

Minutes of Licensing Sub-Committee 1

**24 June 2022 at 10.12am
at Council Chamber, Sandwell Council House**

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

Observing: Councillor N Singh.

In attendance: Geeta Bangerh (Licensing Officer);
Balbir Dhugga (Licensing Officer);
Makhan Singh Gosal (Licensing Officer);
Nicola Plant (Service Manager)
Shane Middleton (Senior Citizen & Consumer Protection Officer);
Sharan Dadwal (Citizen and Consumer Protection Officer);
Alexander Barnfield (Counsel for Environmental Health);
Nicola Stansbie (West Midlands Police);
David Elliott (Legal Advisor SMBC);
Miss Dhillon (Counsel for the Applicant, The Regis)
Mr Gareth Collins (Premises Licence Holder),
Mr David Mundon (Designated Premises Supervisor);
Ms Claire Shayle (former Manager of The Regis);
Ms Julie Adams (Bar Manager)
Local Residents;
Trisha Newton (Senior Democratic Services Officer);
Mateusz Sliwinski (Democratic Services Officer);
John Swann (Democratic Services Officer).



24/22 **Apologies for Absence**

There were no apologies for absence.

25/22 **Declarations of Interest**

There were no declarations of interest.

26/22 **Application to Review a Premises Licence, The Regis, 152 Reddal Hill Road, Cradley Heath**

The Sub Committee considered an application submitted by Environmental Health in respect of a review of the premises known as The Regis, 152 Reddal Hill Road, Cradley Heath on the grounds of prevention of public nuisance, following complaints of excessive noise.

The legal representative for Environmental Health addressed the Sub Committee and set out the reasons for review of the premises licence:

- the noise levels from the premises had increased substantially since The Regis had been taken over by the new Premises Licence Holder on 19 January 2022;
- a petition with 62 resident signatures had been submitted to the Council complaining about noise levels, anti-social behaviour and parking emanating from the premises;
- the premises had been served a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 on 20 April 2022;
- there had been no noticeable decrease in the noise levels on Friday and Saturday evenings since abatement notice had been served;



- the premises had long been aware of public nuisance issues as environmental health officers had first contacted the Premises Licence Holder on 4 February 2022, advising that the premises was causing public nuisance in the following respects:
 - noise levels complaints from residents regarding weekend and evening events;
 - anti-social behaviour and parking problems associated with patrons of the premises;
- during an initial meeting on 4 February 2022, and in subsequent conversations, the Premises Licence Holder promised to take measures to reduce noise levels, anti-social behaviour and parking problems by installing acoustic curtains, relocating and/or reducing the number of speakers and introducing appropriate systems for dispersing patrons;
- there was no evidence of any improvement work undertaken subsequently, and no contact from the premises, despite officers declaring willingness to provide support and advice;
- noise monitoring equipment placed in a resident's house located in the street close to the premises recorded decibel (dB) levels of 60 and 68 on the evenings/nights of 5 February and 19 February 2022 respectively, compared with ambient background noise in the area normally being 30-35 dB;
- residents had kept a diary of when they experienced noise nuisance and they reported being consistently affected every Friday and Saturday;
- the Premises Licence Holder and the Designated Premises Supervisor (DPS) had been contacted on numerous occasions by Enforcement Officers from Sandwell Council, both informally and through formal channels, with no result in terms of addressing the issues;
- Environmental Health and Enforcement Officers had spoken in person to the Premises Licence Holder, the manager of the premises and the Designated Premises Supervisor a number of times since the initial meeting on 4 February 2022;



- the noise abatement notice was handed to the Premises Licence Holder (PLH) in person and the repercussions of not adhering to the notice were explained to him. Twelve days before the abatement notice was served, a warning notice was given. Residents had also approached the PLH directly;
- it was noted that the building was not suitable for hosting nightclub type events as it was an old building, with single-glazed windows and no acoustic protection;
- it was clarified that whilst no statutory measurable noise level limit existed the test was one of nuisance. The premises was located in a residential area so there was a lower threshold of noise that would be considered acceptable.

