

LICENSING SUB-COMMITTEE

Wednesday, 18 March, 2009 at 2.30 p.m.

Conference Room at the Council House, Walsall

Present

Councillor Anson
Councillor Barton
Councillor Rochelle

Appointment of Chairman

Resolved

That Councillor Rochelle be appointed Chairman of the Sub-Committee for this meeting only.

Councillor Rochelle in the Chair

Welcome

The Chairman extended a welcome to all persons present at the Sub-Committee which had been established under the Licensing Act, 2003.

Apologies

There were no apologies submitted for non-attendance.

Declarations of Interest

There were no declarations of interest.

Licensing Hearing

Application for a Premises Licence under Section 17 of the Licensing Act, 2003 – Walsall Rugby Football Club, Delves Road, Walsall, WS1 3JT

The report of the Head of Public Protection was submitted:-

(see annexed)

The following persons were present:-

For the applicant:-

Mr. R. Taylor	}	
Mr. C. Emes	}	Walsall Rugby Football Club
Mr. P. Daniels	}	

For the objectors:-

PC Brian Doyle		West Midlands Police
Mr. D. Allmark	}	
Mr. W.A. Asghar	}	Residents of Delves Road
Mr. S. Khan	}	
Mr. G. Westley	}	

Also present were:-

Mr Steven Knapper – Principal Licensing Officer, Walsall MBC
Mr David Watson – Legal Services, Walsall MBC
Mr Steve Brooke – Clerk to the Sub-Committee

Mr. Knapper enlarged upon the report. There were no questions to Mr. Knapper.

PC Doyle was then invited to address the Sub-Committee. He referred to appendix 3 to the report which detailed objections to the application by West Midlands Police. He pointed out that the club currently only had a licence for the sale of alcohol. The club had previously had a licence under the old regime for entertainment but application had unfortunately not been made to convert the licence under the Licensing Act 2003. he went on to say that there had been a complaint regarding noise nuisance from the premises. The police had met with representatives of the club and had pointed out the noise nuisance and also the fact that, in providing entertainment, the club was acting in contravention of its premises licence. The club had subsequently taken this on board and had submitted Temporary Event Notice applications for each event held at the premises and the police were not aware of any complaints since the original complaint. The club were now seeking to regularise the situation. PC Doyle sought clarification of what hours were being applied for in respect of live music on Fridays and Saturdays.

PC Doyle went on to say that the crux of the matter was noise nuisance. He had asked the management at the club to ensure that levels of music are not excessive, that there was supervision of guests, that doors and windows would remain closed when entertainment was being provided and that taxi drivers would be asked not to sound their horns late at night. He referred to the engagement of door supervisors and pointed out that there were representations regarding this. He also referred to the fact that he had asked the club to keep an incident book.

In conclusion, PC Doyle indicated that the venue had operated since September, 2008 in a responsible manner and he was not aware of any nuisance caused or complained of by residents during that period. There had been no negative feedback regarding the club and on the basis of that and if the club was prepared to take on board his recommendations, he was prepared to withdraw police objections to the application.

PC Doyle then responded to questions from the applicants.

Mr. Daniels, on behalf of the club asked whether PC Doyle considered that the club had upheld the four licensing objectives contained in the Licensing Act 2003. PC Doyle replied that, going back as far as 2006, there had been one or two occasions when this could be questionable but, on the whole, the club had operated correctly and had not caused the police any problems.

Mr. Daniels then asked PC Doyle about the use of door supervisors. He pointed out that the only time the club had required outside security was a few years ago when the club had hosted a Khabaddi festival. It was not the clubs intention to organise functions which would require door supervisors but, if the need arose, the club would happily comply with the request. By way of explanation, PC Doyle pointed out that his request was based on an incident log in 2006. he explained that if door supervisors were used for events, there were certain conditions which needed to be imposed regarding the employment of door supervisors.

Mr. Daniels then referred to the use of an incident book and pointed out that, to his knowledge, there had never been any incidents at the club. He asked PC Doyle whether the police had ever been called. PC Doyle replied that, other than 2006, he was not aware that his officers had been called to any incidents at the club. There may have been incidents in the vicinity of the club, but not necessarily inside the club.

Mr. Daniels asked whether the bar at the club was being run properly. PC Doyle confirmed that it was. Mr. Daniels pointed out that the club had people from all professions as members. It was a family environment which did not promote any sort of unruly behaviour. He felt that there was no need for an incident book because there would be no insertions. Mr. Daniels went on to say that Mr. Taylor was very experienced and had been with the club for 8 years. He was the Designated Premises Supervisor and he would ensure that all staff were trained properly. There would be no problem with youngsters because the club was aware of the ages of its younger members. Mr. Daniels then referred to the noise nuisance issue and indicated that the club accepted that there had been an incident in August 2008 when doors were open and noise had drifted out to the detriment of neighbours. He pointed out that the club had subsequently agreed to police requests regarding the control of noise. In reply PC Doyle indicated that there had been noise incidents since 2008 but he could not say whether they were inside or outside the premises.

