


REPORT TO LICENSING SUB COMMITTEE

16 December 2019

Subject:	Application for the variation of a Premises Licence in respect of Taste Harmony, 100 Waterloo Road, Smethwick, B66 4JN
Director:	Director – Prevention and Protection – Neil Cox
Contribution towards Vision 2030:	
Contact Officer(s):	Sarah Brookes Licensing Officer Licensing_team@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Licensing Sub Committee:

1. Consider the application for the variation of a premises licence under section 34 of the Licensing Act 2003 in respect of Taste Harmony, 100 Waterloo Road, Smethwick, B66 4JN.
2. Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy. The sub-committee are required to take such steps as it considers appropriate to promote the Licensing Objectives. The options that can be considered once evidence has been heard are detailed at paragraph 6.

1 PURPOSE OF THE REPORT

- 1.1 To consider an application for the variation of a premises licence in respect of Taste Harmony, 100 Waterloo Road, Smethwick, B66 4JN following receipt of a representations from West Midlands Police.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.
- 2.2 It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Under the Licensing Act 2003, a responsible authority or any other person may make representations in respect of the application which must be relevant to one or more of the four licensing objectives, namely:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 3.2 Relevant representations have been made to the application by West Midlands Police on the grounds of the protection of children from harm. A copy of the representation is attached at Appendix 2.

4 THE CURRENT POSITION

- 4.1 The premises licence was granted on 7 May 2019 by the sub-committee following representations made to the application by a number of local residents who were concerned by the potential for public nuisance and potential harm to children arising. The sub-committee, imposed conditions on licence.
- 4.2 On 12 July 2019 the Designated Premises Supervisor (DPS), Mr Norman Hinkley, removed himself from the premises licence due to the premises closing for business.
- 4.3 There is currently no DPS named on the licence and an application would be required to vary the licence to specify a new designated premises supervisor before alcohol sales may take place.

- 4.4 A copy of the current licence is attached at Appendix 4.
- 4.5 Application has been made by the premises licence holder, Mr Kevin Ruddy, to vary the premises licence. The purpose of the application is to remove one of the imposed conditions relating to alcohol deliveries and replacing it with a new condition.
- 4.6 A copy of the application is attached at Appendix 1.
- 4.7 The premises is a fast food takeaway and restaurant.
- 4.8 A location map of the premises is attached at Appendix 3.

5 **CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The applicant has published a notice in a local newspaper and a public notice has been displayed at the premises outlining the application and inviting comments/representations to be sent to the Licensing Authority, detailing a closing date for these to be received. Details of the application were also published on the Council's website.

6 **ALTERNATIVE OPTIONS**

- 6.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- to modify the conditions of the licence;
 - to reject the whole or part of the application
- 6.2 Conditions may be altered or omitted, or any new condition added.
- 6.3 Additional conditions or restrictions to licensable activities should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premise, it would not be appropriate to impose similar duties.
- 6.4 Members of the Sub Committee should be advised that the applicant, or any other person who made relevant representations in relation to the application, may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are no direct strategic resource implications associated with this application.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Members of the Licensing Sub Committee when making their decision on the application must take into account the four licensing objectives, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy. The applicant and those who have made relevant representations have the right to appeal the decision made by the Licensing Sub Committee to the Magistrates Court, so the Committee are asked to give reasons for their decision wherever possible.
- 8.2 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
- 9.2 The operators of this premises are responsible for complying with all relevant legislation.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public on line, in line with data protection protocols.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 The Police are a statutory consultee for all Licensing Act 2003 applications. Prevention of Crime and Disorder is one of the four licensing objectives and applicants have to demonstrate how they will achieve this objective by volunteering measures in the operating schedule submitted with the Licence application.
- 11.2 The Police have made a relevant representation to this application.

12 SUSTAINABILITY OF PROPOSALS

12.1 In respect of premises licence applications, we do not for see any issues in respect of sustainability of proposals.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 The application relates to privately owned property.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy and to give reasons for their decision.

16 BACKGROUND PAPERS

- Sandwell Metropolitan Borough Council Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005

17 APPENDICES:

Appendix 1 – Variation application

Appendix 2 – Representations

Appendix 3 – Location Plan

Appendix 4 – Current Premises Licence

Neil Cox
Director – Prevention and Protection