

LICENSING SUB-COMMITTEE

Thursday, 20th October, 2011 at 10.30 a.m.

The Foyer to the Council Chamber, Council House, Walsall

Present

Councillor Rochelle (Chairman)
Councillor Anson
Councillor Sarohi

In attendance

Steven Knapper - Principal Licensing Officer, Walsall MBC
Harinder Basran - Legal Services, Walsall MBC

Applicants

Mr. A. Rogers
Mr. B. Owens
Mr. A. Jones

Objectors

Mrs. C. Haynes
Mr. S. Holden
Mr. C. Cunningham

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.

Apology

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

Declarations of Interest

There were no declarations of interest.

Licensing Hearing

Application for a Club Premises Certificate Variation under Section 84 of the Licensing Act, 2003 - Handsworth R.U.F.C., Birmingham Road, Walsall, WS5 3LQ

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report and indicated that an application for the Club Premises Certificate variation had been received on 25th August, 2011. As a result of representations being made, the application could not be determined under officers' delegated powers. He added that the application could be granted as requested; granted with additional/modified conditions or refused.

Referring to the background information, Mr. Knapper stated that the existing Club Premises Certificate was shown in Appendix 1 to the report. The proposed variations to the licence were indicated in Paragraph 3.4 of the report and the location of the site was shown on the plan attached as Appendix 3 to the report. The application had been advertised by way of a "blue" site notice displayed at the premises and in a newspaper circulating in the area in accordance with the Licensing Act, 2003. A twenty eight day period for submission of representations had been included and on 19th September, 2011, an objection from West Midlands Police had been received. These requirements had been mediated with the applicant on 28th September, 2011 and would become conditions attached to the Variation Certificate if it was granted. No other representations were received from responsible authorities but eleven written representations had been received from interested parties (Appendix 4 refers).

Mrs. Haynes (a local resident and objector) expressed concern that she had not received a copy of the application. Mr. Knapper explained that third parties were not entitled to receive a copy of the application and that the Rugby Club had complied with the legislation by advertising the proposal in the Express & Star on 26th August, 2011.

There were no further questions for Mr. Knapper.

Councillor Anson asked how far the objectors lived from the Rugby Club premises. Mr. Rogers (Honorary Secretary of Handsworth Rugby Union Football Club) replied that the nearest lived approximately 136 metres away from the Club House whilst those in Canberra Road were over 300 metres away.

Councillor Rochelle asked whether the Certificate related to all of the buildings on the site. Mr. Rogers confirmed that the Certificate related to the Club House only.

Mr. Holden (local resident and objector) stated that five to six years ago, discos were held regularly at the Rugby Club. He asked if security would be used if events were to be held regularly under the Certificate Variation. Mr. Rogers confirmed that a bar steward would be on duty at all times and club members were normally available when the premises were open.

Mr. Cunnington (local resident and objector) stated that when he had visited the Club House to protest about the loud music on one Saturday evening, the bar steward had invited him outside to settle the matter. He also referred to the fact that when taxis arrived to pick up revellers late at night, they stopped on Birmingham Road rather than driving down to the Club House because the gates were often partly closed.

Mr. Cunnington also referred to the fact that the Rugby Club had erected a marquee adjacent to the Club House and played music from there. He asked if marquees were to be used regularly, could noise levels be monitored by Environmental Health officers. He continued that because of the problems with binge drinking, drinking times should be being reduced not increased and asked if the playing of music in the Green Belt was lawful.

Mrs. Haynes stated that she lived in Walstead Close and noise carried across the open fields, especially at night when surrounding noise levels were lower. She felt that residents were being denied the peaceful use of their homes because of noise emanating from the Rugby Club. She asked what time revellers would leave the site if they were allowed to drink until 1.00 a.m.

Mrs. Haynes continued that, in her opinion, the Club House was being turned into a night club and this should not be allowed. Only "bona fide" club members should be able to drink there.

Mr. Holden asked how long the club allowed for drinking up. Mr. Rogers replied up to thirty minutes.

Mr. Cunnington stated that residents suffered when events like circuses, or bonfire night, were held at the Rugby Club as this led to an increase in traffic in the area. The section of Birmingham Road outside the Club was already an accident black spot with fences and boundary walls to nearby houses being damaged regularly. He added that the 30 mph speed limit was largely ignored and although a flashing 30 mph speed limit sign had been recently erected to encourage motorists to slow down it had had little effect.

