

**Minutes of the  
Licensing Sub Committee 1**

**19<sup>th</sup> September 2019 at 10.00am  
at Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillors S Davies and O Jones.

**Matters Delegated to the Sub Committee to exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions.**

54/19

**Application for the grant of a new Premises Licence at Tasty Smiles Limited, Unit 37 Kings Square, Sandwell Centre, West Bromwich, B70 7NN**

**Present:** Sarah Brooks (Licensing Officer);  
David Elliott (SMBC Solicitor);  
PC Nick Steventon (WMP Licensing Officer);  
Marlena Kazmiruk (Transport for West Midlands);  
Andrew Thrupp (Transport for West Midlands);  
James Cosgrave (Applicant).

The Sub Committee considered an application for the grant of a new premises licence in respect of Tasty Smiles Limited, Unit 37 Kings Square, Sandwell Centre, West Bromwich, B70 7NN following receipt of representations from West Midlands Police and Transport for West Midlands.

Representations had also been made by West Midlands Fire Authority, however had been withdrawn on the basis that a written voluntary undertaking was submitted by the applicant.

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The application was for live music between 8.00am and 2.00am every day of the week, recorded music between 12.01pm and 2.00am every day of the week, performance of dance between 10pm and 2.00am Monday between 8.00am and 2.00pm Saturday and Sunday. Late night refreshments between 11.00pm and 2.00am every day of the week and the sale by retail of alcohol for consumption on the premises between 12.01pm and 2.00am every day of the week.

It was proposed that opening hours for the premises would be 8.00am until 2.00am every day of the week.

The premises was a restaurant with a bar and intended to be used as an eatery between 8.00am and 10.00pm and then as a club premises between 10.00pm and 2.00am.

The Sub Committee was informed that the applicant would act as the Designated Premises Supervisor when he had obtained a personal licence.

A notice had been published in a local paper and a public notice had been displayed at the premises outlining the application and inviting representations. Details of the application were also published on the Council's website.

West Midlands Police had made a representation as there was a three-year Public Space Protection order in West Bromwich Town Centre with approximately two years remaining. This had assisted in reducing Anti-Social Behaviour and crime and disorder in the area.

The application included the supply of alcohol between 12.00noon and 2.00am and the Police had concerns that this would contribute to alcohol related disorder. Other licensed premises within the area closed a lot earlier and it was requested that hours be reduced to fall in line with those licensed premises.

The premises was located inside a shopping centre, close to the bus station and children and vulnerable adults would use the bus station throughout the day whilst alcohol was being supplied in the premises.

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West Midlands Police continually monitored total crime and anti-social behaviour for the area and violent crime did feature highly in and around the area of the premises and the bus station.

West Midlands Police requested that an incident book be kept at the premises to be available on request by any responsible authority and that a condition be attached to the licence, should it be granted, that any alcohol purchased be poured directly into a glass for consumption and that no alcohol was taken from the premises.

West Midlands Police believed that allowing music for the proposed times would increase calls to Police for anti-social behaviour and be a nuisance to members of the public.

The Police also requested that a refusal log be kept and made available on request by any responsible authority and that a challenge 25 policy be introduced with signage being displayed to that effect with no children allowed on the premises after 9.00pm unless it was a private party and was accompanied by an adult.

Transport for West Midlands, as the operator of the bus station, objected to the issue of an alcohol licence as it believed this would have a negative effect on all bus station users as it may potentially encourage loitering around the area. There may be additional resources required for security purposes and potentially higher maintenance costs if vandalism increased due to alcohol related poor behaviour.

The availability of alcohol from 12.00 midday until 2.00am, as proposed, may increase the occurrences of anti-social behaviour which would have a negative effect on customers and other tenants in the centre. Personal safety of customers and users of the bus station was of concern to Transport for West Midlands.

The only exit for customers using the premises after the centre closes was through the bus station.

The applicant, had met with the Police Licensing Officer and concerns about the premises being opened as a night club had been addressed. The applicant had applied for a licence to enable him to introduce provision of alcohol within a restaurant setting and offered to amend the application and not pursue plans for the night club.

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The applicant confirmed that he would install CCTV which would be GDPR compliant. He also agreed that music played would be background music only.

The applicant would undertake personal licence training as he would be the Designated Premises Supervisor and would provide staff training in the supply of alcohol, challenge 25 and other related matters.

The Committee took advice from its legal advisor before adjourning to make a decision.

Having considered the Licensing Officer's report, representations made by West Midlands Police and Transport for West Midlands and legal advice given by the Local Authority's Solicitor, the Licensing Sub Committee was minded to grant the premises licence in respect of Tasty Smiles Limited, Unit 37 Kings Square, Sandwell Centre, West Bromwich, B70 7NN subject to conditions.

The Sub Committee had no power to deal with the voluntary undertaking offered to the fire service on 5<sup>th</sup> July 2019, however the Premises Licence Holder must comply.

The reasons for the decision were as follows:-

- the Licensing Act 2003 was a liberal regime designed to facilitate more flexible hours for drinking and regulated entertainment;
- as the application was for a new premises licence there was no evidence to suggest that the licensing objectives would be undermined.

**Resolved** that the Premises Licence in respect of Tasty Smiles Limited, Unit 37 Kings Square, Sandwell Centre, West Bromwich, B70 7NN be granted, subject to the following conditions:-

- (1) the premises opening hours would be between 8.00am to 11.30pm Sunday to Thursday and 8.00am to 12.00 midnight Friday and Saturday;

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- (2) the supply of alcohol hours would be between 12.00 noon to 11.00pm Sunday to Thursday and 12.00 noon to 11.30pm Friday and Saturday;
- (3) Late Night Refreshment between 11.00pm and 11.30pm Friday and Saturday;
- (4) CCTV to be installed to the satisfaction of the Police and the images be kept for 28 days minimum and produced to relevant authority on request;
- (5) that an incident book be kept and provided to the relevant authority on request;
- (6) that a refusals book be kept and provided to the relevant authority on request;
- (7) documented staff training was to be provided to staff on all topics relevant to the Licensing Act 2003 and provided to the relevant authority for inspection on request;
- (8) alcohol must be served in a glass for consumption on the premises;
- (9) alcohol must be served on the premises only and no off sales;
- (10) a challenge 25 policy must be operated;
- (11) no children should be allowed on the premises after 9.00pm unless accompanied by an adult;
- (12) signage to be displayed requesting customers to quietly exit the premises;
- (13) no drinks to be taken outside of the premises.

(Meeting ended at 12.16pm)

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