

LICENSING SUB-COMMITTEE 3

Friday, 26th August, 2005 at 10.00 am
in the Council Chamber, Council House, Dudley

PRESENT

Councillor Blood (Chairman)
Councillors Finch and Hart

OFFICERS

Assistant Director of Legal and Democratic Services and Mrs M Johal
(Directorate of Law and Property)

20

MINUTES

RESOLVED

That the minutes of the meeting of the Sub Committee held on 17th August, 2005, be approved as correct record and signed.

21

DECLARATIONS OF INTEREST

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

22

APPLICATION TO VARY A PREMISES LICENCE -THE FIDDLERS ARMS, STRAITS ROAD, LOWER GORNAL, DUDLEY

A report of the Director of Law and Property was submitted on an application made by John Gaunt and Partners, Solicitors, on behalf of Wolverhampton and Dudley Breweries to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Fiddlers Arms, Straits Road, Lower Gornal, Dudley.

The licensee, Mr F Filograsso, was in attendance at the meeting together with Mr J Wedge, Area Manager.

Also in attendance were Miss N Baker, representing Parkdale Services and Mr D Haden, objectors to the application and Mr N Avery, West Midlands Fire Service.

Following introductions, the Legal Advisor outlined the procedure to be followed. Clarification was also sought on whether the applicant would be broadcasting television sporting events as detailed in paragraph 2.3 of the report to which the applicant advised that the premises would not be broadcasting any such events. The Legal Advisor further reported that he had received notification from John Gaunt and Partners advising that they wished to withdraw proposed variation No 2 as detailed in Part B of the application form.

Mrs J Elliot, Licensing Officer, Directorate of Law and Property, presented the case on behalf of the Council and, in doing so, referred to a late objection that had been received from Mr Haden, however she confirmed that both the licensee and the Area Manager had agreed for the objection to be considered in determining the application.

Mr N Avery, West Midlands Fire Service presented his findings and outlined the need to specify maximum capacity of 100 in the bar area and for the requirement for an appropriate regularly maintained and tested alarm system to be installed.

The objectors then set out their reasons for objecting to the application which included noise nuisance and disturbance late at night from the music, the blowing of horns and screeching of brakes from cars going round and round in the car park.

Following questions of the objectors by members of the panel and the Legal Advisor, the licensee then presented his case acknowledging the concerns expressed and indicating that local residents could approach him at anytime if problems were encountered and that he would do his utmost to resolve any further issues.

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

Having made the decision all the remaining 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 Wolverhampton and Dudley Breweries to convert an existing licence into a premises licence and to vary the premises licence simultaneously in respect of the Fiddlers Arms, Straits Road, Lower Gornal, Dudley, be approved as follows:-

Variation of Premises Licence

Hours:

Monday	10.00 – 00.00
Tuesday	10.00 – 00.00
Wednesday	10.00 – 00.00
Thursday	10.00 – 00.00
Friday	10.00 – 01.00
Saturday	10.00 – 01.00
Sunday	12.00 – 00.00
Bank Holiday)
Christmas Day) As per Operating Schedule
Boxing Day)

Regulated Entertainment

Hours:

Monday	10.00 – 23.15
Tuesday	10.00 – 23.15
Wednesday	10.00 – 23.15
Thursday	10.00 – 23.15
Friday	10.00 – 23.15
Saturday	10.00 – 23.15
Sunday	12.00 – 23.15
Bank Holiday)
Christmas Day) As per Operating Schedule
Boxing Day)

Conditions

All conditions set out as in the operating schedule.

1. All regulated entertainments shall end at 23.15
2. The Beer Garden shall not be used after 22.30 Sunday – Thursday and 23.00 Friday and Saturday.
3. All doors and windows shall be kept closed during regulated entertainment other than incidental music, (except for access and egress).
4. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.
5. Signs at the car park exits to state:- No ball games, no sounding of horns and to leave the car park quietly and respect local residents.

6. To permit the broadcast of televised sporting events of national/international interest outside normal operating hours to be confirmed upon 14 days prior notice in writing to the Police, the Police having 7 days to object prior to the event is withdrawn.
7. No discos, karaoke or dancing shall be permitted on these premises.
8. 20 occasions per annum to open outside operating hours is withdrawn.
9. The bar area to have a maximum capacity of 100 people.
10. A fire alarm to be installed which is under the control of the bar staff to ensure that everyone in the premises is alerted should there be a fire. The fire alarm to be regularly maintained and tested.

Applicant Advised:-

To consider the installation of a bar gate across the entrance to the car park to prevent nuisance from vehicles using the car park. The gate to be closed when the premises are not trading.

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 meeting ended at 11.55 am.

CHAIRMAN

LSBC3/33