The applicants had no questions for the objectors.

Councillor Anson asked if Birmingham Road was a red route. Mr. Cunnington confirmed that it was.

Councillor Sarohi asked if the music played at the Club House was loud. Mr. Cunningham stated that, in his opinion, it was excessive on occasions.

Councillor Sarohi asked if music was ever played outside. Mr. Cunningham replied that the Club had erected a marquee adjacent to the Club House and played music inside it. On that evening, the music had seemed particularly loud.

Councillor Anson asked when the marquee had been used. Mr. Cunningham replied 18th June, 2011.

The applicants were invited to present their case and Mr. Rogers, referring to the objector's remarks, stated that no circuses had been held on the Rugby Club grounds for at least six years. The bonfire was an annual charity event in conjunction with St. Margaret's Church and was controlled by the police. He felt it was well received by the community. Fireworks were let off at 6.30 p.m. and 7.30 p.m. and the event was usually over by 10.00 p.m. He added that some people attending the event parked their cars in adjoining streets but added that the Club could not control this.

With regard to Birmingham Road being an accident black spot, Mr. Rogers stated that the excess speed of motorists using Birmingham Road could not be blamed on the Rugby Club. Referring to patrons being picked up from the club by taxis, Mr. Rogers stated that club members were asked to ensure that taxis picked up from the Club House not the road. He added that club members would be reminded to enforce this procedure.

With regard to closing times, Mr. Rogers commented that although the club had applied for a 1.00 a.m. closing time on Fridays and Saturdays, it would be used very rarely.

Regarding disturbances associated with the use of the Club House, Mr. Rogers stated that he could think of only one occasion when an eighteenth birthday party had got out of hand. Some people who had been refused entry had scuffled with those leaving the event. As a result, the Committee had decided not to hold anymore eighteenth or twenty first birthdays at the Rugby Club premises.

With regard to the incident which had occurred outside the Bell Inn, Mr. Rogers indicated that it was the Rugby Club's secretary who had alerted the police to the problem. He added that the club had been there for sixty three years and there had been no vandalism associated with it. Any complaints which did arise were dealt with promptly by club members or the Committee.

Referring to the concern that customers from the Bell Inn would leave the public house and move onto the Rugby Club to continue drinking, Mr. Rogers stated that the Bell Inn already had a licence to sell alcohol until 1.00 a.m. and the Club House was for club members only so no outsiders would be able to drink there.

Mr. Rogers reminded the meeting that the club had applied for opening hours of 11.00 a.m. to 23.00 p.m. Monday to Thursday; 11.00 a.m. to 1.00 a.m. Friday and Saturday and 12 noon to midnight on Sundays. Drinking up would start thirty minutes before the closure times.

Referring to the complaints that this was a quiet residential area, Mr. Rogers reminded the meeting that Birmingham Road was a major arterial route into and out of the Borough with significant traffic flows at all hours.

With reference to dancing/loud music, Mr. Rogers stated that the club was normally open on only four days per week. On Tuesdays, a cycling club used the premises but it was hoped to move their activities to Wednesday between 6.30 p.m. and 11.00 p.m. when karate and rugby training was also carried out. The premises were currently vacated by 10.00 p.m. at the latest. Most Saturdays, the premises were open from 11.00 a.m. to 8.00 p.m. Only occasionally would the Club House remain open to 1.00 a.m. on Saturday. He added that the Club House had been used for birthday, christening and engagement parties, normally on Saturday evenings or Sunday afternoons. The event with the marquee on 18th June, 2011 had been a rehearsal for the club's 125th anniversary event. It had been erected adjacent to the Club House to maximise use of the toilets and other facilities. The speakers for the amplified music had been turned away from Birmingham Road to avoid upsetting local residents and, on that occasion, stewards had gone to the end of the access road to make sure that the music was not too loud at the boundary of the site. The volume of noise in the Club House had not been excessive but he would be happy for sound monitoring to be carried out by Environmental Health officers if this allayed the concerns of residents.

