

Minutes of Licensing Sub Committee 2

**Monday, 11 September 2023 at 10.00 am
at Annexe 1 - Sandwell Council House, Oldbury**

- Present:** Councillor Fenton (Chair)
Councillors J Giles and N Singh
- Officers:** Geeta Bangerh (Licensing Officer)
Kiran Dhesi (Licensing Officer)
David Elliott (Legal Advisor)
Toby Howes (Interim Democratic Services Officer)
- In Attendance:** Sandip Gillar (Applicant)
Dalveer Gillar (Applicant)
Nicola Stansbie (West Midlands Police Licensing)
Sharan Dadwal (Environmental Health)
Catherine Hartle (Resident)
Jonathan Hartle (Resident)
Wayne Lancaster (Resident)
Dean Gould (Resident)
Craig Potter (Resident)
Ronald Shearwood (Resident)
Amanda Shearwood (Resident)

65/23 Apologies for Absence

No apologies for absence were received.

66/23 Declarations of Interest

There were no declarations of interest.



67/23 Application for the grant of a new Premises Licence at Luxor Events, 152 Reddal Hill Road, Cradley Heath, B64 5JJ

Further to Minute No. 58/23 (18 July 2023), the Sub Committee reconvened to consider the application for a Premises Licence in respect of Luxor Events, 152 Reddal Hill Road, Cradley Heath.

At its meeting on 18 July 2023, the Sub Committee had requested that matter be further adjourned to allow the applicant to provide a noise/acoustics assessment.

The Sub Committee took advice from its legal adviser before adjourning to make a decision on the application.

The Sub Committee was minded the grant the Premises Licence in respect of Luxor Events with the addition of further agreed conditions.

The premises had historically been used for commercial/entertainment purposes for a number of years and the Sub Committee were presented with evidence of such use by the applicant going back to the earlier 2000s. More recently in 2022 the Premises Licence was revoked. This decision related to a former Premises Licence Holder who was served with a statutory nuisance abatement notice but breached it on a number of occasions, holding music events until the early hours of the morning.

The current applicant had not been served with such a notice. The proposed hours of licensable activities and opening and closing were more modest.

The applicant, through a revised operating schedule (upon seeking professional advice), and further volunteered conditions as described above had sought to regulate their activities so as not to undermine the Licensing Objectives, particularly that of Public Nuisance.

In particular, it was apparent to the Sub Committee that bass noise intrusion until 11pm was of particular concern to the residents. The position of Environmental Health was and remained that they opposed the application being of the view that structural works of some measure were required to the premises to achieve

appropriate noise attenuation. However, if the decision was to grant the Premises Licence the Environmental Health Department proposed condition 10 set out to seek to tackle possible noise intrusion to the resident interested parties by bass. This proposed condition was referred to the applicant's noise expert and accepted in principle.

The West Midlands Police had made representations that had been taken into account during the application process. As regards the issue of public nuisance however they accepted this was, in terms of noise measurement not their field of expertise and an issue for those qualified in that field primarily to comment upon.

Resolved the Premises Licence in respect of Luxor Events, 152 Reddal Hill Road, Cradley Heath be granted with the following conditions:-

- The permitted opening hours of the premises are 9am to midnight, seven days a week;
- The permitted licensable activities are:-
 - o The supply of alcohol from 10am to 11pm, seven days a week;
 - o The playing of live music from 10am to 11pm, seven days a week;
 - o The playing of recorded music from 10am to 11pm, seven days a week;
 - o The performance of dance from 10am to 11pm, seven days a week;
 - o Any similar regulated entertainment to that described above from 10am to 11pm, seven days a week;
- The licence will be subject to conditions volunteered through the Operating Schedule to meet the licensing objectives. These are:-
 - (a) General - all 4 Licensing Objectives b, c, d and eAs the applicants we will ensure that we fully uphold all the four licensing objectives, at all times. We have taken into consideration the following key documents

- (1) Council's statement of Licensing Policy
- (2) Guidelines issued under Section 182 of the Licensing Act

There is now a robust operating schedule, in addition to policies/procedures in place at the premises with

reasonable hours of operation demonstrating a commitment to due diligence at the premises. As the Premises Licence Holder we will ensure that we fully uphold all of the licensing objectives at all times. Policies and procedures are being fully implemented for the safe and efficient running of the premises including, but not least

1. Staff training and operations manual
2. Referrals log
3. Incident log
4. Challenge 25
5. Signage-Consideration to neighbours
6. Noise Management Plan
7. Dispersal Plan
8. DPS Authorisation Form
9. Risk assessment

(b) The prevention of crime and disorder

CCTV will be installed, operated and fully maintained at all times; images will be retained for at least 28 days and be produced on request of any responsible authority. The CCTV will be operational at all times whilst the premises are trading.

