

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING SUB-COMMITTEE**  
**TUESDAY 2 JUNE, 2009 AT 10.00 AM**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

PRESENT: Councillors

Bennett, K.L. (Chairman)

Green, M.R.

Todd, Mrs. D.M.

Applicant:

Mrs. C. Aylett

Representing the Applicant:

Mr. W. Matthews

Responsible Authority Representation:

PC A. Frost

Chase Division Licensing Unit, Staffordshire Police

Representing the Objectors:

Mr. Hodgson

Local Resident

Representing the Licensing Authority:

Mrs. K. Sulway

Licensing Unit, Environmental Health, Cannock Chase Council

Mr. S. O'Meara

Licensing Unit, Environmental Health, Cannock Chase Council

Solicitor Advising Committee:

Mr. S. Tour

**1. Appointment of Chairman**

RESOLVED:

That Councillor K.L. Bennett be appointed Chairman for the Hearing.

**2. Apologies and Reconstitution of Membership**

The Chairman informed all parties that the Council would only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place would be substituted by another Member taken from the membership of the full Licensing/Public Protection Committee. In the event of this substitution taking place, all parties would be informed of the change of membership at the beginning of the hearing. The Chairman therefore confirmed that all Members were present for the Hearing today.

**3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

<u>Member</u>	<u>Nature of Interest</u>	<u>Type</u>
Green, M.R.	Member is employed by the same employer as one of the objectors.	Personal
Todd, Mrs. D.M.	Member was taught at the same school as the applicant.	Personal

**4. Licensing Act 2003 – Variation of Premises Licence – The Prairie Farm Public House, Hednesford**

Members of the Sub-Committee, representatives from the Licensing Authority, the applicant's representative and the objectors introduced themselves.

The Chairman outlined the procedure to be followed at the hearing and all parties confirmed their understanding of the procedure.

The officer of the Licensing Authority presented the report in the presence of the applicant, the applicant's representative and objectors. She outlined the relevant issues for consideration by Members.

Mr. O'Meara then advised that representations had been received from Staffordshire Police as a Responsible Authority. Staffordshire Police were objecting in respect of two of the licensing objectives, namely the prevention of crime and disorder, and the prevention of public nuisance.

The applicant and her representative were afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. The applicant and her representative confirmed that they had no questions to ask.

Members of the Sub-Committee were then afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. There being none the applicant and his solicitor were then afforded the opportunity to present the case in respect of the matter.

The applicant's representative stated that the current licensing hours were outdated and many public houses were open later than 11.00 p.m. He claimed that the public house had been in existence for many years and that the trade had declined over the years, due to the activity of businesses within the town centre. He stated that the new tenants had been running the public

house for less than 12 months and that the points made by the objectors perhaps dated back many years. The applicant's representative stated that the tenants also resided within the local community and were against criminal activity and would run the establishment in an exemplary manner. He stated that there were a number of takeaway establishments located next to the pub and the problem with litter could be due to customers leaving at night time and that the objections in relation to noise may be from the takeaways.

The objectors were then afforded the opportunity to ask questions of the applicant and her representative. An objector claimed that the public house within the last 6 months had been remaining open after shutting hours for 'lock ins,' and that there was also a problem with smashed glass and parking. The objector stated that the Police had been contacted due to noise from a karaoke playing after 11.00 p.m. The objector on behalf of residents stated that they were not happy with the variation of closing times to 1.00 a.m. or 2.00 a.m.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the applicant and her representative. Members were keen to know if the applicant had received any complaints 'personally'. The applicant confirmed she had not. The Council's Solicitor advising the Committee referred to representations previously made by the applicant stating that efforts were made to close the public house on time, although representations made by the objectors stated that this was not the case. Therefore, the Solicitor asked if there had been any occasions where the public house had not closed on time. The applicant's representative stated that as far as he was concerned, there had been no occasions. The Responsible Authority representation stated that a check was carried out by Officers from Staffordshire Police on 24 May, 2009 at 1.04 a.m. and the establishment was open, however the doors were locked. He stated that 16 customers were still in the premises and when the applicant was questioned she stated that there had been some problems and therefore some of the customers were held back after closing time. He confirmed that the tills were closed and there was no evidence to prosecute as it was alleged by the applicant that a private party with friends was being held. A further question was asked by a Member as to how many times the Police had been called to the premises. The applicant stated that they had never been called.

