

Licensing

Sub-Committee

22nd October 2012

MINUTES

Sub-Committee Members Present:

Councillors Pattie Hill (Chair), Roger Hill, Gay Hopkins and reserve member Councillor Wanda King

Officers:

S Alom (Technical officer – Licensing)
C Flanagan (Legal Services Manager)
I Westmore (Democratic Services Officer)

Applicant's Side:

Mr T Poultney, Agent for the Applicant
Mr M Ronke, Applicant

Also in attendance:

Mr D Albert, Objector
Mr K Ashton, Objector
Mr K Parry, Objector
Ms J Powell, Objector
Councillor Pat Witherspoon, Objector
Councillor Greg Chance, Ward Councillor for Central Ward – Speaking on behalf of Ms S Medcalf, Objector
Councillor Debbie Taylor, Ward Councillor for Central Ward – speaking on behalf of Mr R and Mrs B Bowen, Objectors

Observers:

K Barnett (Legal Services, Redditch Borough Council)

10. CHAIR'S WELCOME

The Chair opened the Hearing and introduced the Members of the Sub-Committee and officers present. The Chair explained to all parties the procedure to be followed during the Hearing.

11. APOLOGIES

There were no apologies for absence.

12. DECLARATIONS OF INTEREST

There were no declarations from interest from Members of the Sub-Committee.

The meeting was informed that Councillors Greg Chance and Debbie Taylor had been granted a dispensation by the Council's Standards Committee to attend the present meeting but that the extent of their involvement would be to present representations on behalf of local residents who had asked them to speak on their behalf. It was disclosed that Councillor Pat Witherspoon had also been granted a dispensation by the Standards Committee as she had submitted written representations on the application and this would allow her the same rights to address the Sub-Committee as were enjoyed by others who had made representations in a similar manner. It was made clear that, once her representations had been made, Councillor Witherspoon should leave the meeting.

13. APPLICATION FOR VARIATION OF A PREMISES LICENCE - THE QUEEN'S HEAD, BROMSGROVE ROAD, REDDITCH, B97 4RL

The Sub-Committee was asked to consider an application for the variation of a premises licence in respect of The Queen's Head, Bromsgrove Road, Redditch, Worcestershire, B97 4RL. The application was subject to a Hearing in the light of a number of representations which had been made by local residents. The basis of their representations related primarily to public nuisance.

The Technical Officer, Licensing introduced the report and in doing so informed the Sub-Committee of an error, in that the Designated Premises Supervisor was identified as a Mr Mark Farmer whereas it should have identified the individual as a Mr Michael Lanfear. Otherwise there was no further update to provide with regard to the application. The advertisement of the application was the subject of considerable discussion. Local residents were unhappy that the notice had been displayed in such a way as made it difficult to read and it was noted that the Licensing Team had been alerted to the fact and had subsequently visited the premises to assess the siting of the notice. The Technical Officer confirmed that his colleague who had visited the premises was satisfied that the notice was visible and added that the relevant legislation did not specify in any great detail how such notices should be displayed. It was suggested by one of the parties to the hearing that the Council adopt a policy of its own specifying the requirements on premises displaying such notices to ensure that they were suitably visible. Further to this discussion, it was also stated that the notice had been displayed for

an additional week in response to concerns from the Technical officer that insufficient detail was provided on alterations to conditions on the existing licence.

Mr Terry Poultney, agent for the applicant, presented the case in support of his client's application. Mr Poultney circulated several photographs of the premises with the agreement of the Sub-Committee. Reverting to the subject of the notice, it was stated that the placement had been dictated by the obscured nature of many of the ground floor windows and had been acceptable to the Licensing Authority. Likewise, Mr Poultney added that in his opinion the level of detail provided in the original notice had been adequate to comply with the relevant legislation but that the additional information had been provided upon the request from the Technical Officer.

Mr Poultney informed the meeting that the applicants had met with the Licensing Authority and PC Paul Bott prior to submitting the application. Mr Poultney contended that the existing licence was deficient in a number of respects. It was suggested that the existing conditions on the sale of alcohol were more appropriate to a nightclub and that the Police had proposed that the premises did not need to be a part of the Pubwatch scheme. The installation of suitable CCTV was a part of the proposal within the application. It was noted that no responsible authorities had made representations on the application.

Mr Poultney stated that the applicant did not disagree with most of the concerns raised in the representations from local residents, that there had been problems at the premises in the past and that the current Designated Premises Supervisor had only been in place for three months. The applicant was a family run business and was looking to make The Queen's Head a more comfortable, family friendly environment.

In response to the submission from Mr Poultney, the Technical Officer confirmed that the existing premises licence did not contain any conditions which had been imposed upon the licence holder but that the licence was as submitted by the applicant on transfer to the new Licensing Regime in 2005. A number of other parties to the hearing had questions of the applicant, including seeking a justification for a removal of the condition restricting last entry to the premises to 11.30pm. Local residents also sought further information on the location of the proposed CCTV cameras, as it was their contention that the major issue was with patrons outside of the premises and in the car park. It was clarified that the approval of the Police and Licensing Authority as to the location of the

cameras was required prior to their operation. It was also suggested in a response from the applicant that SIA registered doorstaff would be employed on the door to supervise entry to the premises from midnight. Further to a number of additional questions, it was noted that responsible authorities and local residents would be able to make further representations and request the Licensing Authority review the licence should significant problems occur in the future.