Representations were received from West Midlands Police residents concerned about the impact of the premises' activities on the wellbeing of residents living in the vicinity due to ongoing noise disturbance and parking issues and anti-social behaviour by patrons attending this venue.

In response to the representations made, the applicant's legal representative advised:

- the Premises Licence Holder stated that in the last six weeks the sound system had been reduced in capacity by 66% and only 2 speakers were left in operation;
- the Premises Licence Holder stated the venue was a social asset where residents spent time in a culturally diverse and welcoming setting. The venue held a lot of family-oriented events;
- the applicant indicated willingness to abide by conditions imposed as saw fit by the sub-committee in order to retain the premises licence;
- the applicant stated that issues with security were being addressed and there was a new manager in place to oversee both the Caribbean Kitchen and the Regis to bring more organisation to the venue;



- the applicant was willing to install a sound proofing system and expressed desire to do anything possible to keep the licence;
- the applicant undertook to redress the events offer of the establishment so to reduce the number of nightclub type events on weekend evenings/nights and more daytime community and family-oriented events;
- the applicant expressed willingness to reduce operating hours so that evening/night events did not continue into the early hours;
- it was noted that the applicant had not shared these proposals with the police or environmental health team previously.

The applicant's legal representative proposed measures for the Sub Committee's consideration:

- the applicant was prepared to adhere to the imposition of conditions including the reduction of operating hours for the venue, preparation of soundproofing plan, review of the nature of events held at the venue, the sending of social media posts before events directing patrons with regards to suitable car parking options and proposals on taking action to address security issues and anti-social behaviour by patrons of the venue;
- in addition, the applicant indicated he was prepared to accept the addition of the conditions to his licence in relation to keeping an incident log and door register;
- the applicant was prepared to the condition being imposed that if the remedial steps outlined above were not taken in the interim period the committee would be justified in revoking the licence.



The Sub Committee noted that:-

- the applicant confirmed he had been aware of residents' complaints since 21 January and apologised to residents on 22 January when he stated that there would be no repeat of this situation. Subsequently an event was held on the night of 22 January where noise was deemed excessive by residents;
- the Premises Licence Holder admitted he did not have full control over what DJs did during events held at his premises;
- the applicant admitted that he continued to hold further 'drum and base' events despite these events causing the most noise disturbance;
- even though the number of speakers had been reduced from 18 to 6, the decibel levels remained in contravention of the noise abatement notice served on 26 April 2022. The noise levels recorded on 10 June were similar to those recorded in February;
- the applicant accepted that the premises needed sound proofing work in order to be able to host drum and base events.

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

The Sub Committee had taken into consideration representations made by all parties and was minded to revoke the licence for the following reasons:-

- evidence had been heard from Environmental Health and interested parties and residents and the Sub Committee was satisfied that there had been public nuisance since January 2022;
- a Noise Abatement Notice had been issued, which had been breached – a criminal offence in itself;
- the complaints received were consistent and regular and breaches continued in the Summer of 2022;



- the Premises Licence Holder had continued to hold events offering no steps to mitigate the issues;
- from the evidence of environmental health officers, it was noted that a noise limiter would not be sufficient to deal with the noise problems but that the building would need significant structural adaptations to withstand noise break-out;
- the Sub Committee had heard evidence that the nuisance caused to neighbours had not been taken seriously, as indicated by some social media communications;
- the applicant did not present a cohesive and credible plan of how concerns would be addressed and how licensing objectives would be complied with going forward;
- from the evidence presented at the meeting, supervising the enforcement of any condition imposed on the venue would continue to make significant demands on the resources of both the environmental health team and the police;
- revocation was perceived as the only appropriate and proportionate action.

Resolved that the Premises Licence for The Regis, 152 Reddal Hill Road, Cradley Heath, be revoked.

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 was advised of his right of appeal under section 51/52 of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

Meeting ended at 3.58pm.

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