The objectors were then afforded the opportunity to present the case in respect of the matter. An objector to the application was not happy with the proposed closing times and stated that he had spoken with the Council's Environmental Health department on many occasions given that he felt he should approach the problems through the correct channels. Objectors stated that the public house was previously a social club and no problems were experienced when it closed at 10.00 p.m. The responsible Authority representation stated that the Police Liaison Officer had provided a list of findings and recommendations which proposed a number of conditions in respect of the premises. An objector referred to the smoking area at the back of the premises and stated that it overlooked his kitchen. Photographs were then circulated to Members of the Sub-Committee. The objector also referred to the petition that was forwarded to the Council from many local residents and stated that they had only been given 2 days in which to reply stating why they objected to the application. In response to this Mr O'Meara stated that it was difficult for petitions to be considered by Local Authorities and that there was a strict timescale in which the Council adhered to. He stated that the only valid representation came from one objector. The Council's Solicitor added that there were a number of details omitted from the petition and that in order for all objectors to have their opportunity of stating their case and to ensure fairness, those objectors on the petition were written to. An objector stated that she was only aware of the proposed application through an advert in a local newspaper. Mr. O'Meara responded and stated that an advert was placed in the local press on

the day the application was received and blue notices were posted within the statutory timescale. The Responsible Authority representative added that with regard to the smoking shelter, this was a request that had been made by the Police Liaison Officer given that the smoking area was previously at the front of the premises and it was felt that by putting the shelter at the back of the premises it would alleviate some noise. However, if residents were happy with it being put back at the front of the premises then this could be arranged.

The applicant and her representative were then afforded the opportunity to ask questions of clarification of the objectors. The applicant's representative circulated a plan of the premises to all parties concerned which provided an indication of the areas insulated within the premises. Furthermore, he stated that the Police had requested that the smoking area be moved to the back of the premises however he was of the opinion that it would be better at the front of the premises. The Council's Solicitor asked the applicant's representative if the smoking area could be restored to its original location. The applicant's representative stated that it could, he then went on to mention the parking situation and stated that the premises had 13 car parking spaces in addition to a further 8 and was of the opinion that the spaces were adequate for the level of business at the premises. The applicant's representative then referred to the claim that there was a 'lock-in' at the premises and stated that if this had been happening then the tills would have been in operation taking money. The applicant then circulated to all parties letters of support from local residents.

Members of the Sub-Committee were then afforded the opportunity to ask questions of the objectors. Members referred to the photographs in relation to the smoking area at the rear of the premises and asked how far away this was from the objectors garden. The objector stated that it was two gardens away from his. A Member asked the objector how many times he had spoken with the Licensing Unit concerning the premises. Mr O'Meara stated approximately 3 or 4 times. Members then asked questions in respect of the parking spaces at the premises. An objector stated that there were 2 spaces in front of the fire exist and other spaces that belonged to the takeaway premises.

The Chairman than gave all parties including any objectors that had not put their case to speak on the application. An objector to the application stated that windows and doors were always open well into the night and she had experienced noise such as karaoke and music. She also stated that problems existed with the smoking area when it was situated at the front of the premises. The applicant's representative stated that CCTV would be installed on 17 June, 2009 and that he was also happy to install a decibel device to control noise. Furthermore, he would be happy to move the smoking area back to its original location and the Responsible Authority representative concurred with this if residents were keen to do so.

The Officer of the Licensing Authority then had the opportunity to sum up. The applicant and or her representative and the objectors were also afforded the opportunity to sum up their cases. At this point the Council's Solicitor asked the applicant and her representative if they would agree to accept the condition of the doors and windows being closed when there was regulated entertainment. The applicant stated that she would. In response to a question from objectors, the Responsible Authority representative confirmed that there were no calls received in respect of the premises from June 2008, with the first call being made on the 15<sup>th</sup>. Objectors raised concern to this and stated that they had been through the appropriate Police channels to log problems but there was no evidence from the Police that their calls had been logged, and they had not been issued with report numbers. He stated that it was important that logs were maintained of all calls received and it was possible that the log could be identified

under the individuals address and not the public house. The applicant then indicated she was happy to introduce measures to reduce noise.

The Responsible Authority representation from Staffordshire Police stated that he was happy for the objection to be withdrawn on the basis that the conditions included within the letter of 30 April, 2009 were met.

Members of the Sub-Committee then deliberated in private, accompanied by the Council's Solicitor and Secretary to the Sub-Committee. The meeting then re-convened.

RESOLVED:

The Licensing Sub-Committee, having regard to all the relevant and material issues and facts in the circumstances, decided that the Premises Licence granted in respect of the Prairie Farm Public House, 52 Broadway, Hednesford, Staffordshire, WS12 4HW be varied as set out below, subject to any statutory rights available to the Licensee.

The Licensing Sub-Committee agreed to the following variations to the Premises Licence:

Opening Hours

Fridays and Saturdays	11.00hrs to 01.00hrs
Christmas Eve and Boxing Day	11.00hrs to 01.00hrs
New Years Eve	From the end of permitted hours on News Year's Eve to the start of permitted hours on New Year's Day.

Sale of Alcohol

Fridays and Saturdays	11.00hrs to 00.30hrs
Christmas Eve and Boxing Day	11.00hrs to 00.30hrs
New Years Eve	From the end of permitted hours on News Year's Eve to the start of permitted hours on New Year's Day.

Regulated Entertainment

Fridays and Saturdays	19.00hrs to 00.30hrs
Christmas Eve and Boxing Day	19.00hrs to 00.30hrs
Years Eve	From the end of permitted hours on News Year's Eve to the start of permitted hours on New Year's Day.

