

Agenda

Licensing Sub Committee 3

Monday, 21 February 2022 at 10.00 am
At Council Chamber – Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence

2 Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

3 Minutes

5 - 10

To confirm the minutes of the meeting held on 15th November 2021.

4 Exclusion of the Public and Press

That the public and press be excluded from the rest of the meeting. This is to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, relating to the financial and business affairs of any person, including the authority holding that information.



Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operator’s Licensing related matters – Members considering the application: Councillors Rouf, G Gill, Hadley, R Jones.

- 5 To consider Local Government (Miscellaneous Provisions) Act 1976 - Private Hire and Hackney Carriage Drivers/Vehicles/Operator's Licence related matters. 11 - 38**

Kim Bromley-Derry CBE DL
Interim Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor Rouf (Chair)
Councillors Fenton, G Gill, Hadley and R Jones

Contact: democratic_services@sandwell.gov.uk

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Minutes of Licensing Sub Committee 3

15 November 2021 at 10.00am
Council Chamber at Sandwell Council House

Present: Councillor Rouf (Chair);
Allen, Chidley, Fenton, G Gill, Hadley, R Jones.

Also Present: Mabena and Webb

Officers: Usha Devi (Senior Licensing Officer)
Balbir Dhugga (Licensing Officer)
Geeta Bangerh (Licensing Officer)
David Elliott (Solicitor)
Trisha Newton (Senior Democratic Services Officer)
Gabrielle Evans (Democratic Services Officer)
Amundeeep Johal (Democratic Services Officer)

11/21 **Apologies for Absence**

There were no apologies for absence received

12/21 **Declarations of Interest**

No interests were declared at the meeting.

13/21 **Minutes**

Resolved that the minutes of the meeting held on 16 August 2021 be received.

14/21

**New Premises Application - Windsor Complex,
Bearwood Road, B66 4DL – Allen (Chair), Fenton and
Hadley**

The Sub Committee considered an application for a new premises licence in respect of Windsor Complex, 377 – 379 Bearwood Road, Smethwick, Birmingham, B66 4DL following receipt of a representation from a local resident objecting to the grant of the application which would adversely affect the Licensing Objective of Public Safety and Public Nuisance.

The applicant and his representative attended the hearing. The objector was not in attendance.

The Sub Committee noted that the premises would be trading as a bar, restaurant and entertainment venue. Details of the application had been published in local newspapers and on the Council's website.

The Chair read aloud the representation from the local resident. The main concerns raised were as follows:-

- potential car parking issues for surrounding residents;
- potential for antisocial behaviour;
- potential for noise and public nuisance for young families and ageing residents in the area;
- potential for rubbish and litter in the surrounding areas.

The application had initially received an objection from West Midlands Police, however, the proposed condition using registered door staff when dealing with private events, had been accepted by the applicant. There was also an objection from West Midlands Fire Service, the applicant had undertaken to meet the five requirements as listed.

The applicant's representative had provided a response in writing to the objector and explained his response to the Committee. The applicant's representative outlined the following:

- the applicant had invested money in the property to ensure it would attract a different type of clientele and was intended to be a venue that local residents could enjoy;

- it was proposed that the venue would include a bowling alley and soft play area for children;
- ample parking was available on several side streets;
- entertainment at the venue would take place at the centre of the building, so that sound and noise would be contained to the central area of the building;
- security in the building would ensure that the safety of its clients would be maintained.

From the questions and comments raised by members of the Committee the following responses were made, and issues highlighted:

- licensing activities were set to finish half an hour before midnight;
- a Challenge 25 Scheme would be preferable to Challenge 21;
- smoking areas were at the front and side of the premises and would have limits on the numbers of people which would be maintained by staff in order to prevent people congregating outside the building;
- Phase 2 of the project would include installing pool tables and included plans for the building to become a multi-use entertainment centre (live music and bingo were cited as examples);
- in relation the above, it was clarified by the Licensing Officer that any modifications to the licence should it be granted would require a variation on the licence and additional conditions could be added at that time;
- the Committee's Legal Advisor confirmed that the licence presently before the committee was for live music, recorded music, late night refreshments, alcohol and extended opening times;
- parking issues were not directly relevant to the decision of the Committee, but members did have powers to review the licence should circumstances change in future.

Agreed that the Premises License in respect of Windsor Complex, 377 – 379 Bearwood Road,

Smethwick, Birmingham, B66 4DL be granted subject to the following:

- (1) the Premises will ensure that bookings for events, private parties, etc will contain the full name of the person booking the event, their address, full details of the event and proof of identity. Event booking records will be maintained for events for 12 months and available for inspection by any responsible authority upon request. As part of any booking for events or private functions, the Premises Licence Holder will ensure that for any events held at the Premises, if an external promoter is used, the full details of the promoter used for the event are also retained;
- (2) when door staff are in use at the Premises, the door staff should sign on and off duty in a register retained on site. As part of the signing in and off duty, the door supervisor will sign and print their full name and SIA badge number;
- (3) regulated entertainment and licensable activities are to cease at 11.30pm on Friday and Saturday and 12.30pm on Christmas Eve and New Year's Eve to allow a dispersal time during the busier periods as requested by West Midlands Police;
- (4) premises will operate Challenge 25.

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

15/21

Exclusion of the Public

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operators Licensing related matters – considered by: Councillors Rouf (Chair), Chidley, G Gill and R Jones.

16/21

To consider Local Government (Miscellaneous Provisions) Act 1976 - Private Hire and Hackney Carriage Drivers/Vehicles/Operator's Licence related matters.

The Sub Committee considered an application for the renewal of a Private Hire Driver’s Licence in respect of Mr F U.

Mr F U was in attendance. He had not previously appeared before the Licensing Sub Committee.

The Committee was advised that Mr F U had failed to declare his CU80 conviction relating to blocking a safe view of the road from your windscreen with a Sat Nav device.

The Committee was advised that Mr F U had informed the Licensing Office when he applied to renew his licence in September 2021.

Mr F U explained that not reporting the conviction was a genuine mistake.

The Committee’s Legal Advisor explained that the road traffic act had two distinct offences for driving a vehicle whilst using

a mobile device. It was highlighted that holding and using a hand held device was a much more serious offence than having such a device in a position in the vehicle that it obscures visibility.

Mr F U stated that he had now moved his Sat Nav and, at the time had not been aware this was an offence.

The starting point for Committee's consideration was the Council's policy, which identified that driving whilst using a mobile phone would result in revocation. Given that this conviction was an unusual matter and the applicant may have not have known it was an offence, the Committee was minded to depart from policy. The main concern of the Committee was Mr F U's failure to notify the Licensing Office and failure to be aware of the Licensing Conditions. Mr F U received a warning from the Committee regarding these concerns.

Resolved that the application for renewal of the Private Hire Driver's Licence in respect of Mr F U be granted with a warning.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

Meeting ended at 12:02pm

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