

SANDWELL METROPOLITAN BOROUGH COUNCIL

Licensing Committee

Friday 3rd December 2004

Local Government (Miscellaneous Provisions) Act 1982

PUBLIC ENTERTAINMENTS LICENCE

1.0 Summary Statement

1.1 The report concerns an application from Barry Paice and Peter Pericleous for the grant of a Public Entertainments Licence in respect of Club Illusions (formerly The Precinct Nightclub) KingsSquare West Bromwich

2.0 Recommendation

2.1 To approve/not approve the application.

Michael J. Parkes

Head of Environmental Health and Trading Standards

Location

Licensing Office
Lombard Street
West Bromwich

Contact Officer

Mr A Tolley
0121 569 6744

Public Entertainment Licence matters

3.0 Resource Implications

3.1 There are no resource implications in this report.

4.0 Policy Implications

4.1 There are no policy implications in this report.

5.0 Sustainability Implications

5.1 The details of this report help to make opportunities for culture, leisure and recreation readily available to all.

6.0 Equality Implications

6.1 There are no equality implications in this report.

7.0 Human Rights Implications

7.1 Article 6 of the Human Rights Act 1998, states that in determination of a persons civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

7.2 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.

7.3 Part II, Article1 of the Act states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles on international law

8.0 Wards Affected

8.1 The West Bromwich ward will be affected.

9.0 Background Details

- 9.1 On 14th October 2004, the Licensing Office received an application from Barry Paice and Peter Pericleous for the grant of a Public Entertainment licence In respect of Club Illusions (formerly the Precinct Nightclub) Paradise Street, Kings Square, West Bromwich.
- 9.2 The request relates to the grant of a licence to provide public entertainment from 11am until 4am 7 days a week.
- 9.3 On receipt of the application, the Licensing Office requested the comments of the following bodies in accordance with Council policy: -
 - Fire Service
 - Police
 - Air Pollution & Noise Control
 - Safety
- 9.4 No objections have been received from Safety or Air Pollution & Noise Control.
- 9.5 An objection has been received from the West Midlands Police to a 4am closure 7 days a week. A copy of the police objection letter is attached as Appendix A .
- 9.6 An objection has been received from the West Midlands Fire Service on the grounds that conditions affecting fire safety are considered unsatisfactory. A copy of the Fire Service objection is attached as Appendix B.
- 9.7 An objection has also been received from Centro, a copy of which is attached as Appendix C.
- 9.8 A further objection has been received from Mr M Wilkins, 28b Wordsworth Close, Tipton and is attached as Appendix D.
- 9.9 A map of the area is attached in Appendix E.
- 9.10 In view of all the above information, the Licensing Committee is requested to determine the application.

Legal Implications

10.1 Section 1(4) of Schedule 1 of the Act states:-

The appropriate authority may grant to any applicant and from time to time renew a licence for the use of any place specified in it for allow any of the entertainments to which this paragraph applies on such terms and conditions and subject to such restrictions as may be specified.

10.2 Section 6(4) of the Act states:-

In considering any application for the grant, renewal or transfer of an entertainments licence the appropriate authority shall have regard to any observations submitted to them by the Chief Officer of Police and by the Fire Authority.

10.3 Section 15 of the Act states:-

Where application is made to the appropriate authority for the grant of an entertainments licence in respect of premises which are to be used, or are in the course of being, constructed, extended or altered and the authority are satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of the authority, be such that they would grant the licence, the authority may grant the licence subject to condition that it shall be of no effect until confirmed by them.

The authority shall confirm any licence granted by virtue of the foregoing subparagraph if and when they are satisfied that the premises have been completed in accordance with the plans referred to in subparagraph (1) above or in accordance with the plans as modified with the approval of the authority, and that licence is held by a fit and proper person.

10.4 Section 17(1a) of the Act states:-

An applicant for the grant, renewal or transfer of an entertainments licence in respect of any place whose application is refused.... may at any time before the expiration of the period of 21 days beginning with the relevant date of appeal to the magistrate's court.

10.5 Section 16 (1) of the Act states:-

The holder of an entertainments licence may at any time apply to the appropriate authority for such variations of the terms, conditions or restrictions on or subject to which the licence is held as may be

specified in the application.

An authority to whom an application under Sub-paragraph (1) above is made may

- a. Make variation in the application,
- b. Make such variations as they think fit including, subject to paragraph (4), the imposition of terms, conditions or restrictions other than those not specified; or
- c. Refuse the application.

10.6 Section 17 (1)(b) of the Act states:-

“An application for the variations of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused; may at any time before the expiration of the period of 21 days beginning with the relevant date, appeal to the Magistrates Court acting for the petty sessions area in which the place is situated”.

Source Documents

Application Form

Letters & petition from Local Residents

Map