### Conditions

In additional to the existing conditions, the following shall be included within the Premises Licence:

- a. All those conditions agreed by the Applicant and set out in the letter of Staffordshire Police dated 30 April 2009;
- b. All window and doors will be kept closed (save for the purposes of ingress and egress) during periods when Regulated Entertainment takes place;
- c. Noise monitoring equipment will be fitted promptly at the premises which is capable of interrupting any Regulated Entertainment (which is provided through means of amplified electronic equipment) should a preset noise level be exceeded. The preset noise limit shall be determined by the Licensing Authority's Environmental Health Team.
- d. No drinks will be allowed to be consumed outside the main building of the premises after 10.00pm on any day.
- e. No tables, benches or other seating facilities will be provided or be available for use by patrons outside the main building of the premises after 10.00pm on any day.
- f. There shall be on duty from 11.00pm to 01.00am on Fridays and Saturdays (and on Christmas Eve, Boxing Day and New Year's Eve/Day at such times considered appropriate by Staffordshire Police), one Security Industry Authority (SIA) trained staff member patrolling the premises and monitoring patrons so as to ensure so far as reasonably possible, that patrons frequenting the premises do not cause a public nuisance.

### Reasons for the Decision

The Licensing Sub-Committee's reasons for reaching the decision are as follows: -

In accordance with the Council's Licensing Policy, the Licensing Sub-Committee recognised that it had to balance the benefits for the community of a licensed venue and its activities, and the promotion of the licensing objectives, which in this case centred on the prevention of crime and disorder and public nuisance.

The Licensing Sub-Committee took into account the relevant provisions of the Licensing Act 2003 and Section 182 Statutory Guidance issued by the Secretary of State.

The Licensing Sub-Committee noted that it needed to carry out its functions under the Licensing Act 2003 with a view to promoting, in this instance, the licensing objectives of preventing crime and disorder and public nuisance. The Licensing Sub-Committee also had regard to the relevant provisions of the Human Rights Act 1998.

The Licensing Sub-Committee was satisfied that all necessary procedures prescribed under the Licensing Act 2003 in bringing the Application for the Review of the Premises Licence, had been complied with.

In considering the evidence the Licensing Sub-Committee gave the application careful consideration and had regard to all the relevant representations made by all parties.

The Licensing Sub-Committee noted that Staffordshire Police, a Responsible Authority, initially objected to the application on the grounds of the licensing objectives of preventing crime and disorder and public nuisance. However, this objection was withdrawn following the Applicant agreeing to implement all the conditions proposed by the Police in addressing their concerns. The Licensing Sub-Committee gave careful consideration to the representations made by the Police and the conditions proposed by the Police in their letter of 30 April 2009 written by PC Andy Frost of the Chase Division Licensing Unit.

The Licensing Sub-Committee found that the objections raised by the members of the public living in the vicinity to be credible and all relevant representations were duly considered which included consideration of the petition that had been presented.

The Licensing Sub-Committee did however disregard representations made by a particular 'public objector' who was found to have failed to lodge his objections within the prescribed statutory period. Notwithstanding this, the Licensing Sub-Committee did acknowledge that the issues and concerns raised by that particular person had been raised by other members of the public who had the right to address the Licensing Sub-Committee in any event.

The Licensing Sub-Committee noted that the principle issues raised by public objectors focused upon public nuisance matters.

The Licensing Sub-Committee further acknowledged that serious concerns were raised by public objectors in connection with noise which essentially emanated from:

- a. the regulated entertain taking place at the premises;
- b. patrons congregating around the designated smoking area at the front of the premises and standing outside the premises for prolonged periods; and
- c. patrons revving their cars and slamming cars doors;

The Licensing Sub-Committee further noted that parking was an issue in that patrons used side roads for parking when frequenting the premises. The Licensing Sub-Committee gave careful consideration to the parking facilities available at the premises and the options available to the Police to address nuisance parking by patrons.

The Licensing Sub-Committee carefully considered the representations made on behalf of the Applicant by her representative, Mr Mathews. The Licensing Sub-Committee noted that the Applicant only took over control of the premises some six months ago and many of the issues raised were associated with events and incidents prior to the Applicant taking control of the premises. However, the Licensing Sub-Committee did note that despite the change in management of the premises, similar incidents and issues have continued to be raised by members of the public during the period the Applicant has been in control of the premises.

The Licensing Sub-Committee acknowledged that the Applicant was seeking to improve the commercial viability of her business and was seeking to enhance the same through later

opening hours and permitted activities. The Licensing Sub-Committee appreciated the position of the Applicant and gave careful consideration to the willingness of the Applicant to actively seek to address the concerns and issues raised by members of the public living within the vicinity. The Licensing Sub-Committee noted that the Applicant was also willing to adhere to all the conditions proposed by the Police in their letter of 30 April 2009.

The Licensing Sub-Committee therefore decided, having regard to all relevant and material factors, to partially vary the Premises Licence relating to the said public house.

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CHAIRMAN