

Licensing Sub- Committee

Monday, 7 January 2019

MINUTES

Present:

Councillors Anita Clayton, Pattie Hill and Yvonne Smith

Also Present:

Officers:

Clare Flanagan

Democratic Services Officer:

Sarah Sellers

21. ELECTION OF CHAIR

Councillor Anita Clayton was elected as the Chair.

22. CHAIR'S WELCOME

The Chair opened the meeting and introduced the Members of the Sub-Committee and Officers present. The other parties present identified themselves follows:-

- Mr Amarjit Singh Andev, the Applicant
- Ms Charlotte Bull, Solicitor for the Applicant
- Mr Ronald Bowen, local resident.

23. APOLOGIES

Apologies were received from Councillor Roger Bennett. It was confirmed that Councillor Yvonne Smith who had been the reserve Member would sit on the panel in place of Councillor Bennett.

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

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Chair

25. PREMISES LICENCE APPLICATION - THE QUEENS HEAD, 125 BROMSGROVE ROAD, REDDITCH, B97 4RL

The Sub-Committee were asked to consider an application for a Premises Licence in respect of premises at The Queens Head, 125 Bromsgrove Road, Redditch, B97 4RL

The application had been made by Mr Amarjit Singh Andev who in partnership with family members had acquired the Queens Head pub. Subject to a Premises Licence being granted, the business plan for the pub was for it to be refurbished and operated as bar/ Indian food eatery.

The application had been referred for a hearing before the Sub-Committee in light of a representations made by three local residents who raised concerns regarding the operation of the premises by the previous licence holders. Mr Ronald Bowen, one of the three persons who had made representations, had attended in order to address the Sub-Committee.

The Licensing Technical Officer, Worcestershire Regulatory Services (WRS) introduced the report and in doing so explained that the previous Premises Licence for the sale of alcohol had been surrendered on 9th August 2018. Mr Andev had applied for a Premises Licence on 9th November 2018.

Members were referred to the licensable activities for which the Applicant was seeking a licence, listed at paragraph 2.4 on page 2 of the agenda and set out below:-

Activity	Days	From	To	Indoors/Outdoors
Playing of Recorded Music	Every day	10:00	23:30	Indoors
Sale of Alcohol	Every day	10:00	23:30	

The proposed hours of opening were 10:00 to 24:00 every day.

It was noted that the Application had been publicised in accordance with the statutory requirements, and that no representations had been made from any of the Responsible Authorities.

Three representations had been received from local residents, and Members were referred to these documents at Appendix 2 of the agenda.

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At the invitation of the Chair, Ms Charlotte Bull from Glover Priest solicitors addressed the Sub-Committee in support of the application.

By way of background Ms Bull explained that Mr Andev had wanted to be represented to make sure that he was able to fully explain to the Sub-Committee his intentions with regard the new business he was intending to operate from the pub. In particular he wished to emphasise that he was an experienced business man and he fully intended to operate the pub as a proper business.

Mr Andev had spoken to residents living close to the premises, and as a result of this was aware of the historical problems that had occurred. He was mindful of their concerns, as reflected by the representations, and wanted to ensure that his business would not create the same problems for the neighbours. Ms Bull outlined the approach Mr Andev was intending to take and in doing so commented as follows:-

- That the new business would be food led as opposed to operating as a traditional public house. The intention was to provide a grill restaurant serving Asian style food.
- Mr Andev was serious about his responsibilities as a Licence Holder. He had attended training and understood the importance of the Licensing Objectives and his legal and statutory duties.
- No representations had been received from the Responsible Authorities; Mr Andev had already been in contact with the police and spoken to them regarding the future operation of the premises.
- Mr Andev had no intention of encouraging excessive drinking at the premises, for example through cheap alcohol or drinks promotions: his intention was to run a reputable business serving good food. He intended to have a zero tolerance approach to any crime or anti-social behaviour.
- Mr Andev had decided against seeking permission for live music at the premises as he was conscious of the noise nuisance problems that there had been previously. The application was for recorded music and it was intended that this would be played at an ambient level to create a pleasant atmosphere for customers.

- Mr Andev also intended that following the refurbishment the windows of the premises would be double glazed, again with the aim of reducing any potential noise nuisance.
- Mr Andev was aware of his responsibilities regarding protecting children from harm under the Licensing Act and associated guidance.

With regard to the representations about past incidents at the pub, Mr Andev had read the letters in Appendix 2 and had been alarmed by some of the reports about patrons using the premises. He was genuinely committed to ensuring that such incidents would not be repeated and wanted to allay any concerns held by the neighbours in this regard. He believed that the profile of the customers would be different as the pub would be food led, and that some of the previous problems, such as noise from customers at closing time, would be avoided. Customers would mainly be coming to the pub to eat and there would be no late night entrance.