The residents were then invited to address the Sub-Committee.

Mr. Allmark advised members that he had lived in Delves Road for 26 years and had always had a good relationship with the club. However, in the past few years there had been late events / discos at the club until about 1 a.m. and the relationship had suffered. He went on to say that there had been numerous complaints about noise and there was a brawl there recently to which the police were called. His main complaints were about noise levels and taxi drivers sounding their car horns and the nuisance associated with those complaints.

He referred to the request for the doors and windows at the club to remain closed and expressed the view that this would be adhered to in hot weather. He expressed the view that, if the licence was granted, he could foresee problems because the

premises would be used more regularly. He felt that the residents had not been shown any consideration and that residents were concerned that the licence should not be granted. He concluded by referring to the last paragraph of page 1 of appendix 1. he felt that there would be a widening of club activities which would result in a bombardment of noise.

Mr. Westley explained that he lives further down the road from the club and the noise he was experiencing was bass noise. His television was in the back of the house and he could hear the noise. His bedroom was at the front of the house where the noise was unbearable. He also expressed doubt as to whether windows and doors at the club would remain closed during hot weather. He felt that the licence, if granted, should finish at 11 p.m. and no later and asked whether there could be a restriction on time imposed on the licence, if granted.

Mr. Khan indicated that he had lived in Delves Road for two years and expressed the view that noise from the club opposite his house was, at time, unbearable. He reiterated other residents comments in respect of taxi drivers sounding their car horns and restricting the hours of the licence, if granted.

The residents then responded to questions from Mr. Daniels, who questioned whether residents were happy for the club to operate regulated entertainment but were unsure about the hours. He pointed out that the club had originally made a mistake in not applying to convert their old licence under the new regime so that they could enjoy the rights they had previously under their old licence. They were now applying to regularise the situation.

Mr. Westley expressed the view that this would mean that the club could, in practice, hold discos every night. In reply Mr. Daniels confirmed that this could be the case but it was not the clubs objective to do that. The club just wanted to regularise what it had under the previous system.

Reference was made to youths congregating around the entrance to the club and Mr. Daniels asked whether the residents were saying that the youths were part of the club. In reply Mr. Allmark expressed the view that the youths were associated with events held at the club, they were coming out of the club, creating noise, smoking and leaving doors open.

Mr. Daniels referred to bottles being left on the pavement outside the club and pointed out that the club did not do offsales. He indicated that this was an issue beyond the clubs control and that the youths did not obtain the bottles from the club. He accepted that the club premises were hired out for private functions on occasion, but the problems with bottles was not down to these people.

Mr. Daniels then referred to the problem of taxi drivers sounding their car horns. He indicated that the club was trying to address that problem. With regard to public disorder, there was an incident in 2006 to which the police were called. A group of youths had tried to gatecrash an 18th birthday party being held at the club. There had been no similar events held at the club since then. Mr. Daniels referred to noise in the early hours and asked whether this was every night.

In reply, Mr. Westley indicated that it was whenever music was played at the club, causing residents a lack of sleep. Their concern was that if the licence was granted, it would give the club the option to have similar events every night of the week.

PC Doyle asked the residents about the problems they encountered in August 2008. he referred to the fact that these occurred over a series of weekends and that he had spoken to the club. He asked how the club had operated since then. Mr. Westley, in reply, confirmed that the club had operated in accordance with the police requirements but the better weather would be coming soon. In answer to PC Doyle, Mr. Westley confirmed that the noise situation had got better since September last year apart from the taxi noise. Mr. Allmark endorsed Mr. Westley's comment but asked OC Doyle how many times the police had been called to the club regarding noise and activity. PC Doyle indicated that there had been once indicated in 2006 and minor problems and vehicle crime since. There had been only one or two as a result of noise levels although these would have been dealt with by Environmental Health.

Residents felt that they could tolerate occasional noise but not unlimited. Mr. Asghar indicated that residents had phoned the police occasionally regarding noise levels and pointed out that the club had a large car park which was left open all of the time and youths used this for joyriding. Mr. Knapper asked whether residents had had any dialogue with the club on these issues. In reply, Mr. Allmark advised that the Police had been contacted and they had spoken to the club. Mr. Knapper advised that Environmental Health were the responsible authority regarding noise nuisance and that there had been no representations from them regarding this application.

Mr. Watson asked the residents whether they considered that the conditions which the club had agreed with police and Environmental Health, would address their concerns regarding noise nuisance.

Mr. Westley felt that, if the conditions were agreed by the club, there should be no further problems.

