

LICENSING SUB-COMMITTEE

Tuesday 26th May, 2015 at 10.30am

In a Conference Room, Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Anson
Councillor Sarohi

In attendance

Mr Steven Knapper – Principal Licensing Officer – Walsall MBC
Mrs Emma Oliver – Legal Services – Walsall MBC
Mr Piers Warne – TLT Solicitors of Bristol for the Applicant
Gary Eddington – Designated Premises Supervisor
Damian Johnson – Business Manager

Appointment of Chairman

Resolved

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

Councillor Sears 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

There were no apologies for non-attendance.

Declarations of Interest

There were no declarations of interest.

Licence Hearing

Application for a premises licence variation under Section 34 of the Licensing Act, 2003 – Cat & Fiddle Public House, Beacon Road, Great Barr, Birmingham, B43 7BY

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

(see annexed)

Councillor Sears explained the purpose of the meeting and requested the Principal Licensing Officer (Mr Knapper) to explain the variation application.

The Principal Licensing Officer (Mr Knapper) enlarged upon the report for the benefit of the Sub-Committee and indicated that the application for a Premises Licence Variation in respect of the Cat & Fiddle Public House, Beacon Road, Great Barr, Birmingham, B43 7BY had been made under Section 34 of the Licensing Act, 2003. The application could be granted as requested, granted with additional/modified conditions or rejected. The current premises licence which included the layout of the premises was given in appendix 1 to the report and the premises licence variation which had been received on 20th March, 2015 was given as appendix 2.

Mr Knapper drew the Sub-Committee's attention to paragraph 3.3 of the report and indicated that a street map showing the location of the premises was given as appendix 3 to the report. He indicated that a request had also been made to remove conditions from the existing licence as they were now out of date or redundant. He 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. The end date for representations had been extended to 24th April, 2015 due to initial failure to display the notice at the premises.

On 13th April, 2015 the licensing authority had received a written representation from an 'other person' (Appendix 4 refers) and it had not been possible to mediate the representation.

Mr Knapper also drew attention to paragraph 4.2 of the report which contained the legal position. He added that in determining the application the Sub-Committee must have regard to the statute; its statement of licensing policy and the statutory guidance issued under section 182 of the Licensing Act, 2003.

Parties had no questions for Mr Knapper.

Mr. Warne (TLT Solicitors of Bristol) referred to the variation application which involved a small extension in the hours for the supply of alcohol and the provision of late night refreshment only between the hours of 10.00 – 00.00 Monday to Thursday and 10.00 – 01.00 hours on Friday and Saturday for the supply of alcohol and between the hours of 23.00 – 00.00 hours on Monday to Thursday and 23.00 – 01.00 on Friday and Saturday for late night refreshment. The proposed opening hours for the premises being 09.00 – 00.30 hours Monday to Thursday and 09.00 – 01.30 hours on Friday and Saturday. He asked the Sub-Committee to remove the conditions for the provision of free drinking

water at all times as this was now a mandatory condition; a no-smoking area being provided as this was no longer applicable and the current means of escape being improved by the creation of a new exit or the increase in the width of the exit into the toilet lobby and final exit doors as it was now out of date.

Mr Warne then referred to the representation from the occupiers of number 166 Beacon Road, Great Barr, Birmingham which raised concerns over children playing football outside the public house unsupervised; litter and broken glass at the premises and noise from customers leaving the premises late at night. Mr Warne continued that Gary Eddington had been the manager of the premises for 18 months now and felt that it was the appropriate time to extend the hours of operation for the sale of alcohol and late night refreshment for commercial reasons. He indicated that entertainment was provided at the premises on Saturday evenings and the extension to the opening hours would enable patrons to disperse over an extended period. He added that there had been no complaints from residents to the premises or to the Environmental Protection Team about noise nuisance. The Police had made no representations to management about the running of the premises either.

With regard to the concerns of the occupiers of number 166 Beacon Road, Great Barr, regarding litter and broken glass on the car park, Mr Warne reported that the manager and staff carried out the clearance of litter regularly on the premises. He added that there was a licensed shop and a number of take-away's sited near to the premises on a main road and it was possible that some of the litter complained about came from these sources. He also stated that the public house garden was situated away from residential gardens to limit noise issues and his client had offered to provide 'no ball games' signs on the grassed area to curtail problems with footballs being kicked against fences and into adjoining gardens.

Mr Warne added that there were three other public houses in the area all of which were open longer than the Cat & Fiddle. The variation in the opening hours would bring the Cat & Fiddle into line with its rivals.

With regard to the noise problems as referred to by the occupiers of number 166 Beacon Road, Great Barr, Mr Warne reported that some noise could be attributed to the nearby shops and it was unfair to blame all of the noise nuisance on the Cat & Fiddle. He added that the public house did have notices in place to remind customers to leave quietly and respect neighbours privacy.

Mr Warne then drew the Sub-Committee's attention to Paragraphs 9.42 and 9.43 of the Statutory Guidance and asked Members to grant the variation application.

Mr Knapper had no questions for Mr Warne.

Councillor Anson asked if there had been any objections to the variation application from residents of Roxburgh Grove. Mr Warne replied that the occupiers of number 6 Roxburgh Grove had made a verbal complaint about footballs being kicked against their fence and landing in their garden but had not made any formal objection to the variation application.

Emma Oliver (Legal Services) referred to the removal of the condition regarding the means of escape in the event of fire and asked if this would pose a safety problem.

Mr Knapper replied that the Fire Service would serve a notice on the premises requiring remedial work to be undertaken if there was a problem.

Councillor Anson asked about the boundary treatment at the Cat & Fiddle public house. Mr Eddington replied that a wall and six foot fence separated the public house from Roxburgh Grove and a six foot fence, a footpath and a second six foot fence separated the premises from number 166 Beacon Road, Great Barr.

Both parties were invited to sum up but had nothing further to add.

Councillor Sears asked if all parties present were satisfied that they had had ample opportunity to air their views. This was confirmed then the parties withdrew from the meeting at 10.50am.

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

Resolved

That the Sub-Committee:-

1. Grants the premises licence variation in respect of the Cat & Fiddle Public House, Beacon Road, Great Barr, Birmingham, B43 7BY as requested;
2. Agrees to the removal of the conditions relating to drinking water; a no-smoking area and means of escape in the event of fire as out of date and/or redundant;
3. Requests 'no ball games' signs be erected on the grassed areas adjoining the Public House;
4. Requests that signs requiring patrons to leave the premises quietly at night to avoid disturbing adjoining residents be augmented and enforced by staff.

All parties were re-admitted to the meeting at 10.58am and informed of the Sub-Committee's decision. The parties were informed of their right of appeal to the Local Magistrates Court within 21 days of the receipt of the determination letter.

Termination of meeting

The meeting terminated at 11.00am.

Chairman

Date