

LICENSING SUB-COMMITTEE

Thursday, 7 January, 2010 at 10.30 a.m.

Conference Room, Council House, Walsall

Present

Councillor Rochelle (Chair)
Councillor Anson
Councillor Wilkes

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 Mrs. Barton.

Declarations of Interest

There were no declarations of interest.

Licensing Hearing

**Application for a Premises Licence under Section 17 of the Licensing Act, 2003
- Unity Social, Harper Street, Willenhall, West Midlands, WV13 1SW**

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

(see annexed)

The following persons were present:-

Mr. Steve Knapper - Principal Licensing Officer, Walsall MBC
Mr. Dominic Patouchas, Legal Services, Walsall MBC
Mr. R. Singh - Applicant
Mr. Danny Hardy - Solicitor to the applicant
Mr. P. Burrows - Objector
Mr. Paul Wilde - Clerk to the Sub-Committee

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report and stated that the application for a Premises Licence was made under Section 17 of the Licensing Act, 2003. The application had been received on 10th November, 2009. The completed application, including the proposed layout of the premises, was shown in Appendix 1 to the report. He drew attention to the proposed opening hours for the premises (Paragraph 3.3 refers) and to the applicant's request for non-standard timings on New Year's Eve and New Year's Day (Paragraph 3.4 refers). He added that a street map showing the location of the premises was included at Appendix 2.

Mr. Knapper reported that the premises had previously held a Club Premises Certificate issued under Section 60 of the Licensing Act, 2003 which had been surrendered to the Licensing Authority on 10th November, 2009. He continued that a blue site notice had been displayed at the premises and the appropriate notice had been advertised in a newspaper circulating in the area. He added that mediated conditions had been agreed with West Midlands Police on 9th December, 2009 which would become conditions attached to the Premises Licence if the application was granted.

Mr. Knapper stated that there had been no representations from any other responsible authority but one letter of representation had been received from an interested party (Appendix 3 refers).

Mr. Hardy of Licensed Trade Legal Services Ltd., representing Mr. Singh - the applicant, had no questions for Mr. Knapper.

Councillor Anson referred to the licence held by the premises prior to 10th November, 2009. Mr. Knapper replied that the premises had had a Club Premises Certificate which allowed them to sell alcohol from 11.00 a.m. to 11.00 p.m. Monday to Saturday and 11.00 a.m. to 10.30 p.m. on Sundays.

The objector to the application, Mr. Burrows, reported that he had been a resident of Harper Street for eight years and lived approximately 50 feet from the venue. He indicated that the Club had never been a problem in the past as it was normally open on only two days a week and there was no music or external drinking. He felt the new facility could create a nuisance as a beer garden was proposed.

Mr. Burrows referred to another premises in Harper Street, opposite his home, which had recently changed hands and which had created a noise nuisance for residents. He stated that the Police had been called on three occasions because of unruly behaviour by patrons and people were regularly seen urinating in the street in front of his home. He added that Harper Street was narrow and with taxis coming and going

to drop off and collect patrons, it was difficult to get any sleep until after 1.00 a.m. This was particularly wearing on his wife and young child.

Mr. Hardy asked Mr. Burrows how many residents lived within a third of a mile of Harper Street. Mr. Burrows replied several hundred.

Mr. Hardy asked if Mr. Burrows' worst fears had been realised. Mr. Burrows confirmed that they had.

Councillor Rochelle asked how many houses were affected by the Clubs. Mr. Burrows replied that there were four houses on his side of the road and eight on the opposite side, making twelve in total.

Councillor Rochelle asked if problems arose from the Manor House. Mr. Burrows confirmed that they did.

Councillor Anson referred to the parking problems outside Mr. Burrows' home. Mr. Burrows replied that vehicles often obstructed his drive. The front and side of his property was regularly hemmed in by vehicles of patrons attending the Manor House.

Mr. Hardy explained that Mr. Singh had been a licensee for twelve years and currently ran the Three Tuns public house. He was vastly experienced and in Mr. Hardy's experience, if the applicant was good, then the premises would be well run and there would be few complaints from local residents. If patrons were allowed to gain the upper hand, then problems could result. He added that it would be unfair to blame the Unity Social, which hadn't opened yet, for the problems arising from the Manor House.

Mr. Hardy continued that Mr. Singh had purchased the Unity Social Club as a drinking establishment originally but now wanted it to be licensed for sporting events, music and dancing. He added that it would not be a night club. He drew attention to the fact that the films, plays, pantos and community activities would cease at 10.00 p.m. The establishment would close at 1.00 a.m. on Fridays/Saturdays with sale of alcohol ending at 00.30 a.m. During the rest of the week, all activities would cease at 11.30 p.m.

Mr. Hardy stated that the existing problems could not be laid at the Unity Social Club's door as it had not yet begun trading. He indicated that there would be a car park for 20 cars and the CCTV system would be used in conjunction with the arrival of taxis to collect patrons so there should be no noise disturbance late at night. He added that if any problems did arise from the operation of the premises, then a review could be requested and Mr. Singh could lose his licence in the last resort.

Mr. Burrows sought clarification of the playing of music until 1.00 a.m. on Fridays and Saturdays. Mr. Hardy confirmed that this related to background music, not live music. He asked about the outside drinking area. Mr. Singh replied that the beer garden extended along the side of the premises fronting onto Thompson Street. In response to a question regarding closure of the beer garden, Mr. Singh indicated that close boarded fencing would be erected and no outside drinking would be allowed after 10.00 p.m. CCTV would also be provided to cover activity taking place in the beer garden.

Councillor Wilkes asked where smokers would go. Mr. Singh replied that an area bounded by an eight foot wall and trees would cater for smokers.

Councillor Rochelle asked if Mr. Singh would be the DPS for the premises. Mr. Singh replied that he would be the DPS and would be assisted by his experienced elder brother. He added that his father had been a publican for 34 years without any complaints.

In summing up, Mr. Burrows stated that he would be happy to work with Mr. Singh. He added that his concerns had been coloured by his experiences with the Manor House.

Mr. Hardy reported that it had never been Mr. Singh's intention to cause problems for residents and he would work with them to minimise any concerns that arose.

All parties withdrew from the meeting at 11.05 a.m.

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

Resolved

That the application for a Premises Licence under Section 17 of the Licensing Act, 2003 in respect of Unity Social, Harper Street, Willenhall be granted as set out in the report and with the mediated conditions agreed with West Midlands Police.

The Sub-Committee was satisfied that to grant the licence would not undermine the promotion of the licensing objectives.

The applicant or person who made relevant representations has the right of appeal to the Magistrates Court under Section 181 of the Licensing Act, 2003. The appeal must be commenced by notice of appeal within the period of 21 days beginning with the day on which the applicant or person who made relevant representations is notified by the Licensing Authority of the decision appealed against.

All parties were re-admitted to the meeting at 11.15 a.m. and advised of the Sub-Committee's decision and the right of appeal against the decision to the Magistrates Court within 21 days of the receipt of the decision letter.

Termination of meeting

The meeting terminated at 11.16 a.m.

Chairman

Date