Warning notices will be displayed in public areas of the premises advising that CCTV is in operation.

If the CCTV hard drive needs to be replaced then the old/previous one will be kept on the premises for a minimum of 28 days and made immediately available to any of the responsible authorities on request.

There will be someone on site while the premises is carrying out licensable activity who will be able to operate the CCTV on request of any of the responsible authorities.

A refusals register will be maintained at all times and will be checked and signed off by the DPS at regular interval.

These will be made available for inspection by the responsible authority upon reasonable request.

Customers will not be permitted to take open containers of alcoholic drinks from the premises.

(c) Public Safety

The Premises Licence Holder or Designated Premises Supervisor will carry out pre-opening checks of the premises to ensure that there are no risks to patrons and that all safety precautions are in place.

All staff training forms in relation to Licensing Act and Challenge 25 policy will be signed by both the trainer and the trainee. No staff are to work "front of house" without this documented training whilst the premises is carrying out licensable activity.

These training records are to be made immediately available to any of the responsible authorities on request. The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

All safety certificates and inspection reports will be kept in site and made available to officers of relevant statutory bodies including Fire Risk Assessment.

The premises will comply with all food safety regulations. The staff involved in food preparation will be fully trained.

(d) The prevention of public nuisance

As the Premises Licence Holder, we will ensure that the disturbance caused to the general public is kept to a minimum and signage will be placed in prominent places, asking customers to respect our neighbours.

Staff members will ensure that the frontage of the premises are checked regularly for litter, rubbish, clearing away and debris.

No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2200 hours and 800 hours.

All door and windows will remain closed when music is played at the venue.

(e) A Challenge 25 policy is in place and only recognised forms of ID will be accepted. {PASS accredited ID, passport or photo driving licence}.

All children will be accompanied by an adult when attending functions at the venue.

All staff training in relation to the Licensing Act and Challenge 25 policy will be signed by both trainer and trainee. No staff are to work "in front of house" without this documented training while the premises is carrying out a licensable activity.

The Operating Schedule is accompanied by the following supporting example documentation to assist its implementation-

Annex E - Noise Management Plan to be adopted

Annex F - Risk assessment to be adopted

Annex G - Revised Operating Schedule as recounted to be adopted

Annex H - Refusals log to be adopted

Annex I - DPS Authorisation Forms to be adopted

Annex J - Pro forma staff training record to be adopted

Annex K - Dispersal Policy to be adopted

Annex L - Pro forma Incident Log- Book to be adopted

Annex M - Challenge 25 staff instruction Notice

Annex M - Example dispersal notice (not to scale) to be adopted.

The Prevention of Crime and Disorder

1. When a licensable activity takes place there will always be a personal licence holder on the premises
2. The Premises will only operate licensable activities for pre-booked events
3. When the Premises is not booked for planned events it will not operate as a walk-in venue for the general public.
4. The premises will record the name, date of birth, address and contact number of any persons hiring the venue by way of booking form. The risk assessment grading will be written on the booking form.
5. When carrying out licensable activity the premises will display prominent signage outside the front of the venue stating that the venue is open for a private function or

event, invite only and no access is to be permitted to the general public.

6. All events will be risk assessed and the premises will notify West Midlands Police licensing team of any event deemed to be medium or high risk. The notification will be made 28 days before the event and will include all details of the promoter and DJs or musicians performing (Full name ,Date of Birth, stage name).The Premises Licence Holder will utilise a booking form for those details and these will be retained at the premises for no less than 3 months.
7. The premises will employ their own (in house) SIA/door staff and not use those of promoters who may book the venue.

Public Nuisance

8. The dispersal plan will be a “live” document and will be constantly reviewed and updated. It will include that the entrance on Highland Road will not be used for dispersal, except in the case of emergencies.
9. Staff will monitor traffic control of patrons using the premises, and signpost patrons to the nearest car parks. Best efforts will be made by the venue to ensure people park responsibly.

The following additional conditions were proposed by Environmental Health and agreed by the applicant (after referral to their noise expert), at the hearing on September 11th. After consideration they were also attached to the Premises Licence by the Licensing Sub-Committee.

10. When measured over any 15 -minute period ,1 metre from the façade of any noise sensitive premises, the noise emitted from the licensed premises shall comply with the following:

LAeq EN shall not exceed LA90 WEN, and ;

15 -minute average noise sound pressure level measured over 15 minutes does not exceed the background sound level LA90

L10 EN shall not exceed L90 WEN in any 1/3 octave band between 40 and 160 Hz (Linear, Fast) dealing with lower problematic frequency bass.

The mandatory conditions added by operation of law contained in Sections 19-22 of the Licensing Act 2003 (where applicable) shall also attach to the premises licence.

Meeting ended at 2.38 pm

Contact: democratic_services@sandwell.gov.uk