

## **LICENSING SUB-COMMITTEE**

**Wednesday 30<sup>th</sup> March 2016, at 10.30 am**

**In a Conference Room, Council House, Walsall**

### **Present:-**

Councillor Rochelle (Chairman)  
Councillor Whyte  
Councillor Anson

### **In Attendance:-**

Steven Knapper – Principal Licensing Officer – Walsall MBC  
Hazel Powell – Senior Licensing Officer – Walsall MBC  
Emma Oliver – Legal Services – Walsall MBC  
Mr Chris Grunert – John Gaunt & Partners, Solicitors of Sheffield  
Mr Colin Reeves – Applicant  
Mr Terry Porley – Objector  
Mrs Yvonne Sumner – Objector  
Mr R G Shaw – Objector  
Brian Jones – Trading Standards & Licensing Officer – Walsall MBC

### **Appointment of Chairman**

#### **Resolved**

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

#### **Councillor Rochelle in the Chair**

### **Welcome**

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

### **Apologies**

An apology for non-attendance was submitted on behalf of Councillor Sarohi.

### **Declarations of Interest**

There were no Declarations of Interest.

## **Licence Hearing**

### **Application for a Premises Licence under Section 17 of the Licensing Act, 2003 – Ogle Hay Club, 115 Ogle Road, Brownhills, Walsall, WS8 6AN**

The report of the Head of Economy and Environment was submitted:-

(see annexed)

Councillor Rochelle explained the purpose of the meeting and requested the Senior Licensing Officer (Miss Powell) to explain the application.

The Senior Licensing Officer (Miss Powell) enlarged upon the report for the benefit of the Sub-Committee and indicated that the application for a premises licence in respect of Ogle Hay Club, 115 Ogle Road, Brownhills, Walsall had been made under section 17 of the Licensing Act, 2003. The application had been made by Ogle Hay Sports & Social Club Limited and submitted on their behalf by John Gaunt & Partners, Solicitors of Sheffield. The application had been received by the licensing authority on 1<sup>st</sup> February 2016 (appendix 1 refers) and could be granted as requested, granted with additional/modified conditions or rejected. Miss Powell drew the Sub-Committee's attention to paragraph 3.3 of the report which summarised the proposed activities and times including the supply of alcohol both on and off the premises from 10.00am to 01.00am Monday to Sunday. The premises opening times were 7.00am to 01.30am Monday to Sunday.

A street map showing the location of the premises was given as appendix 2 to the report and Miss Powell confirmed that the application had been submitted to the statutory "responsible authorities" and had been advertised by way of a blue site notice displayed at the premises and a licensing notice had been placed in a newspaper circulating in the area to comply with the requirements of the Licensing Act. West Midlands Police had agreed mediated conditions with the applicant and, if the application was granted, would be attached to the licence (paragraph 3.12 refers).

Miss Powell also referred to paragraph 3.14 of the report which indicated that seven valid written representations had been received to the application from residents (appendix 3 refers). Finally, Miss Powell drew the Sub-Committee's attention to paragraph 4.2 of the report which contained the legal position.

Mr Grunert had no questions for Miss Powell.

Councillor Rochelle referred to paragraph 3.3 of the report which contained the start and finish times of the various licensable activities which would take place at the venue. He asked if there were any other changes. Miss Powell replied that the club wanted to bring all its activities into line with its timings for the sale of alcohol. Mr Grunert stated that all licensable activities apart from late night refreshment and the supply of alcohol would end at 23.30 hours.

Mr Porley (Objector) was invited to make representations and indicated that he felt as if much more would be taking place between 07.00am and 01.30am which would exacerbate parking problems which had arisen from the club since they had sold off

their car park for housing. He added that cars parked on both sides of the road making it difficult for him to access his property.

Mr Porley also referred to the smoking area which had been provided at the front of the premises. Patrons using the shelters held loud conversations, shouted and swore and even came to blows. This meant residents could not have their windows open on warm summer days because of the noise and disturbance.

Mrs Sumner referred to the fact that music playing at the club was sometimes so loud that it could be heard over the TV. Vibrations could also be felt from the bass. In the summer months the doors and windows at the club were left open exacerbating the situation for local residents living in close proximity to the club. She was concerned that if the club was to open its doors to everyone, not just club members and their guests, then the situation would only get worse.

Mr Shaw (Objector) asked if the existing restrictive membership of the club would change if this application was granted. He also expressed concern regarding the parking situation in the area, indicating that double yellow lines at junctions were ignored and cars were parked half on the road and half on the pavement impeding pedestrians.

Councillor Rochelle stated that the parking issue was a matter for the police if an obstruction was being caused or for the local highway authority. It was not relevant to the consideration of this application.

Mr Porley commented that residents were concerned that the parking situation would only get worse if more people attended the club.

Mr Grunert reminded the meeting that licensing activities would be held between 10.00am and 11.30pm daily. Following deregulation in April 2015 these activities were no longer licensable activities between 08.00am and 11.00pm. He added that if nuisance arose from activities at the club, then residents could always ask for a premises review.

The Principal Licensing Officer (Mr Knapper) informed the objectors that the application would change the status of the premises from a members club to a public house. It would regularise licensable activities to the same times for all activities. He added that the parking situation was not a matter for the Sub-Committee to consider as an establishment did not have to have parking under the Licensing Act.

