

LICENSING SUB-COMMITTEE

Wednesday, 13 January, 2010 at 10.30 a.m.

Conference Room, Council House, Walsall

Present

Councillor Anson (Chairman)
Councillor C. Bott
Councillor Sarohi

Appointment of Chairman

Resolved

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

Councillor Anson 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

An apology for absence was received on behalf of Councillor Rochelle.

Declarations of Interest

There were no declarations of interest.

Licensing Hearing

**Application for a Premises Licence under Section 17 of the Licensing Act, 2003
– Colebatch's Club, Function Room, 699 Bloxwich Road, Leamore, Walsall,
WS3 2BD**

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

(see annexed)

The following persons were present:-

For the applicant:-

Mrs S Nash – Designated Premises Supervisor, Colebatch’s Club
Mr Bowen – Club Secretary, Colebatch’s Club

Interested Parties:-

Mr P Rowley – 692 Bloxwich Road, Walsall
Mrs D Rowley – 692 Bloxwich Road, Walsall
Mrs K Bowen – 22 Green Lane, Leamore, Walsall

In attendance:-

Mr. Steven Knapper – Principal Licensing Officer, Walsall MBC
Mr. D. Patouchas – Legal Services, Walsall MBC
Mr. Neil Picken – Clerk to the Sub-Committee

As a preliminary issue the Sub-Committee made a determination as to whether the representation made by Mrs T Hayes of 109 Well Lane, Leamore, Walsall, WS3 2BP was a “relevant representation”. Mrs Hayes was not in attendance. The Sub-Committee considered whether Mrs T Hayes was an interested party. The Legal Advisor clarified that an interested party is defined as a person living in the vicinity of the premises. The Sub-Committee considered whether Mrs Hayes residence was likely to be directly affected by disorder and disturbance occurring or potentially occurring on these premises or immediately outside these premises.

The Sub-Committee determined that the address given was not in the vicinity of Colebatch’s Club and therefore Mrs Hayes was not an interested party. There was some discussion as to where Mrs T Hayes resided. Following Mr. Rowley’s comment that Mrs T Hayes has since moved house and resided directly opposite the club. The Legal Advisor clarified that the Sub-Committee must take account of the address given on the representation and that any uncertainty will generally, in a matter such as this, be decided in favour of the Applicant. As the Sub-Committee could not be sure that Mrs Hayes did not reside at 109 Well Lane it was agreed that Mrs T Hayes was not an interested party and as such the objections raised by her would not be considered.

Mr. Steven Knapper (Principal Licensing Officer) enlarged upon the report drawing Committee’s attention to section 3.3 of the report which detailed the proposed activities and times. He also referred to the request submitted for non standard timings.

The Chairman sought clarity as to the history of the club and whether objections had been received from Environmental Health or the Police. Mr. Knapper advised that no such objection had been received.

The Sub-Committee then heard evidence from Mr. and Mrs. Rowley of 692 Bloxwich Road, Walsall and from Mrs K Bowen of 22 Green Lane, Leamore, Walsall who objected to the application.

Mr and Mrs Rowley stated that they experienced noise nuisance and anti social behaviour which emanated from the premises. Their main concern was noise emanating from the Function Room when it was used for parties and special events such as weddings. Noise nuisance also occurred upon the conclusion of a party or other event at a late hour. This was particularly an issue during the summer months as people would gather outside the premises. Taxis collecting customers of the pub would exasperate the problem by beeping their horns. It was of concern that the entrance to the function room was not monitored allowing anyone to walk in or out.

Mrs K Bowen also complained of noise and was particularly concerned about noise emanating from the Smoking Areas. She stated that doors were being opened and closed noisily and that people within the Smoking Area caused noise nuisance.

In response to the objections, the applicant asked how many times the objectors had submitted a formal complaint in writing.

In response it was stated that a number of complaints had been submitted to the club. These have been both in writing and verbally to Members of the Clubs Committee.

The applicants then asked how many times the Police have been called to which the objectors stated a number of times.

The applicant asked Mrs Bowen how far away from the club she lived. In response she stated that she lived across the road approximately 50 yards from the premises. She stated that she could see the extension which formed the function room and was constantly hampered by noise due to the opening and closing of the smoking area doors.

The applicant then asked Mr Rowley where he lived, to which he replied directly opposite.

The applicant then proceeded to present their case stating that the report as presented by Mr. Knapper was detailed and thorough. He informed the Committee that the club was an important feature within the local community and provided service. He stressed that the only incident involving the Police occurred in the summer of 2009 where he himself called them to restore order. Posters were displayed to request patrons to be quiet upon leaving the premises and the function room was most likely only be used at weekends except for funeral wakes which would occur during the daytime during the week. He claimed that no objections or complaints have been received either verbally or in writing by Mrs Bowen who had only recently had her membership at the club renewed. With regards to the extended opening hours over Christmas and New Year it was confirmed that all windows and doors would remain closed. Mr Bowen reported that there were a number of pubs within the area and a number of revellers would return home via the main high street which could also be a source of disturbance to the objectors. The clientele of the Colebatch Club were of mature age and less likely to cause any problems.

There then followed a period of questioning from the objectors in relation to the applicants submission.

Mr Rowley asked how people hiring the room were vetted, whether CCTV had been corrected, why the smoking area was not closed at 11.00 p.m. and how they control people using the club. In response, Mr Bowen stated that they would not usually permit 18th birthday parties however they had held a party week commencing 4 January, 2010 and it went well. At the time of booking a discussion always ensued as to the number of those attending. Mr Bowen confirmed that such events would take place on weekends. Regarding the CCTV he confirmed that the problem had been rectified and recording started back 28 days. With reference to those leaving the club he explained that committee members manned the door and that no children were allowed out to the premises unsupervised.

There then followed a period of questioning from the Committee in relation to the number of smoking areas and how many times the applicant expected the function room to be used. In response Mr Bowen stated that they had two smoking areas and that the function room was currently being used once a week in the evening with a few events during the day time. It was hoped that this would increase should the matter be approved by Committee.

The objectors then summed up their case reiterating their concerns expressed in relation to noise nuisance and anti social behaviour which emanated from the premises. They expressed concern that the problem would be exasperated should the application be granted.

The applicant, Mr Bowen, then summed up his case and assured the Committee that the club would do its up most to ensure that they kept to any conditions. They already comply with Police conditions regarding doors and windows. He explained that the club provided a service to the local community undertaking charity and fundraising work. It was used by local people and no objections had been submitted to the club.

All parties withdrew at 11.30 a.m.

Resolved

That the application in respect of a premises licence in respect of the function room at Colebatch's Club be granted with all the licensable activities listed within the application subject to Police conditions as detailed within paragraph 3.10 of the report now submitted and the following additional conditions:-

- that a Committee Member at Colebatch's Club or other suitable person is to supervise all entrances to the Function Room during any licensable activities;
- that licensable activities from Monday to Thursday finish at 11.30 p.m. and that the premises close at midnight.

All parties were readmitted to the meeting at 11.50 a.m. and advised of the Sub-Committee's decision and the right of appeal against the decision to the Magistrates Court under Section 181 of the Licensing Act 2003.

Termination of meeting

The meeting terminated at 11.55 a.m.

Chairman

Date