Mr. Daniels was then invited to address the Sub-Committee on behalf of the club. In doing so he indicated that the club was now much less busy than it was several years ago and that player / member numbers had dropped. In addition, the entertainment element had drifted to the town centre, resulting in the club being less busy. The club operated on mature environment with no juke box or cigarette machines. The club was asking was later hours but it was not the intention to have functions to the hours requested every day. It was done out of necessity to save form filling for days when the club wanted to hold events. He went on to say that the club already carried out the functions it used to through the Temporary Event Notice route. The clubs membership had a wide range of ages and the club was trying to provide entertainment to suit all of those ages. It did not intend to use the premises as a night club. The club did have concerns about youths trespassing on its premises and this was an issue being addressed by the police. There was an undercurrent of anti-social behaviour in this area which was affecting local residents but young members were a credit to the club and did not cause any problems. The club was mindful of residents concerns and would make every effort to reduce the noise nuisance to residents and would agree to conditions requested by the police. Mr. Daniels went on to say that the issue seemed to crystallise at the weekends and that the clubs application was not contrary to any of the four licensing objectives. The club

would comply with any conditions the Sub-Committee wished to impose. He concluded by saying that 0030 a.m. was the time limit requested for live music but, as there was currently a reduced level of activity at the club, these events were unlikely to be many.

In reply to a question from Mr. Westley, Mr. Daniels undertook to provide Mr. Westley with an events calendar for the year.

PC Doyle asked what steps were being taken to reduce inconvenience to residents. Mr. Emes indicated that taxi drivers had been asked not to sound their car horns late at night, but this was proving difficult to implement. In addition, notices were displayed regarding people smoking at the front of the premises, asking them to go to the back of the premises if they wanted to smoke.

Mr. Emes referred to the car park at the front of the premises and pointed out that the land was, in fact, owned by the University and that the club had agreed with the University to the provision of a barrier across the entrance to the car park. He accepted that the club should be closing that barrier every night.

In answer to a question from Councillor Anson, Mr. Emes indicated that the current maximum capacity for the club was 150, and that parties held at the club were just club members and their families. Mr. Daniels pointed out that, although, under the new legislation, the club could hire out the premises to the general public, they had chose to restrict its use to club members and their families.

Councillor Anson referred to the Summer Ball previously held at the club in June, when a live band was playing until 1 a.m. In reply Mr. Daniels explained that the club did not hold a Summer Ball last year due to inclement weather and the credit crunch. The club had not arranged a Summer Ball in the current year, nor had they arranged any plays or films, but under the new legislation, the club needed to cover themselves.

In answer to questions from the Chairman, Mr. Taylor confirmed that, if necessary a noise limiting device could be fitted. In addition, any TENs applied for would only be until 12 midnight because after that time, it was classed as a 2 day event and would require two separate applications.

All parties were then invited to make a final statement to the Sub-Committee.

PC Doyle indicated that, if the conditions agreed with the club were adhered to, he did not consider there would be any issues. The main problem was down to public nuisance and the impact on residents. The club was aware of residents concerns and had had late licences since September last year. They were now dealing with the situation at the club in a more professional manner. There would be background noise only and there would be regular perimeter patrols. On that basis, the police were prepared to remove their objections.

Mr. Westley expressed the view that, in view of police restrictions and the provision of an events calendar, there should be no further problems.

Mr. Allmark welcomed the restrictions requested by the police.

Mr. Emes apologised to residents if the club had lapsed over the last few years. He indicated that the club would like to work with residents and would adhere to any conditions imposed. He undertook to notify residents of forthcoming events and to discuss their concerns if they were not happy with any of the events.

The parties left the meeting at 3.50 p.m.

The Sub-Committee carefully considered all the written evidence submitted and all representations made at the hearing and it was:-

Resolved

That the application be granted, save that the conditions that were today agreed with West Midlands Police, which were set out in the email from PC Doyle at Appendix 3 of the Report, and the mediated conditions that had been agreed with Trading Standards, which are set out in paragraph 3.10 of the report, are to be additional conditions of the licence.

The Sub-Committee is satisfied that these conditions are necessary based on the evidence and proportionate to promote the licensing objectives.

In reaching its decision, the Sub-committee noted that the majority of problems complained of related to noise nuisance emanating from the premises when regulated entertainment takes place at the premises.

In making its decision the sub-committee took account of the fact that PC Doyle had advised the sub-committee that if the Applicant agreed to the additional conditions proposed by the police, the police objection would be withdrawn as he was satisfied that the licensing objectives would then be met. The Applicant did agree to these conditions.

The sub-committee also noted when the objectors were asked whether they believed the nuisance would be abated if the conditions proposed by the police were complied with that, whilst expressing scepticism as to whether there would be compliance, they did agree that if indeed there was compliance, the nuisance would be abated.

All parties were readmitted to the meeting at 4.03 p.m. and advised of the decision.

The objectors and the applicant were advised that they have a right to appeal the decision. The appeal lies to the Magistrates' Court and must be commenced by notice of appeal within the period of 21 days beginning with the day on which they are notified by the Licensing Authority of the decision appealed against.

Termination of meeting

The meeting terminated at 4.05 p.m.

Chairman

Date