

Minutes of Licensing Sub Committee 1

Friday 29 April 2022 at 9.45am
in Committee Room 2, Sandwell Council House, Oldbury

Present: Councillor Allen (Chair);
Councillors Fenton and Webb.

Apologies: Councillor Hadley

11/22 **Apologies for Absence**

Apologies were received from Councillor Hadley.

12/22 **Declarations of Interest**

There were no declarations of interest.

13/22 **Minutes**

Resolved that the minutes of the meeting held on the 13, 17 and 20 December 2021. be confirmed as a correct record.

Present: Shane Middleton (Senior Citizen & Consumer Protection Officer);
Geeta Bangerh (Licensing Officer);
Balbir Dhugga (Licensing Officer);
David Elliott (Legal Advisor);
Trisha Newton (Senior Democratic Services Officer);
Connor Robinson (Democratic Services Officer).



Application for Renewal of Sexual Entertainment Venue Licence – Angels Gentlemen’s Club, High Street, West Bromwich

The Sub Committee considered an application for renewal of the Sexual Entertainment Venue Licence in respect of the Angels Gentlemen’s Club, 303 High Street, West Bromwich.

The Licensing Officer advised that the premises had traded as a licenced sex establishment since April 2012. The current applicant had been transferred to the premises in 2017.

The 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 renew the sexual entertainment venue licence in respect of Angels Gentlemen’s Club, 303 High Street, West Bromwich for a period of 12 months, with effect from 1 April 2022.

Resolved that the sexual entertainment venue licence in respect of Angels Gentlemen’s Club, 303 High Street, West Bromwich be renewed for a period of 12 months with effect from 1 April 2022.



Present: Shane Middleton (Senior Citizen & Consumer Protection Officer);
Geeta Bangerh (Licensing Officer);
Kiranjit Devi Jalaf (Licensing Officer);
Balbir Dhugga (Licensing Officer);
Mr Rathore (applicant's representative);
David Elliott (Legal Advisor);
Trisha Newton (Senior Democratic Services Officer);
Connor Robinson (Democratic Services Officer).

15/22

Application for the grant of a New Premises Licence at Papa John's, 3B Church Street, Oldbury B69 3AD.

The Sub Committee considered an application for the grant of a new premises licence in respect of Papa John's, 3B Church Street, Oldbury B69 3AD, following a representation received from Environmental Health, who objected to the grant of the application due to the prevention of public nuisance issues.

The application stated that the premises main business would be a fast food store with delivery service. The proposed Licensable activity applied for was Late Night Refreshments (On and Off the premises). The proposed hours were every day 11pm to 5am and the proposed opening hours were every day 11.59pm to 12am.

Environmental Health, objected to the granting of a late night refreshment licence, as it would undermine the prevention of public nuisance objective and would cause noise disturbance to residents living above or nearby at an unacceptable time as well as a prolonged cooking odour to nearby residents.

The Senior Citizen & Consumer Protection Officer stated that their objection related to the four residential flats above Papa Johns and other residential properties in Wesley Street nearby. The residents living above the premises, it was stated, would be likely to be affected by noise from Papa John's activities preparing food below and from customers



and cars parking outside. There was no parking on the street at the front of the premises due to a zebra crossing nearby and double yellow lines. Therefore, cars would only park legally in the rear car park and would need to walk around to the front of Papa John's. The car park at the rear is enclosed by buildings resulting in any noise disturbance from customers or delivery drivers being exacerbated.

Noise complaints had been received from residents in the residential flats above Papa John's in relation to temporary noise disturbance from another premise. Noise complaints had also been received from complainants in Wesley Street again in relation to another premise in the area.

The representative of the applicant clarified the position of in relation to air-ducting and the potential for an increase in noise and odour disturbance.

The Sub Committee heard that the owner was experienced in managing stores, knew the industry, operated multiple sites and had a proven track record. The Sub Committee also heard that the establishment would also support the local economy and provide local jobs.

Deliveries from Papa John's would be undertaken from the rear of the property. No objections to the proposed licenced hours had been received from the residents of the flats and they had instead written to state no objection to the proposals.

The applicant indicated that there was space for negotiation on operating hours and it was suggested that the business would accept a permission that allowed the provision of Late Night Refreshment from 11pm to 1am with home deliveries being permitted to 3am.

It was confirmed that the Planning and Licensing functions within the Council operated independently and, notwithstanding any decision of the Licensing Sub-Committee, further approval to operate would be required from Planning.



