

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
TUESDAY 7 SEPTEMBER, 2010 AT 10.00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors

Grice, Mrs. D. (Chairman)

Sutherland, M. Williams, Mrs. P.

Applicant:

Mrs. C. Aylett

Representing the Applicant:

Mr. W. Matthews

Representing the Objectors:

Mr. Hodgson Local Resident

Mr. Kelsall Local Resident

Representing the Licensing Authority:

Mr. S. O'Meara Licensing Unit, Environmental Health, Cannock Chase Council

Solicitors Advising Committee:

Ms. J. Uppal

Mr. G. Finn

1. Appointment of Chairman

RESOLVED:

That Councillor Mrs. D. Grice 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 then advised that Councillor J. Burnett would not be in attendance at the hearing and his substitute Councillor M. Sutherland would take his place today.

Apologies for absence were received from Councillor J. Burnett and Mrs. C. Kelsall, local resident.

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

There were no declarations of interests declared.

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

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.44 of the Official Minutes of the Council).

Members of the Sub-Committee, the representative from the Licensing Authority, the Applicant, Applicant's representative and 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. He outlined the relevant issues for consideration by Members.

The Office representing the Licensing Authority advised that no representations had been received from any of the Responsible Authorities.

The Objectors were afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. An Objector queried whether the noise limiter device had ever been installed at the premises. The Officer confirmed that it had not been installed.

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. A Member was keen to know what the previous agreement was between the Police and the Applicant with regard to the noise limiter. The Officer referred to Enclosure 4.29 of the Report and advised that the conditions became part of the licence, and that the noise limiter was a condition although no one had ever requested for one to be installed, it had in fact been asked for by Members of the Committee. The Officer advised Members that the Applicant had made a request to see if the installation of the device could be delayed, both the Noise Team and Police agreed with no timescale being given.

The Applicant was then afforded the opportunity to put her case in respect of the matter. The Applicant's representative advised that the Applicant had held a licence since 2009 and a variation was made the same year which was partially granted. He stated that the Applicant did not submit an appeal and had been in the premises in question for 15 months. The Applicant was now applying to vary the licence in order that the business could run on a proper commercial basis. The Applicant's representative then outlined the variations and stated that due to the current conditions of the licence the Applicant had been denied the opportunity of providing daytime activities and social functions. He then advised the Committee of the 3 conditions on the licence which the Applicant wished to have removed. He stated that the Applicant wished to remove the smoking shelter which had been requested by the Police but was causing nuisance to a local resident, and explained that the noise issue was due to the fire door of the premises being open in order that people could use the smoking area. He referred to the report and stated that no objections had been received from any of the Responsible Authorities, although 6 objections had been received from local residents. One resided 100 metres away from the pub and he then referred to a plan attached to the Report. He stated that one of the objections referred to windows being left open in the pub although the only room with windows was the bar and these would not open as they were secure. He then referred to the further letters of objection which raised concern regarding parking issues, and advised that the premises had 15 spaces plus on road and shop car parking allowing potentially for 27 spaces. He then stated in respect of other objections that the premises would not be open early hours; there was no planned karaoke on Sundays and just demand for events such as parties and christenings.

The Objectors to the application were then afforded the opportunity to ask questions of the Applicant or her representative. The Objectors raised concern regarding the current parking situation at the premises and the application for adult entertainment. In response to this Mr. Hodgson; local resident and Objector provided the Committee with photographs which showed the parking problems in the vicinity. An Objector asked the Applicant's representative about parking when local businesses were open during the day. The Applicant's representative discussed the parking situation with objectors and in his opinion there was adequate provision. An Objector stated that parking was now at its maximum. The Applicant's representative stated that the premises car park was currently empty on Monday, Tuesday and Thursday during the day.

Members of the Committee were then afforded the opportunity to ask questions of clarification of the Applicant. A Member asked the applicant to clarify what the current licensing hours were for entertainment and also the proposed variations. The Applicant's representative confirmed the current licensing hours and confirmed the proposed variations. A Member referred to the proposed variations and queried the selling of alcohol and extension of times. The Applicant's representative stated that most premises operated until 1.00 or 2.00 a.m. and that the Applicant was requesting an additional hour. A Member asked what facilities would be available for patrons who wished to smoke. The Applicant's representative stated that patrons would be able to go outside as the front door was located on the premises car park. In response to this a Member was keen to know what steps the Applicant would take to ensure drinks were not consumed outside the premises. The Applicant's representative stated that the premise was not used during the week and at weekend the Applicant employed Door Supervisors. The Member then asked how it would be controlled if the Door Supervisors were removed. The Applicant's representative stated that the applicant did not wish to remove the Door Supervisors completely. At this point the officer representing the Licensing Authority in

advised Members that the Police had previously requested the smoking shelter to the rear of the premises. He stated that patrons were currently permitted outside the area to the front of the premises until 10.00 p.m. every night and then the smoking area would revert back. He also advised that many public house premises did not have a designated smoking area.

The Objectors were then afforded the opportunity to put their case in respect of the matter. Mr Kelsall advised the Committee that he had been nominated to speak on behalf of the Objectors.

Mr. Kelsall then read out the following statement: -

“Parking problems:

There are a restricted number of parking spaces at the pub. Any increase in customers coming any distance will cause an overspill onto the street, causing problems for residents, such as blocked drives and abuse. They have had this problem in the past.

