


REPORT TO LICENSING SUB COMMITTEE 3

05 April 2018

Subject:	Application for a new Premises Licence at 45 – 46 Regent Road, Oldbury B69 1TL
Director:	Director – Prevention and Protection – Stuart Lackenby
Contribution towards Vision 2030:	
Contact Officer(s):	Fiona Gee Licensing Officer fiona_gee@sandwell.gov.uk

DECISION RECOMMENDATIONS

That: The Licensing Sub Committee:

1. Consider the application for a new premises licence submitted by Tivi Ale in respect of a small micro-brewery at 45 – 46 Regent Road, Tividale, Oldbury, B69 1TL

2. Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s Licensing Policy. The options that can be considered once evidence has been heard are detailed at paragraph 6.

1 PURPOSE OF THE REPORT

- 1.1 To consider an application for a new premises licence at 45 – 46 Regent Road, Tividale following receipt of twenty objections to the granting of the application from local residents.

2 IMPLICATIONS FOR SANDWELL’S VISION

- 2.1 Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough’s economy.

2.2 It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.

3 **BACKGROUND AND MAIN CONSIDERATIONS**

3.1 Under the Licensing Act 2003, a responsible authority or any other person who lives or works in the vicinity of the premises may make representations in respect of the application which must be relevant to one or more of the four licensing objectives, namely:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

3.2 The objections have been numbered to be included with the report and are summarised below and are attached at Appendix 2.

3.3 Objection 1 – concerned that the micro bar would cause noise and disruption and encourage anti-social behaviour. Noise at night with customers leaving the premises and no parking. Possible increase in traffic, reference to issues with the Red Lion when it was open in Regent Road.

3.4 Objection 2 – Potential for anti-social behaviour in the area. Lack of storage for empty gas bottles and kegs. Increase in traffic, close proximity of premises to 2 primary schools. Large number of resident's vehicles parked on roads both evenings and weekends, effectively making roads single carriageway and increase in traffic likely to make problems worse. Noise at closing time with people leaving, car doors banging, raised voices, taxis collecting customers sounding their horns. Walls and doorways used as urinals.

3.5 Objection 3 – Increase in litter and broken bottles which has previously affected resident's garden.

3.6 Objection 4 – Concerns with regard to parking, noise, nuisance and sanitation. Issues when there was previously a bar in this area with glasses left on car roofs and noise from people leaving to go to their homes.

3.7 Objection 5 – Shift worker who is concerned that if these premises were to open, it would result in an excess of broken glass and cigarette ends

being discarded in the street. Already experiencing this with nearby shop. Green patch of grass outside the premises likely to attract smokers and drinkers.

- 3.8 Objection 6 – Parking is already a nightmare. On a busy bus route.
- 3.9 Objection 7 – Disruption that will be caused by extra traffic entering and leaving the front of the property. On the junction of two busy roads that are both bus routes. No provision of parking. Already issue with cars parked on the corner blocking the view when exiting Elm Terrace. Potential issue of drinkers causing disturbance when leaving the premises. The potential for the corner to be an obvious gathering place for groups of youths as has happened in the past. Impact on children from local schools with additional traffic activity.
- 3.10 Objection 8 – Proposed hours, located on busy cross roads, 2 nearby bus stops, flats above the premises, no designated smoking area, 3 public houses in the vicinity, parking, taxis, use of public grassed area.
- 3.11 Objection 9 – As above
- 3.12 Objection 10 – As above
- 3.13 Objection 11 – Likely to be similar issues to Red Lion which was opposite proposed premises. Late night drinking and noise, parking issues, litter and location on a busy crossroads. Proximity of junior and infant schools to the premises
- 3.14 Objection 12 – No parking provision, drive regularly blocked by inconsiderate and rude drivers. No smoking shelter/provision increase in litter, noise, pollution and people congestion. There are private tenants with children living above the premises who do not deserve additional noise and anti-social behaviour associated with this type of establishment. Establishment having a negative effect on the community. Issues with taxis, two nearby bus stops and the possibility of tables and chairs placed outside the premises causing obstructions. Disruption and late-night noise.
- 3.15 Objection 13 – Already issues with noise of car doors, driveways being blocked, delivery vehicles throughout the day which would get worse and later into the evening/early morning if licence granted. In summer microbar, likely to spill out onto the forecourt, causing additional noise and intimidation for people passing.
- 3.16 Objection 14 – Concerned with proposed opening hours, parking problems, noise and anti-social behaviour. Residents having their drives blocked.