The 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 with conditions. The Sub Committee decided to allow the premises to open for 24 hours 7 days a week and for the premises to provide Late Night Refreshment from 11pm to 1am from on or from the Premises 7 days a week and further permitted home deliveries from 11pm to 2am in the morning 7 days a week. The Sub Committee recognised the change in circumstances and considered the compromise in hours, however, Planning Committee operated independently and further approval would be required.

It was also proposed that the details in the Operating Schedule, as far as consistent with the above, be incorporated as conditions attached to the Premises Licence.

Resolved that the Premises Licence in respect of Papa John's, 3B Church Street, Oldbury B69 3AD, be approved with the following condition:-

- that the premises provide Late Night Refreshment from 11pm to 1am from on or from the Premises 7 days a week (with home deliveries permitted from 11pm to 2am in the morning 7 days a week).

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.



Present: Geeta Bangerh (Licensing Officer);
Balbir Dhugga (Licensing Officer);
Daryl Magher (Objector);
Miss Thompson (Applicant);
Mr Burke (Applicant's representative);
David Elliott (Legal Advisor);
Trisha Newton (Senior Democratic Services Officer).

16/22

Application for the grant of a New Premises Licence at Jay's Juicez, 34 Redwood Road, Walsall, WS5 4LB

The Sub Committee considered an application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Jay's Juicez. 34 Redwood Road, Walsall, WS5 4LB.

An objection had been received from a community representative to the licence and the following issues were raised:-

- opening hours at other premises in the area had been reduced due to anti-social behaviour;
- there were other premises, such as a fish and chip shop and takeaway and a precedent could be set for them to also seek a licence and this could result in a row of five shops holding licences;
- it was not clear whether this was a takeaway or delivery;
- if the licence was to be granted what range was being sold;
- concerns regarding crime and disorder, anti social behaviour and public safety and nuisance and protection of children from harm;
- the area was a known hotspot;
- there was a lot of walking traffic to and from school with potential of congregation which could cause harm to children.



No objections or representations had been received from any other residents or any of the statutory authorities.

The applicant's representative advised the Sub Committee:-

- the number of premises in the area was not relevant to the application;
- this was a unique business – there was nothing like this anywhere else and it was not clear what the volume of customers would be like;
- the hours were considered to be reasonable;
- the objectors comments were speculative and no objections have been received from other responsible authorities;
- alcohol would only be sold as a mix in a cocktail – there would be no selling of cans, etc. or any drinks on display – only sold as part of a mixed drink;
- the cocktails would be sold in a sealed cup;
- training would be provided to staff;
- initially considering operating from the shop and building up to delivery service;
- CCTV would be cover inside and outside the premises and recordings would be kept for 28 days;
- conditions regarding future delivery option would be welcomed.

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

Having considered all of the information provided, the Sub Committee granted the licence as sought, subject to the operating schedule being included in the licence. Alcohol would only be sold as part of a mixed drink mixed on the premises. Any deliveries would only be made by a direct employee of the premises (no use of online delivery companies) with deliveries paid by credit/debit card verified at delivery. Drivers would have a refusal book, bodycam (available for 28 days) and customer refusals would be refunded to the card. This was a new application with



objections from one person. There was no community impact zone to consider and the number of premises in the vicinity could therefore not be taken into consideration. Concerns regarding asb had been noted.

Resolved that the application for the grant of a New Premises Licence at Jay's Juicez. 34 Redwood Road, Walsall, WS5 4LB be granted with the following conditions:

1. The Operating Schedule as proposed to be incorporated into the Premises Licence as conditions attached to the licence;
2. The premises would sell/supply alcohol "off the premises" (ie as an off licence) only;
3. Alcohol was to be sold only as part of mixed drink, mixed on the premises;
4. Opening hours and hours of the licensable activity are to be Sunday-Thursday 12.00 noon to 10.00pm and 12 noon to 11.00pm Friday and Saturday;
5. All delivery of alcohol would only be made via a direct employee of the premises (ie not by companies such as Uber Eats or Just Eat);
6. Alcohol sales for delivery would only be paid by debit or credit card and the card user will be verified at the delivery;
7. Each driver would have a refusal book;
8. Each alcohol delivery driver would wear a body camera to verify ID and a delivery recording will be kept for 28 days;
9. Customers refused delivery of alcohol would be refunded to the card used;
10. The usual mandatory conditions imposed by the Licensing Act 2003 will apply.

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 2.30pm

Contact: democratic_services@sandwell.gov.uk