In response to questions from Members, Mr Andev confirmed that the style of food would be grilled food and Indian curries and that take away food would be available. Service of food would end at 10.00 pm. The bar would close at 11.30 pm and the doors close at midnight. As such it was not anticipated that there would be any influx of customers very late in the evening as after 11.30pm they would not be able to get a drink.

At the invitation of the Chair Mr Bowen addressed the Sub-Committee and summarised the concerns that he had set out in his representation. Under previous management of the pub the local residents had experienced many years of problems with noises from the pub and anti-social behaviour by patrons. This had included drunkenness, arguments, customers urinating in the car park and noise up until 2.30 in the morning. When residents had complained, the pub management had promised to make changes but this did not happen and the problems continued. A few years ago some extra conditions had been added after a hearing before the Licensing Sub-Committee but the situation had not improved.

The Chair explained to Mr Bowen, that whilst the Sub-Committee understood the significance of the past problems that the neighbours would have experienced, that the matter for decision was whether to grant a new Premises Licence to Mr Andev. The Sub-Committee in making that decision would have to take into account that Mr Andev was a different operator from any of those who previously managed the pub.

Mr Bowen commented that at the outset the neighbours had not been clear what the new owners of the pub had been intending, and there had been concern that there might be issues again with loud music. However, having listened to the information given at the hearing he was re-assured by the approach being taken by Mr Andev, and believed that the steps proposed would answer the neighbours' concerns.

In summing up on behalf of Mr Andev, Ms Bull commented that her client could understand the concerns of the residents based on the past history of the pub. Mr Andev wanted to re-assure residents that what he was offering would be much better. He, together with his brothers, was committed to investing in the pub to create a successful new business.

The Chair announced that the Hearing would be closed for the Sub-Committee to consider all of the information and to make their decision in private. The Sub-Committee's decision would be sent to the applicant and all parties who made representations within five working days.

DECISION

Having had regard to:

- The licensing objectives set out on the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The guidance issued under section 182 of the Act
- The Report presented by the Technical Officer, Licensing, Worcestershire Regulatory Services
- The application of Mr Amarjit Singh Andev and the oral representations made at the Hearing by Mr Andev and his solicitor, Ms Charlotte Bull of Glover Priest Solicitors.
- The written representations made by local residents and the oral representations at the hearing made by Mr Ronald Bowen, on his own behalf and on behalf of another resident who had made a written representation but was unable to attend on the day due to illness.

The Sub-Committee decided to grant the application for a premises licence relating to The Queens Head, 125, Bromsgrove Road, Redditch, B97 4RL subject to the standard mandatory conditions and in accordance with the Operating Schedule.

The reasons for the Sub-Committee's decision were as follows:

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- The Sub-Committee considered that the information presented orally at the hearing demonstrated a clear understanding of the licensing objectives by the Applicant; his understanding of historic problems that had occurred at the premises under previous licence holders and his assurances regarding the nature of premises that he intended to operate, as a “food-led” pub, serving Asian food rather than as a traditional public house.
- The Sub-Committee noted Mr Andev’s stated intention to install double glazing as part of the refurbishment of the premises and also that he had amended his application to remove the provision of live music. This was specifically to show residents that he was aware of previous problems caused by loud live music at the premises and that in light of this he had opted for recorded music which would be played at ambient level.
- The Sub-Committee noted that there had been no representations from any of the Responsible Authorities.
- Having considered all of the representations made and Mr Bowen’s representations at the hearing. The Sub-Committee noted his acknowledgement that the problems he had described were historic, that Ms Bull’s comments had done away with his fears and if the premises were run by Mr Andev as he had suggested, then Mr Bowen would not have grounds for complaint.
- The Sub-Committee was mindful of the review process that applies to any premises that fails to promote the licensing objectives and the ability of any party to bring the licence before the Sub-Committee should evidence be obtained to prove that the premises is failing to meet its obligations.

The following legal advice was given:

- That the Licensing Objectives must be the paramount consideration and the Sub-Committee may only have regard to the representations which promote the four licensing objectives.
- The Sub-Committee must consider only those matters directly relevant to the premises under consideration and only those matters that fall under the licensing committee’s jurisdiction.
- If having granted the premises licence, problems did occur then the licence could be brought back before a Sub-Committee for review.

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An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which the written confirmation of the decision is received by the Applicant.

Dated: 8 January 2019

The Meeting commenced at 2.05 pm
and closed at 2.45 pm