Mr Shaw asked why the club needed to open from 07.00am when the sale of alcohol did not commence until 10.00am. Mr Knapper replied that the club could provide breakfasts from 07.00am if it wished to.

Mr Grunert advised the meeting that under the current club premises certificate the licensing hours were not specified so in applying for the supply of alcohol from 10.00am to 01.00am Monday to Sunday management were clarifying the situation and making them more restrictive.

Councillor Anson referred to the seven written representations (appendix 3 refers) and asked how often the police had been called to the premises. Mrs Sumner replied that the police had been called on several occasions to break up fights.

Mr Grunert reminded the panel that the police had not objected to the application and had agreed mediated conditions with management. These would be attached to the licence if it was granted.

Mr Porley reported that Environmental Health officers had also been called a number of times because of noise emanating from the club.

Mr Grunert was invited to make representations on behalf of the club and indicated that the club had seen membership levels falling and had sold off its car park. It had transformed itself into a limited company and now needed a premises licence. He added that the club would continue to maintain a membership as the subscription provided a valuable source of income but the new status meant that members of the public could also attend the premises. This would enable the use of the premises to be widened to include birthday parties, coffee mornings, mother and toddler clubs etc making the club a genuine part of the community. As a result of the comments from the objectors, Mr Grunert indicated that his client was prepared to offer an additional condition that no consumption of alcohol take place outside the premises or in the smoking shelter.

With regard to police attendance at the club, Mr Grunert stated that there had been only two occasions in the last 12 months when the police had attended the site. One was to investigate a burglary at the premises and the other was when a group of intoxicated youths tried to enter the premises and were turned away. They became abusive and the police were called.

Mr Grunert continued that most of the staff employed at the club were local and walked to and from work. He added that Mr Reeves lived further away but used a taxi. He added that the car parking problems were not all to do with customers from the club.

Referring to the problem of noise, Mr Grunert stated that from 21.00 hours management would check noise levels at the boundary of the premises and if they appeared excessive then appropriate action would be taken. He asked if residents would contact the club in the first instance if they felt that noise was overly loud so that management could take action. A telephone number would be supplied to objectors so that they could contact Mr Reeves.

Mr Grunert indicated that doors and windows would be kept closed to reduce noise and the frontage to Ogley Road had been double glazed to help with sound attenuation. There had been no objections to the application from Environmental Health or other responsible authorities and if residents were concerned then they could request a review. He asked the Sub-Committee to grant the application as submitted.

Mr Porley asked if drinking outside the club was permitted. Mr Grunert replied that they would prevent drinking in the smoking shelter and a notice to that effect would be provided at the exit to the premises and in the smoking shelter itself.

Mr Porley stated that in the summer months doors and windows were left open increasing noise levels from the premises. Mr Grunert replied that management

would ensure that windows and doors were kept closed as this was part of the conditions attached to the licence.

Mr Shaw asked if the club would provide TV's in the club and televise football matches and other sports. Mr Reeves replied that this was unlikely to happen. Mr Grunert stated that the club had designated snooker, darts and games rooms and was hoping to start a football team to increase community involvement in the club.

Councillor Anson asked for clarification that at present only members, or persons signed in by members, could attend the club. If the application was granted as proposed then anyone could visit the premises. Mr Grunert confirmed that this was correct. However, the club intended to keep a membership section going but would allow ordinary members of the public to attend as this would assist management of the premises. He added that it was hoped to retain the club atmosphere as much as possible.

Councillor Anson asked if outside seating was provided at the premises. Mr Grunert replied that there were benches and a number of chairs in the smoking shelter. However, there was no intention to build up the "off licence" side of the business and management would be happy to limit sales to 'on the premises' if the Sub-Committee felt that this was appropriate.

Councillor Whyte asked when security was used at the club. Mr Grunert replied that management carried out a risk assessment before an event and acted accordingly. He added that security would be provided on New Year's Eve as an example.

The parties were invited to sum up and Mr Grunert requested the Sub-Committee to grant the application as requested. Mr Porley indicated that he had nothing further to add. Mr Shaw commented that if drinking was prohibited in the smoking area then much of the nuisance from the premises would be curtailed.

Councillor Rochelle asked if all parties were satisfied that they had had ample opportunity to air their views. This was confirmed and the parties withdrew from the meeting at 11.30am.

The Licensing Sub-Committee carefully considered all the evidence submitted and the representations made during the hearing and it was

## **Resolved**

1. That the Sub-Committee grants the Premises Licence in respect of the Ogley Hay Club, 115 Ogley Road, Brownhills, Walsall, WS8 6AN under Section 17 of the Licensing Act 2003 as requested together with the mediated conditions agreed with West Midlands Police; and
2. That an additional condition be included requiring no drinking in the smoking shelter/outside area and notices to that effect be provided at the exit to the smoking area and in the shelter itself.

All parties were re-admitted to the meeting at 11.40am and informed of the Licensing Sub-Committee's decision. The parties were advised of their right of appeal to the Local Magistrates' Court within 21 days of receipt of the determination.

**Termination of meeting**

The meeting terminated at 11.45am

Chairman.....

Date.....