

**Minutes of the  
Licensing Sub Committee 3**

**5<sup>th</sup> April 2018 at 10am  
at Sandwell Council House, Oldbury**

**Present:** Councillor Tranter (Chair);  
Councillors K Davies and Downing.

**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.**

17/18 **Application for a new Premises Licence Tivi Ale at 45 – 46  
Regent Road, Tividale, Oldbury B69 1TL**

**Present:** Fiona Gee (Licensing Officer);  
David Elliott (Solicitor SMBC);  
Heath Thomas (Harrison, Clark, Rickersby Solicitors)  
Delwyn Sharpe (DPS Tivi Ale)  
Leanne Wehrle (Tivi Ale)  
Stephanie Cox (Tivi Ale)  
Michael Fuller (Objector)  
Robert Taberner (Objector)  
Louise Brown (Objector)  
Lydia Brown (Objector)  
Stephen Smart (Objector)  
Gary Shaw (Objector)  
Beverley March (Objector)

Objectors to the application stated that they had not seen the report due to not being able to access on line and had not selected spokespersons.

(10.05 The Chair adjourned the meeting for 15minutes to allow the objectors to read a copy of the report and select two spokespersons).

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The Committee considered an application for a new premises licence for Tivi Ale, 45 – 46 Regent Road, Tividale, Oldbury B69 1TL.

There had been twenty objections received to the granting of the application from local residents.

An application for a new premises licence to sell alcohol had been made by Tivi Ales. The licensable activities with times applied for and conditions to meet the four licensing objectives were as follows:-

- supply of alcohol on the premises only Sunday to Thursday 12 noon – 23.00 pm and on Friday and Saturday 12 noon to Midnight;
- opening hours Sunday to Thursday 12 noon to 23.30 pm and on Friday and Saturday 12 noon to 00.30am – this allowed for thirty minutes drinking up period at the end of each evening.

A notice had been published in a local paper 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 and details of the application had been published on the Council's website.

The Legal representative presented 3D photographs of plans for the property to the objector's present and the Licensing Sub Committee Members and advised the Sub Committee in respect of the application.

It was proposed to open a microbar which would be a small premises with a capacity to hold around 60 customers, mainly serving cask ales, and a limited selection of wine and soft drinks.

The Licenced Premises Holder had experience of running a business and would be assisted initially by a manager who had many years of experience of licenced premises management.

The clientele that was aimed for was couples and over 40's who wanted to go for a quiet drink and socialise with their neighbours. There would be no live music, although there would be low level background music. The management would be joining two trade

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associations, the Micropub Association and bira, both of which would help with advice and business services.

In respect to the prevention of crime and disorder licensing objective it was proposed that there would be a zero tolerance of any trouble and this would lead to an immediate ban and any person found with drugs would be asked to leave and the police would be informed, warning posters would also be displayed.

Staff would be trained on signs of drug abuse and on signs of intoxication and this training would be recorded in a staff manual and made available to a responsible authority immediately on request.

CCTV would digitally record up to 31 days and would be made available on request to all licensing authorities. There would be a member of staff on duty who was trained and able to show and download images from the system during opening hours. It would record operation during opening hours and would cover all licensable activity areas of the premises.

In respect to the public safety licensing objective, first aid training would be given to all staff members to assist with minor injuries in case of accidents, ramps would be provided and the toilet block would have a fully fitted disabled toilet.

No drinking vessels at any time would be taken beyond the outside perimeter of the premises and notices would be in place to inform patrons of the restrictions.

In respect to the prevention of public nuisance Licensing objective, doors would be on swing shut hinges to keep doors closed at all times and there would be no loud music or entertainment.

Bins would be provided inside and outside of the premises and no bins would be used outdoors between the hours of 6pm and 10.00am to prevent excessive noise.

Signage would be displayed for customers to respect the local residents and leave the premises quietly and taxis would be advised not to use their horn to summon clients. The applicant was willing to consider supplying details of a local taxi operator to

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clients and agree with that taxi operator in respect of the drivers conduct on picking up clients.

In regard to parking it was expected that there would only be a few cars used and patrons would be asked to park on the road and to ensure they kept neighbours driveways clear. It was felt that the micro bar would be used by the local community and most of the clientele would be within walking distance.

In respect to protection of children from harm licensing objective, children would not be allowed in the bar after 7pm and there would be no gambling on the premises except for the occasional small stake raffle, games or quizzes.

A record would be kept of checks for underage drinking and the premises would operate the Challenge 25 policy.

Children would not be allowed in the bar area and asked to remain in the seated areas and all under the age of 16 would be monitored by a parent or guardian.

There had been no objections received from West Midlands Police or Environmental Health.

The application was for a new premise and the Committee was advised that the premises that used to be opposite, the Red Lion, was a licensed public house and did not compare to Tivi Ale which would be a small microbar catering for 60 customers.

The objections raised by some of the residents were perceived concerns and the Licensed Premises Holder was willing to provide contact details to neighbours so they could discuss their concerns and issues.

The applicant had proposed two conditions to address some of the issues raised which were:-

- the condition around the outside bins, not being used during the hours of 6pm and 10am to address some of the noise issues;
- that taking drinks outside would not be allowed after 10pm.

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Objectors were present at the meeting and addressed the panel with the following concerns:-

- residents had concerns that the micro bar would cause noise and disruption and encourage anti-social behaviour;
- an increase of noise at night caused by customers leaving the premises and taxi's sounding their horns when collecting customers;
- car parking concerns and a possible increase in traffic, it was pointed out that the road was a bus route and the premises would be on a busy junction;
- there was a possibility that there would be an increase in litter and broken bottles;
- a shift worker was concerned about customers smoking and drinking outside the premises which could disturb them when sleeping;
- there was potential for the area to be an obvious gathering place for groups of youths as had happened in the past;
- the proximity of the local school and the impact of additional traffic activity;
- there was potential for similar issues to occur as when the Red Lion opposite was open, late night drinking, noise, parking issues and litter;
- residents felt that this was a mainly residential area and there was no need for this facility in the area.

Objectors were advised that the licensing process allowed for reviews of the licence if problems occurred once the premises were open.

Issues in respect of parking and traffic activity were not licensing issues and would be considered within the planning application.

The Licensing Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

Having considered all the information before them, Members were minded to grant the application for a new premises licence in respect of Tivi Ale, 45 – 46 Regent Road, Tividale, Oldbury B69 1TL.

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The reason for the decision was that there had been no objections from the West Midlands Police or Environmental Health. They had carefully considered the representations from residents; however, the objections raised by residents had been based on perceived problems and this was a new application. The current application was a different business model to that of the previous premises, the Red Lion public house that had been based in the area.

In making their decision the Committee considered the Licensing Act 2003 and relevant case law and Members recognised that they must carry out their functions with a view to promoting the four licensing objectives.

**Resolved** that the application for a premises licence in respect of Tivi Ale, 45 – 46 Regent Road, Tividale, Oldbury B69 1TL be granted.

All those who made representations had the right of appeal to Wolverhampton Magistrates' Court within 21 days of receipt of the decision letter.

(Meeting ended at 12.25pm)

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