- 3.17 Objection 15 – School less than 200 yards away, residential area, does not need a bar. Noise from people outside drinking and smoking, will affect children sleeping. Noise from disposal of bottles and cans outside the premises and customers throwing litter into resident’s gardens. Bus stop immediately outside, and customers both parking and being picked up and blocking resident’s drives.
- 3.18 Objection 16 – The proposed bar is extremely close to houses and below occupied flats. Customers will stand outside drinking and smoking. No car park, noise from taxis. 2 bus stops preventing pick-ups by cars outside the bar. Customers throwing litter and bottles into resident’s gardens.
- 3.19 Objection 17 – Noise pollution from taxis and people talking loudly as they leave the premises. Parking is a problem with people frequently double parking. Area also use by double decker buses and artic lorries. Possible anti-social behaviour as walk ways near gullies which have attracted anti-social behaviour previously. Near to a primary and secondary school and may affect children walking past as there may be people outside drinking using bad language.
- 3.20 Objection 18 – Concerns about noise, litter and parking.
- 3.21 Objection 19 – Concerned that will not feel safe in their own home due to the increased number of people in the vicinity of their property. Excessive late-night noise which could lead to an increase in violence. Parking across drives, where will people smoke and disruption by taxis late at night.
- 3.22 Objection 20 - Concerns regarding customers parking across theirs and their neighbour’s drives. Additional traffic on an already busy road and disruption, potential for anti-social behaviour and additional noise and litter in the area.

4 THE CURRENT POSITION

- 4.1 An application for a new premises licence to sell alcohol has been made by Tivi Ales and is attached as Appendix 1. The licensable activities with times applied for and conditions to meet the four licensing objectives are as follows:
- 4.2 Supply of Alcohol “on” the Premises only Sunday to Thursday 12 noon to 23:00 pm and on Friday and Saturday 12 noon to Midnight.
- 4.3 Opening hours Sunday to Thursday 12 noon to 23:30 pm and on Friday and Saturday 12 noon to 00:30 am – this allows for a thirty minute drinking up period at the end of each evening.

- 4.4 Premises description/general information – As a business, Tivi Ale is working proactively in the refurbishment of the premises to work with the four main licensing objectives. As a general rule, a micropub by definition is: “A micropub is a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks”. The business is family run and the business model is family/friend orientated.

Although our selection of drinks will be wider than cask ales, the rest of the definition suits our business model. We want an establishment that is used by the community with a social atmosphere and tradition shows that drinkers of cask ales tend to be lovers of taste and beer rather than being rowdy or causing trouble.

The clientele we are aiming at is couples, and over 40's, so that they come out for a quiet drink and socialise with their neighbours. We will not be having bands or discos, although there will be background music. We will be joining two trade associations, the Micropub Association and Bira, both of which help with advice and business services to help keep us trading, keep us safe and offer advice.

4.5 **Prevention of Crime and Disorder**

We will not tolerate trouble of any form which will mean an immediate ban (although we don't expect this to be needed as per the type of establishment we run)

Having friends that run other Microbars and having frequented them, the type of customers tend to be older and therefore less problematical. Any person found with drugs will be asked to leave and the police will be informed, posters will also be displayed.

A duty of care policy regarding persons suffering from the effects of drugs will be in place and staff will be trained to provide medical attention if necessary.

No smoking signs will be displayed on the premises.

All staff will be trained on signs of drugs abuse, both on persons and to recognise signs of use on the premises. Training will also be given on signs of persons drinking to excess.

All training will be recorded in a staff manual and made available to a responsible authority immediately on request.

CCTV will digitally record up to 31 days and will be made available on request to all licensing authorities. There will be a member of staff on duty who is trained and able to show and download images from the

system during opening hours. It will record operation during opening hours and will cover all licensable activity areas of the premises.

4.6 Public Safety

The owner of the business/the licensee will have been on a first aid course to help minor injuries in case of accident. This training will be extended to all staff.

A ramp will be provided for disabled visitors and the toilet block will have a fully fitted disabled toilet.

No drinking vessels at any time will be taken beyond the outside perimeter of the premises as shown on the licensing plan. Notices will be displayed in any designated outside area (e.g. smoking area) to inform patrons of the restriction.

There will be external lighting for the safety of the customers as they leave, but care will be taken so this does not impact on the neighbours (placed on the front of the building towards the road).

All staff will be trained on signs of drug abuse, both on persons and to recognise signs of use on the premises. Training will also be given on signs of persons drinking to excess.

All training will be recorded in a staff manual and made available to a responsibility immediately on request.

4.7 Prevention of Public Nuisance

The doors are the only openings to the building that may create a noise problem externally. These will be on swing shut hinges with the aim of keeping the door closed at all times. There will be no loud music or entertainment.

