

## Licensing Sub Committee 1

23 July 2020 at 10.00am  
Virtual on-line meeting via MS Teams

**Present:** Councillor Peter Allen (Chair)  
Councillors S Davies and Downing

**Officers:** David Elliott – Local Authority Solicitor;  
Makhan Singh Gosal – Senior Licensing Officer;  
Shane Parkes – Democratic Services Officer;  
Trisha Newton – Senior Democratic Services Officer;  
Deborah Breedon – Democratic Services Officer.

**Also present:** Mrs Guinness - Applicant  
Mr Islam – Applicant’s Solicitor  
Mr Barry Groombridge – Objector

**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**

**19/20 Minutes**

**Resolved** that the minutes of the meeting held on 25 June 2020 be agreed as a correct record.

**20/20 Application for the grant of a new Premises Licence at the Old Corner House 1 Soho Street, Smethwick, B66 2RH**

The Licensing Sub Committee considered the application for the grant of a new premises licence in respect of the Old Corner House, 1 Soho Street, Smethwick, B66 2RH following receipt of representations from the Fire Safety Officer and residents.

The application had previously been brought to Committee on 25 June 2020 and Members agreed that the matter be deferred to obtain further information from the Fire Authority (Minute No. 18/20 referred).



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Since that time the applicant had agreed a Voluntary Undertaking with the Fire Authority to complete works to the appropriate standard. The Fire Authority considered this undertaking sufficient to demonstrate that the Public Safety objective would be adequately promoted and removed its representation to the application on 10 July 2020, a copy of the undertaking had been circulated to the Sub Committee.

The application was for the sale, by retail, of alcohol for consumption on and off the premises Monday to Thursday 12.00 noon to 12.00 midnight and Friday to Sunday 12.00 noon to 2.00 am. To play recorded music, indoors, Monday to Thursday 12.00noon to 12.00 midnight and Friday to Sunday 12.00 noon to 1.00 am and Christmas Eve and New Year's Eve 12.00 noon to 1.00 am.

The proposed hours of opening to the public was Monday to Thursday 12.00 noon to 12.00 midnight and Friday to Sunday 12.00 noon to 2.00 am.

The premises was a detached commercial property comprising of a living facility upstairs. There was a seating area at the rear of the premises.

The objector addressed the Sub Committee to raise concerns on behalf of the all the objectors as follows:-

- Objectors perceived that the applicant wished to establish a music venue and objectors felt that the building and site was totally unsuited.
- The premises was situated on a busy junction on a bend, at the brow of a hill.
- The car park entrance was small, awkwardly sited and too small for the intended use. This was likely to cause parking on the road which would add to noise when patrons arrived and departed from the building.
- When the property was open previously, vehicles parked on pavements and blocked drive ways and residents had to get vehicles moved before going to work.
- The building was very poorly equipped to become a music venue, with large windows and the entrance facing residential dwellings resulting in the likelihood of noise and nuisance.
- Previously music had been broadcasted from the beer garden outside of the premises and parties held until the early hours of the morning.

The applicants legal advisor addressed the Sub Committee as follows:-

- The applicant intended that the outside areas of the property would only be used for a smoking area. A small shelter was to be built for this purpose.
- Notices would be displayed at the premises informing clients to be respectful of residents, be quiet when leaving the premises and ensure that vehicles were parked responsibly and did not block driveways.

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- Staff at the premises would monitor the parking situation and act accordingly.
- The applicant would install a noise limiter at the property to ensure that the music volume was maintained to an acceptable level.
- It was proposed that the premises would close earlier than when previously open as objectors had stated that the premises remained open until 3.00 am on occasion.
- Suitably qualified door staff would be employed on Friday and Saturday evenings.
- The applicant had 12 years' experience of working in licenced premises, held a personal licence and would be the Designated Premises Supervisor.
- A Challenge 25 policy would be complied with at the premises.
- The applicant did not intend to let children into the premises.
- The applicant was willing to speak with residents to try to resolve any outstanding issues.

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

Having considered all the information before them, the Sub Committee were minded to grant the premises licence in respect of The Old Corner House, 1 Soho Street, Smethwick B66 2RH subject to the requirements of the signed undertaking with the Fire Authority being completed and amendments to the application.

The licence had been granted as this was a new application, the Sub Committee had considered representations from residents which had been based on their experiences when the premises was previously open not proven evidence against the premises under new management.

A review of the licence may be requested if there was evidence of breaches of the licensing objectives.

Residents had voiced concerns in respect of late closing hours therefore the Sub Committee considered that 2.00am closing on a Sunday was unnecessary and considered that midnight closing on a Sunday was adequate.

Licensable activities and regulated entertainment hours should cease half an hour before closure to assist with an orderly and reasonably quiet dispersal from the premises.

**Resolved** that a Premises Licence in respect of the Old Corner House, 1 Soho Street, Smethwick B66 2RH be granted, subject to requirements of the undertaking agreed with the Fire Authority being completed and the amendments to the application as follows:

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- (1) Permitted opening hours were 12.00 noon to Midnight Sunday to Thursday and 12.00 noon to 2.00 am Fridays and Saturdays.
- (2) The Sale and supply of alcohol be permitted between 12.00 noon to 11.30 pm Sunday to Thursday and 12.00 noon to 1.30 am Friday and Saturday.
- (3) Hours of regulated entertainment in the form of recorded music from 12.00 noon to 11.30 pm Sunday to Thursday and 12.00 noon to 1.00 am Friday and Saturday.
- (4) That door staff employed at the premises on Friday and Saturday be S I A registered.
- (5) That CCTV images be retained for a minimum of 28days and be produced at the request of the Police.
- (6) That the statement on the operating schedule in respect of the “crime prevention policy provided by the Licensing Authority” can be used, be deleted.
- (7) That the licence holder would control the volume of regulated entertainment by the installation of a noise limiter fitted with advice from the Environmental Health Department of the Council.

In making its decision the Sub Committee took into account the Licensing Act itself, the Section 182 Guidance and noted that it must carry out all its functions under the Act with a view to promoting the licensing objectives. It also took into account the Human Rights Act 1998.

All parties would be advised of their right of appeal under section 53c of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

Meeting ended at 12.30pm

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