

**Minutes of the
Licensing Sub Committee 2**

**14th May 2019 at 12.44pm
at Sandwell Council House, Oldbury**

Present: Councillor Piper (Chair);
Councillors S Davies and Millard.

14/19 **Minutes**

Resolved that the minutes from the meeting held on 19th March 2019 be confirmed as a correct record.

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.

15/19 **Application for the Grant of a New Premises Licence in respect of Bowketts Bar and Grill, 686 Wolverhampton Road, Oldbury, B68 8DB**

Present: Makhan Singh Gosal (Licensing Officer);
Paul Green (Solicitor representing SMBC);
Mr Harvinder Singh Chall (Applicant);
Mrs B Watts (Objector);
Mr P Watts (Objector);
Mr D Ward (Objector);
Mr K Day (Objector);
Mrs G Day (Objector);
Mr J Taylor (Objector);
Mr P Price (Objector);
Mrs Price (Objector);
Mrs J Orr (Objector);
Mr R Orr (Objector);
Mr M Hooper (Objector).

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The Sub Committee considered an application for a new Premises Licence submitted by Mr Harvinder Singh Chall and Mahath Dey in respect of Bowketts Bar and Grill, 686 Wolverhampton Road, Oldbury B68 8DB, following objections from local residents on the grounds of public nuisance and safeguarding.

The applicant was present at the meeting and confirmed that he wished to proceed despite the absence of his legal advisor.

The general description of the premises was a public house providing late-night refreshments to be consumed indoors and outdoors, regulated entertainment to take place indoors and the supply of alcohol for consumption indoors and outdoors in the beer garden.

It was proposed that the premises would be open to the public Monday to Thursday between 7.00am to 11.30pm, except Bank Holidays, Christmas Eve, New Year's Eve when the premises would be open 7.00am to 12.30am. Friday, Saturday and Sunday hours between 7.00am to 12.30am.

It was proposed that supply of alcohol both on and off the premises would be Monday to Thursday 7.00am to 11.00pm, except Bank Holidays, Christmas Eve and New Year's Eve 7.00am to 12.00 mid night. Friday, Saturday and Sunday 7.00am to 12.00 mid night.

A notice had been published in the local newspaper and a public notice had been displayed at the premises outlining the application and inviting comments and representations to be sent to the Licensing Authority, details were also published on the Council's website.

Representations had been received from a number of local residents who were in attendance and raised the following:

- the premises was in a quiet residential neighbourhood and the intended opening hours, use of a beer garden and designated smoking area close to neighbouring properties and live music would be a noise nuisance for residents;

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- no consultation had been undertaken by the applicant with the residents;
- the residents questioned why the premises wanted an alcohol licence at 7.00am in the morning and felt that this was a safeguarding issue as children would be walking past the premises on their way to school;
- it was alleged that drug dealing activities took place in the parking bays outside the premises and there were concerns about increased anti-social behaviour;
- there could be odours from cooking and food being provided outside;
- there could be smells from waste bins on the site;
- there could be noise from taxis collecting customers late at night and customers may be noisy leaving the premises;
- concerns about parking were raised, however residents realised that parking was a planning issue.

The applicant advised the Sub Committee on the following matters:-

- he had consulted with West Midlands Police who had no objections in respect of the proposed operation of the premises;
- that the proposal in respect of live music had been changed and there would only be background music played in the premises;
- fire safety officers had advised the applicant on how to safely soundproof the premises and this had been undertaken;
- there would be notices displayed inside and outside the premises reminding customers to respect residents and to be quiet when leaving the premises;

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- taxi drivers texted customers when they arrived outside the premises so there would be no reason for them to sound their horn;
- commercial grade extractors were being fitted in the premise to reduce cooking smells;
- the smoking area was situated as far from neighbouring premises as possible;
- the intention to open the premises at 7.00am was to provide a café facility, in particular for local business people to hold meetings;
- the premises was facing onto a busy dual carriageway and the applicant considered that the premises would not create any extra noise;
- that CCTV would be installed, recordings kept for up to 31 days and recordings would be made available upon request to any responsible authority;
- an incident log would be kept and made available upon request to any responsible authority;
- training would be provided to all staff and a training record kept which would be made available upon request to any responsible authority;
- the Designated Premises Supervisor had 30 years' experience in the licensing trade and another member of staff was highly experienced;
- the Designated Premises Supervisor would ensure that noise levels arising from the premises and the smoking area be kept at a level to prevent disturbance to the local residents;
- a Challenge 25 policy would be promoted, and all staff would be trained on the implementation of the policy;

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

Having considered the Licensing Officer's report, representations made by all parties and legal advice given by the Local Authority's Solicitor, the Licensing Sub Committee was minded to grant the premises licence in respect of Bowketts Bar and Grill, subject to additional conditions.

Resolved that the premises licence in respect of Bowketts Bar and Grill be granted subject to the following additional conditions:-

- (1) that no live or amplified music was played;
- (2) that hours for licensable activity be Monday to Thursday between 12.00mid-day to 11.00pm Friday, and between 12.00mid-day to 11.30pm Saturday and Sunday;
- (3) that opening hours to the public be Monday to Thursday 7.00am to 11.00pm, Friday, Saturday and Sunday between 7.00am to 12.00 mid night;
- (4) that windows of the premises remain closed after 8.00pm;
- (5) that food and alcohol was not to be consumed outside the premises after 10.00pm;
- (6) that no takeaway provision after 10.00pm would be provided.

In making its decision the Committee considered the Licensing Act 2003, Section 182 Guidance and noted that it must carry out all its functions under the Act with a view to promoting the licensing objectives, relevant law and the Human Rights Act 1998. The Premises Licence Holder would be notified of their right to appeal the matter to Magistrates' Court within 21 days of receipt of the decision letter.

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16/19 **Application for the Grant of a new Premises Licence at the
Old Corner House, 1 Soho Street, Rabone Lane,
Smethwick, B66 2RH**

The Sub Committee was advised that the application for the grant of a new Premises Licence at the Old Corner House, 1 Soho Street, Rabone Lane, Smethwick, B66 2RH had been withdrawn.

(Meeting ended at 2.40pm with an adjournment from 12.47pm – 12.53pm)

<p>Contact Officer: Shane Parkes Democratic Services Unit 0121 569 3190</p>