At the invitation of the Chair, a number of local residents or their representatives addressed the Sub-Committee. Councillor Greg Chance spoke on behalf of local resident Sue Medcalf who had submitted written representations. Ms Medcalf was concerned particularly at the proposal to remove the conditions regarding last entries and the Pubwatch scheme and was of the opinion that matters had to deteriorate before residents had any redress. Ms Medcalf contended that local people would support a nice community pub, but that a residential area was not a suitable location for a nightclub.

Mr Keith Parry was very unhappy that the applicants were seeking post-11.030pm opening and specified that the problems at closing time were the most significant issue from his viewpoint. The problems caused by the premises extended down the road and were caused by intoxicated patrons speaking very loudly, fighting and behaving in an anti-social manner. Mr Parry had been particularly unhappy at the manner in which the changes had been advertised and undertook to report any future incidents to the Licensing Authority and the Police should the application be granted.

Mr Keith Ashton, who lived opposite the premises, spoke of the situation in the previous couple of years when the disturbance caused by the premises and its patrons was very significant. There had been considerable disorder and vandalism, local residents had been too frightened to go outside during these periods and there had been Mr Ashton had left his house for some weekends to avoid the disturbance. The premises lacked both double-glazing and air-conditioning which resulted in considerable noise disturbance, to the detriment of local residents' sleep. It was suggested that the tenants of the premises had no respect for local residents and that the extension of the opening hours would result in greater numbers of intoxicated people coming to the premises from the Town Centre.

Mr Douglas Albert agreed with much of what had been stated by Mr Ashton and added that a little country pub should be run as a little country pub and not as a night club. Mr Albert also suggested that

the local residents would support the premises were it run in an orderly manner.

Councillor Debbie Taylor spoke on behalf of local residents Mr Ron and Mrs Betty Bowen who had submitted written representations. Mr and Mrs Bowen highlighted the problems that had occurred at this premises in the past and, again, suggested that if it was well run, it would be a community asset. Given that this was not a Town Centre location, it was suggested that the extension of the opening hours and the leaving of the Pubwatch scheme would create problems.

Jayne Powell spoke as a near neighbour of the premises and stated that she was quite horrified and frightened by the things that she saw and heard from The Queen's Head, most particularly the outside areas, the garden and car park. She had seen substances being passed between individuals which were assumed to be illicit drugs and suffered much interruption of her sleep from late night noise from patrons of the premises. Whilst she was pleased that CCTV would be installed, she was concerned at the possible impact upon her own privacy, a point upon which she was reassured by the legal representative to the Sub-Committee she was protected in law.

Councillor Pat Witherspoon spoke to the representations that she had submitted in respect of the application as a near neighbour to the premises. Councillor Witherspoon noted that The Queen's Head had been at that location longer than most houses and that her family had used the premises over the years but stated, as had others, her concern at the unruly element who were attracted to the premises and the likely impact of extended opening and coming out of the Pubwatch scheme.

All parties concerned then had the opportunity to sum up their cases, during which the applicants indicated that they would be happy to remain in Pubwatch and were prepared to show flexibility over their proposed extended opening hours.

Having had regard to:

- the Licensing Objectives;
- Guidance issued under section 182 of the Licensing Act 2003;
- the Borough Council's Statement of Licensing Policy;
- the Application made by the Applicant;
- the representations made by interested parties (both in writing prior to and in person at the hearing)

The Sub-Committee RESOLVED that

the application for the internal alterations to the layout of the premises and the variation of the premises licence as set out in the Operating Schedule for The Queen's Head, Bromsgrove Road, Redditch, as amended by the following conditions:

- **The variation in respect of last entry be granted for Friday to Saturday only, on condition that an SIA approved door supervisor is employed on the premises from 23.30 hours until closing time.**
- **The variation to remove participation in the "Pubwatch" scheme is refused, although the Sub-Committee notes that the applicant has offered to observe that requirement in any event;**
- **An incident book should be maintained at the premises to record any incidents or refusals and be available for inspection by the Police and the Licensing Authority at any time;**

In reaching its decision, the Sub-Committee has taken account of all the representations put forward by local residents and their representatives and the applicant and the applicant's representative and has noted that no representations have been received from the Responsible Authorities.

Members considered evidence that:

- the other parties supported the proposed improvements to the internal layout of the premises;
- when well run, that The Queens Head was a successful "pub".
- following previous incidents of complaints the community, Council and Police had addressed them (those incidents do not directly relate to the variation applied for);
- one of the main concerns regarding the removal of the last entry restriction related to persons already intoxicated being admitted to the premises after 11:30 pm;
- the applicant's expressed wish to improve the pub and provide improved food and eating facilities and were committed to providing a well run premises;
- that a new Designated Premises Supervisor has been in place since July 2012.
- that the presence of SIA registered door staff would provide the necessary safeguards to admissions from 11:30 pm until closing time on Friday and Saturday nights.

Licensing

Sub-Committee

22nd October 2012

- the presence of CCTV (already agreed by the Applicant) will act as an additional safeguard for patrons and residents and continued participation in the Pubwatch scheme, also agreed by the applicant.

Members further considered that these measures are reasonable and proportionate to address the concerns of residents regarding late entry on Friday and Saturday nights, whilst enabling the applicant to develop their business.

The following legal advice had been given:

- that the Licensing Objectives must be the paramount consideration;
- that the Sub-Committee may only have regard to the representations which promote the four licensing objectives; and
- that the Sub-Committee must consider only those matters directly relevant to the premises.

The Meeting commenced at 7.02 pm
and closed at 10.00 pm