

Minutes of Licensing Sub Committee 1

**Monday, 21 June 2021 at 10.00 am
at Council Chamber, Sandwell Council House**

Present: Councillor Allen (Chair)
Councillors Piper and Rouf

Also present: Makhan Singh Gosal (Licensing Officer)
Geeta Bangerh (Licensing Officer)
Balbir Dhugga (Licensing Officer)
David Elliott (Solicitor)
Trisha Newton (Senior Democratic Services Officer),
Connor Robinson (Democratic Services Officer)
Gabrielle Evans (Democratic Services Officer).

1 Apologies for Absence

Apologies were received from Councillors W Gill, Z Hussain, O Jones and K Singh.

2 Declarations of Interest

There were no declarations of interest made.

3 Minutes

Resolved that the minutes of the meeting held on 22 March 2021 are approved as a correct record.

4 Application for the grant of a new Premises Licence at Old Mill, Rydding Lane, West Bromwich, B71 2EX



The Sub Committee considered an application for a new premises licence in respect of Old Mill, Rydding Lane, West Bromwich, following receipt of representations from the Police, the Fire Authority, residents and local ward members.

The licensable activities in relation to the application were plays, films, live music, recorded music, performance of dance, anything similar to that falling within the previous activities (on premises) Monday - Sunday 08.00 - 02.00 hours, late night refreshment (on premises) Monday - Sunday 23.00 - 02.00 hours, sale of alcohol (on/off premises) 08.00 – 02.00 hours. The proposed hours the premises would be open to the public was Monday - Sunday 07.00 - 02.30 hours.

The premise would be a Public House Bar and Grill, and would be predominantly offering breakfast, lunch and dinner. The premises would also be used for private functions such as weddings, birthdays and funerals.

The Chair advised that there had been significant changes to the application since it had been submitted, following representations from the Police. The applicant had agreed to a number of new amendments to the licence, including:-

- closure time of 00:30 hours;
- all regulated entertainment ending at 23:00 hours;
- no outside bar or entertainment;
- risk assessment to be carried out for private parties and functions;
- door staff to be in use with a sign in register on commencement and end of duty to include name and contact information, register maintained on site available for inspection;
- female members of door staff;
- search policy in place on the premises.

Residents in attendance raised the following objections:-

- the Police were unable to cope with the crime levels in the local area and questioned whether the licence could be granted on a trial period;
- holding weddings would cause parking issues and the venue had been extended out into the car park, further reducing its capacity;
- the smoking area and beer garden had previously been a nuisance for residents as the area backed onto the gardens of several families.

The applicant's representative addressed the Committee as follows:-

- the licence had previously been surrendered without the applicant's knowledge. The applicant planned to open the premises as a bar and grill rather than pub. There was previously very little control of the licence under the pub company - it would now be a family run business with an approachable owner;
- the applicant had opted to include private function use in the application, however, they were unsure of the demand for events. There was a large overflow car park at the back of the building to accommodate parking;
- the representative apologised on his clients behalf for upsetting residents with the initial application and didn't anticipate having the same issues as the previous licensee due to the way the premises would be run.

It was confirmed that the Sub Committee could not issue the licence on a trial period, however, in the event that there were any future issues, the Sub-Committee was able to review the licence at any time should residents trigger a review of the premises licence.

In response to comments raised by the Sub Committee, members were advised:-

- members identified that the current CCTV was ineffective as there was no coverage in the function room or the lounge. Complete coverage would be needed including the entrance and exit areas and this would need to be agreed with West Midlands Police. It was confirmed that there would be 32 cameras installed on the premises;
- the outside area would be used as a beer garden and outside seating for the restaurant - alcohol would be limited until 10pm;
- the capacity of the venue was approximately 130, not including the function room.

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

Having considered all the information before them, the Sub Committee was minded to grant the premises licence in respect of Old Mill, Rydding Lane, West Bromwich, B71 2EX for the following reasons:

1. This was a new application for a premises licence with no adverse record of managing premises licences being reported to the Licensing Sub-Committee as regards this applicant.

2. The central issue was a closing down time of around 2.30am for a premises in a residential location with licensable activities ceasing at 2.00am. This had been amended so that broadly licensable activities conclude at 12 midnight and the premises close at 12.30am. This important amendment met with the approval of concerned residents. The Police withdrew their objection on the strength of it.
3. The applicant had volunteered additional conditions and had undertaken to comply with all the requirements of the West Midlands Fire Service before the Premises open.

Resolved that the Premises Licence in respect of Old Mill, Rydding Lane, West Bromwich, B71 2EX be granted, subject to the following additional conditions being imposed:-

- (1) the sale and supply of alcohol is permitted from 8am to Midnight Monday-Sunday;
- (2) regulated entertainment being plays, films, live music, recorded music, dance and similar is permitted from 8am to 11pm Monday-Sunday;
- (3) the premises are permitted to open from 7am to 12.30pm Monday-Sunday;
- (4) CCTV provision to be agreed with West Midlands Police, in consultation with the Sub-Committee Chair before the premises open to the public;
- (5) there is to be no sale or supply of alcohol or the provision of regulated entertainment in the outside drinking area;
- (6) the plan accompanying the application should be amended to clearly show the outside area indicating that licensable activities are not to take place in this area;
- (7) there is to be no consumption of alcohol permitted in the outside area after 10pm;
- (8) a risk assessment is to be carried out with regard to any private parties or functions held at the premises, to include the provision of door supervisors for the function or party with a minimum of two door staff on duty including a female door supervisor for private parties and functions;

- (9) when door staff are in use at the premises the door staff will sign a register at commencement of duty and will sign off at the end of the duty, register to include the full name of door supervisor, their SIA badge number and contact telephone number for the door supervisor. The register will be maintained on site and available to the Police and any responsible authority for inspection purposes;
- (10) a search policy will be in place at the premises and will be directed by SIA staff at the entrance of the premises;
- (11) the Operating Schedule is to be incorporated as conditions attached to the Premises Licence subject to any subsequent agreed conditions (eg CCTV provision) taking precedence over what was originally included in the Operating Schedule if inconsistent with it.

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.

The Premises Licence Holder would be advised of his 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 12.10 pm

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