As a result of the rehearsal being held, it had been discovered that the club did not have a licence to play music, although it did have a Performing Rights Society Licence. He indicated that the application had been made to regularise the position and Monday to Sunday had been proposed so that birthday celebrations on any day of the week could be catered for. He added that it was unlikely that the Club House would be open on every day of the week but would simply carry on as it had for the last sixty three years. Drunkards, swearing and fighting were allied with other licensed premises in the area and could not all be laid at the Rugby Club's door.

Mr. Rogers circulated an aerial photograph of the area on which were marked those properties which had objected to the application:-

(see annexed)

He indicated that the activities undertaken at this site would be similar to what had gone on before.

Mr. Cunningham asked why events needed to go on until 1.00 a.m. on Fridays and Saturdays. Mr. Rogers stated that the club had specified 1.00 a.m. on Fridays and Saturdays so that they would be covered if a patron wished to hold an event later into the evening.

Mr. Cunningham felt that the cut-off point should be 11.00 p.m.

Mrs. Haynes stated that residents had become accustomed to the traffic noise and did not really hear it but amplified noise at unreasonable hours could not be so easily ignored. She suggested that when an event was held, residents should be supplied with a telephone number so that they could contact the club management to have the noise reduced if it was becoming excessive.

Mr. Rogers indicated that he would be happy to provide a telephone number for residents to use to contact the club with their concerns.

Mr. Cunningham stated that he had called Environmental Health officers to his home and they had agreed that the noise levels were excessive so he would continue to object to the licence extension.

Mr. Rogers informed the meeting that a number of the club's members were serving police officers so they could take appropriate action if patrons became overly rowdy.

Councillor Anson asked how many cars the club's car parks could hold. Mr. Rogers replied that the main car park could hold approximately forty cars and the overspill car park another fifty vehicles.

Councillor Anson asked if the club would agree to a noise limiter being fitted to the music system. Mr. Rogers agreed that the club would be happy to accept such a condition.

Councillor Sarohi asked about events involving the use of a marquee. Mr. Knapper replied that the club would have to apply for a Temporary Events Notice if they wished to use a marquee in future and the police could object to that Notice.

Councillor Sarohi asked if doors and windows were kept closed when music was being played in the Club House. Mr. Rogers replied that doors and windows were kept closed whenever possible but because of the "no smoking" regulations, doors were opened and closed as club members went outside to smoke.

Councillor Sarohi asked if notices were displayed in the Club House requesting patrons to leave quietly and request the privacy of surrounding residents. Mr. Rogers confirmed that such notices were posted at the entrances and exits to the premises.

Both parties were invited to sum up, and making her final statement, Mrs. Haynes stated that on the aerial photographs circulated at the meeting, it appeared that resident's homes were a long way away from the site. She stated that this was deceptive and that most houses were closer to the Club House than it appeared on the photograph. Mr. Cunningham re-iterated the fact that the 1.00 a.m. closure on Fridays and Saturdays was excessive and he would prefer an 11.00 p.m. closure.

In making his final remarks, Mr. Rogers stated that the club had operated from the premises for sixty three years without any major problems. He hoped that they could continue to do so in the future but with additional hours for patrons to use.

All parties withdrew from the meeting at 11.42 a.m.

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

Resolved

- (1) That the Club Premises Certificate variation under Section 84 of the Licensing Act, 2003 be granted as set out in the report, subject to the opening hours for Sunday being amended to 12 noon to 11.00 p.m.;
- (2) That the representations made by West Midlands Police be included as conditions attached to the Certificate;
- (3) That a noise limiter be installed on the music system used in the Club House;
- (4) That a telephone number be supplied to local residents so that concerns/ complaints can be directed to the bar steward or club members;
- (5) That drinking up time on Friday and Saturday evenings commence thirty minutes before closing time i.e. 12.30 a.m. at the latest;
- (6) That the gates on the access road at the junction with Birmingham Road be kept open when the premises are in use so that taxis can gain access to the Club House to pick up passengers at all times.

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

Both parties were re-admitted to the meeting at 12.05 p.m. and advised of the Sub-Committee's decision and right of appeal to the local Magistrates Court within 21 days of receipt of the decision letter.

Termination of meeting

The meeting terminated at 12.08 p.m.

Chairman

Date