Smoking area to the rear causes major problems for Mr Hodgson and his family as it overlooks their rear garden and they get noise and lack of privacy.

Door supervisor: Letters from residents indicate that they already have problems with customers from the pub standing outside drinking, smoking and staring into their houses.

Removal of the door supervisor at weekends would make this worse as there would be even less control. Landlady is proposing only having a door supervisor when there is live entertainment.

Remove requirement for noise limiting equipment. This pub is in the middle of a residential area, right next to houses. Removing this requirement would undoubtedly result in a huge increase in noise nuisance.

The applicant displayed the names, addresses and telephone numbers of the objectors in public until told by the Police to remove them. Was this an attempt to frighten them into withdrawing their objections? Definitely not a way to build good relationships with neighbours.

This pub is in the middle of a residential area. When first built it was a working men’s club with limited opening hours and caused few problems. Now we know that pubs and houses do not mix.

The residents do not wish to destroy the applicant’s livelihood and they do realise that there will be extra noise from licensed premises but they also have a right to quiet enjoyment of their homes. The extra noise must be reasonable. Some of the proposals put forward by the applicant are unreasonable and will make life miserable for neighbours of the Prairie Farm.

There is no problem with the proposed removal of the smoking area. However the licensee will need to exercise control over smokers outside, for example by not allowing them to take drinks outside with them when they go for a smoke. If they take drinks out with them they will stay out longer and cause noise and nuisance.

The applicant is proposing more entertainment and activities while wanting to reduce control

measures to make life more bearable for residents”.

Mr. Kelsall also stated that there were problems on bank holiday Monday with groups of patrons outside the premises blocking the pathway drinking alcohol and later causing problems with parking.

A number of other Objectors to the application raised concern that patrons were often staring into residents' properties and at times they also suffered abusive language and gestures. A local resident reported that a petition had been forwarded to the Council but it had been received too early and was keen to know why. At this point the Officer representing the Licensing Authority stated that at the time of the information, no application had been received by the Licensing Authority. Therefore, a letter was forwarded to those named advising them that their representations were not valid but could submit representations when an application was received. An Objector to the application brought it to the attention of the Committee that local residents could now report incidents to the Police and they would be issued with incident numbers. He then referred to a number of incidents outside the premises during July this year which had been reported to the Police.

The Applicant was then afforded the opportunity to ask questions of clarification of the Objectors. The applicant's representative asked Mr Hodgson if he supported removing the smoking shelter from the premises. Mr Hodgson stated that he did. The Applicant's representative then referred to the parking situation and in particular a comment which was made regarding the late opening of a number of takeaways and asked if it was possible that it could be their customers who were blocking driveways. Objectors stated that the vehicles blocking driveways were patrons visiting the premises.

Members were then afforded the opportunity to ask questions of clarification of the Objectors. A Member asked the Objectors if they had kept a diary of the incidents that had occurred. Mr. Hodgson stated that no diary had been kept. The Objector then stated that the rear door to the premises was always open especially in the summer months and the premises were not always closed when it should be. A Member asked if the noise from the premises was after closing time. An Objector stated that it could be 30-40 minutes after the premises should be closed.

The Officer representing the Licensing Authority, the Applicant and her representative and the Objectors were all given the opportunity to sum up their respective cases.

Members of the Sub-Committee then deliberated in private, accompanied by the Council's Solicitors 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:

Sale by Retail of Alcohol

Sundays 12.00hrs – 23.30hrs

Regulated Entertainment (Indoor only)

Monday, Tuesday and Wednesday 11.00hrs – 23.00hrs

Thursday 11.00hrs – 23.00hrs

Sunday 12.00hrs – 22.30hrs

Opening Hours

Sunday 11.00hrs – 24.00hrs

Miscellaneous

To permit adult entertainment at the premises on occasion.

Licence Conditions

The Committee also agreed to the following which formed part of the licence conditions:-

- a. Remove the requirement for a smoking area at the premises.
- b. Remove the necessity for a Door Supervisor to be at the premises from 23.00 to 01.00hrs on Friday and Saturday nights as well as some public holidays.

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

- a. A noise limiting device shall be fitted within 3 months of today's date at the premises.
- b. A Door Supervisor shall be on duty when there is an evening entertainment function taking place at the premises, and the Door Supervisor shall be present throughout the duration of the function.

Reasons for the Decision

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

The Committee had taken into account the relevant provisions of the Licensing Act 2003 and Section 182 Statutory Guidance issued by the Secretary of State, together with the Council's licensing policy. In considering the evidence the Sub-Committee gave the Applicant careful consideration and had due regard to all the relevant representations made by all parties, including the objectors present at the Committee meeting.

It was noted that none of the other Responsible Authorities had raised any objections in relation to the application, and that the principal issues/objections raised by the local residents

focussed upon public nuisance matters. The Committee further acknowledged that serious concerns were raised by the local residents in connection with noise which essentially emanated from:-

- (a) The regulated entertainment taking place at the premises, and
- (b) Patrons congregating around the designated smoking area at the front of the premises and standing outside the premises for prolonged periods of time.

Concerns were also raised by local residents of patrons' cars being parked outside their homes, often blocking them in. The Committee noted that parking was an issue in that patrons using the premises were also parking on adjacent roads and near to the road junctions and careful consideration was given to the parking facilities available at the premises and the various options available to the Police to address nuisance parking by the patrons.

CHAIRMAN