

## **LICENSING SUB-COMMITTEE**

**Thursday 12<sup>th</sup> April 2012 at 10.30 am**

### **Present**

Councillor Rochelle (Chairman)  
Councillor Anson  
Councillor Cook

### **In attendance**

Steven Knapper – Principal Licensing Officer, Walsall MBC  
Paul Green – Legal Services, Walsall MBC  
Mr Surjit Gill - Applicant  
Mr Zahid Mallik - representative for the applicant  
Mr Neil Harris, Environmental Health - Objector

### **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 – Al murad, Unit 7 Phoenix Business Park, 150 Stafford Street, Walsall, WS2 8EA**

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

Steven Knapper – Principal Licensing Officer enlarged upon the report and indicated that the application had been received by the Licensing Authority on 27<sup>th</sup> January 2012. He drew the Sub-Committee's attention to Appendix 1 of the report which set out the proposed layout of the function room; Paragraph 3.3 of the report which set out the proposed activities and times of operation; and highlighted a street map of the locality at Appendix 2 to show the venue site in relation to residential properties.

Mr Knapper also indicated that a blue site notice had been displayed at the premises and that a licensing notice had been placed in a newspaper circulating within the area. He did however report that the period for representations had been extended to the 14<sup>th</sup> March 2012 due to the fact that the application had been incorrectly advertised in the press. On 19<sup>th</sup> and 22<sup>nd</sup> March 2012 mediated conditions had been received from both West Midlands Police and West Midlands Fire Service which would become conditions on the licence if the application was granted. On the 15<sup>th</sup> March 2012 a written representation was received from Environmental Health (Appendix 3).

Mr Knapper tabled a noise assessment report that had been sent to Licensing by the applicant the day prior to the meeting. No other representations had been received from other responsible authorities.

The Chair asked Mr Gill (applicant) if he had agreed with the report. Mr Mallik (representative for the applicant) confirmed that the report submitted by the Interim Regulatory Manager was a correct summary.

Councillor Anson asked Mr Knapper if there had been any complaints concerning the application. Mr Knapper replied that the Police and Fire observations were the mediated conditions referred to in paragraph 3.8 of the report. There had also been an objection from Environmental Health.

There were no further questions for Mr Knapper.

The Chair invited Environmental Health to make its case.

Neil Harris (Principal Environmental Health Officer) reported that the Environmental Health Team had objected to the licence as the applicant had not provided sufficient details on noise mitigation measures and measures to prevent public nuisance (Section P). He reported that planning permission for Al murad had been granted in October 2010 with additional conditions, one of which had requested a detailed noise abatement scheme to be submitted and agreed in writing by the Planning Authority before any development commenced. This had not been forthcoming and the business had already commenced trading.

The applicant had no questions for the objector.

Councillor Anson asked if there had been any complaints from local residents. Mr Harris confirmed that Environmental Health had received one complaint which had related to an incident within the building and not in relation to noise.

Councillor Cook enquired how a noise assessment worked. Mr Harris replied that a noise assessment highlighted noise mitigation and he gave a number of examples e.g. a disco would be classed as normal noise; percussion instruments would be much louder; coaches leaving the facility late at night may cause unacceptable additional noise as would large numbers of people talking outside late at night. Mr Harris stated he would have liked to have seen the noise assessment report earlier and that he still required a noise abatement statement.

The applicant was invited to present his case. Mr Mallik spoke on behalf of Mr Gill and he stated that in relation to the Environmental Health objections the applicant would ensure there was security outside the building and that a noise policy would be introduced and advertised both outside and inside the premises and that the policy would be included on all customer contracts.

Mr Harris asked a number of questions to Mr Mallik including whether the music would continue until 3.00 a.m. in the morning; whether the cooking would take place within the building and whether a car park attendant would be employed. Mr Gill replied that the venue would only remain open until 3.00 a.m. dependant upon booking requests; they would only be using outside caterers and they would ensure a car park attendant was employed. He stated that he would be happy to oblige with any conditions imposed by Licensing.

The Chair invited both parties to sum up. The applicant stated that he was more than happy with everything that had taken place and had nothing further to add.

All parties withdrew from the meeting at 10.50 a.m.

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

## **Resolved**

That the Sub-Committee grants the premises licence in respect of Al murad, Unit 7 Phoenix Business Park, 150 Stafford Street, Walsall, WS2 8EA. The licence is subject to the mediated conditions agreed between the applicant, West Midlands Police and West Midlands Fire Service.

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 at 11.00 a.m. and advised of the Sub-Committee's decision and informed of their right of appeal to the local Magistrates Court within 21 days of receipt of the decision letter.

## **Termination of meeting**

The meeting terminated at 11.05 a.m.

Chairman .....

Date .....