area fronting Compton Grove.
6. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
7. Signs in the car park to state:- No ball games, no sounding of horns and to leave the car park quietly.

8. The electrical installation shall be inspected by a competent electrician (eg: an approved NICEIC Contractor) and any improvements and repairs recommended by the Contractor shall be carried out.

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 the Council's Licensing Policy.

However, the Sub-Committee recognise the legitimate concerns of local residents, but believe that their concerns can be met through the licensing conditions and appropriate enforcement.

The meeting ended at 2.44pm

CHAIRMAN