Bins will be provided inside and outside the building to contain rubbish, with a recycling bin on the front to contain bottles and cans. General rubbish from food is not expected as we don't provide hot food. No bins will be used outdoors between the hours of 1800 hours and 10 am due to noise.

Signage will be displayed for customers to "respect the local residents and please leave quietly" will be on display around the location, especially at the exits and smoking areas. We will advise taxis not to bib their horn (They will inform via text message).

Parking advice will be not to block our neighbour's driveways. For the few cars we expect, there is on road parking availability on Regent Road and Red Lion Close.

4.8 Protection of Children from Harm

Children will be asked to leave the premises after 7 pm
There will be no gambling on the premises. Small raffles and small stake games/quizzes may happen.

A book/diary will be held to show checks for underage drinking. The premises will also operate the Challenge 25 Policy. Training will be given to staff and recorded in the staff manual to help identify different ID methods as part of the Challenge 25 Policy.

Violence and drug taking will not be tolerated and will incur an immediate ban.

The owner is a family man with young grandchildren so will understand about keeping them safe.

Children will not be allowed by the bar area and asked to remain in the seated areas, so no running around.

Children will not actively be encouraged to attend the premises.
All persons under the age of 16 will be monitored by a parent or guardian of a minimum age of 21 at all times.

- 4.9 At the time of submitting the application, the proposed designated premises supervisor, Delwyn Sharpe, was in the process of applying for a personal licence. It has been confirmed by the applicant's agent that this has now been issued by Dudley Council, licence number DY/50/3324

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 A notice has been published in a local paper and a public notice has been displayed at the premises outlining the application and inviting comments/representations to be sent to the Licensing Authority, detailing a closing date for these to be received. Details of the application were also published on the Council's website.

6 ALTERNATIVE OPTIONS

- 6.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- 6.2 To refuse to grant the application

- 6.3 To grant the application with (or without) conditions in full (or in part).
- 6.4 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If another law already places certain statutory responsibilities on a premises, it would not be appropriate to impose similar duties.
- 6.5 Members of the Sub Committee should be advised that the applicant, licence holder or any other person who made relevant representations in relation to the application, may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are no direct strategic resource implications associated with this application.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 In determining the application(s) the Licensing Sub Committee must have regard to;
- Representations made by the responsible authorities /other person;
 - The Provisions of the Licensing Act 2003 and relevant regulations made under the Act;
 - The statutory guidance issued under Section 182 of the Licensing Act 2003;
 - Relevant case law;
 - Sandwell MBC Statement of Licensing Policy.
- 8.2 All with a view to promoting the Licensing Objectives which are –
- a The Prevention of Crime and Disorder;
 - b Public Safety;
 - c The Prevention of public nuisance;
 - d The Protection of children from harm.
- 8.3 In conducting Sub Committee procedure, the Sub Committee shall have particular regard to the Licensing Act 2003 (Hearings) Regulations 2005 and the Section 182 guidance referred to above.
- 8.4 The guidance issued under Section 182 of the Licensing Act 2003 states that "The Licensing Authority`s duty is to take steps with a view to the

promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder”

- 8.5 Article 6 of Part 1 Schedule 1 of the Human Rights Act 1998, states that in determination of a persons’ civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Decisions should generally be pronounced publicly.
- 8.6 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.
- 8.7 Article 10 states that everyone has the right to freedom of expression.
- 8.8 Part II, Article 1 of the Act states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
- 9.2 The operators of this premises are responsible for complying with all relevant legislation.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public on line, in line with data protection protocols.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 The Police are a statutory consultee for all Licensing Act 2003 applications. Prevention of Crime and Disorder is one of the four licensing objectives and applicants have to demonstrate how they will achieve this objective by volunteering measures in the operating schedule submitted with the Licence application.
- 11.2 The Police have not made an objection to this application on crime and disorder issues.

12 SUSTAINABILITY OF PROPOSALS

12.1 In respect of premises licence applications, we do not for see any issues in respect of sustainability of proposals.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 The application relates to privately owned property.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy and to give reasons for their decision.

16 BACKGROUND PAPERS

16.1 Sandwell Metropolitan Borough Council Licensing Policy

16.2 Guidance issued under Section 182 of the Licensing Act 2003

16.3 The Licensing Act 2003 (Hearings) Regulations 2005

17 APPENDICES:

17.1 Appendix 1 – Licence application with site plan

17.2 Appendix 2 – Representations

17.3 Appendix 3 – Location Plan

Stuart Lackenby
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