

REPORT TO LICENSING SUB COMMITTEE

23 July 2020

Subject:	Application for the grant of a new Premises Licence at The Old Corner House, 1 Soho Street, Smethwick B66 2RH
Director:	Director – Prevention and Protection – Neil Cox
Contribution towards Vision 2030:	
Contact Officer(s):	Makhan Singh Gosal Licensing Officer Licensing_team@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Licensing Sub Committee:

1. Consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of The Old Corner House, 1 Soho Street, Smethwick B66 2RH

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 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 grant of a new premises licence in respect of The Old Corner House, 1 Soho Street, Smethwick B66 2RH

following receipt of a representation from the Fire Safety Officer and 'other persons'.

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 Representations has been received from the Fire Safety Officer and 'other persons'. A copy of the representations is attached at Appendix 2.

4 THE CURRENT POSITION

- 4.1 An application has been made by Ms Mary Elizabeth Guinness for the grant of a new premises licence.
- 4.2 A copy of the application is attached at Appendix 1
- 4.3 The application is for Recorded music (Indoors) Monday to Thursday 12.00 to 00.00, Friday to Sunday 12.00 to 01.00. Christmas Eve and New Year's Eve 12.00 to 01.00; and the sale by retail of alcohol for consumption on and off the premises Monday to Thursday 12.000 to 12.00. Friday to Sunday 12.00 to 02.00.
- 4.4 The proposed hours the premises will be open to the public Monday to Thursday 12.00 to 00.00. Friday to Sunday 12.00 to 02.00.

- 4.5 The premises is a detached commercial property comprising living facility upstairs. There is a seating area at the rear which is proposed to be used for customers to sit and drink alcohol. There is no seating area at the front of the building. Alcohol will be served from inside the building.
- 4.6 Following our previous hearing on 25th June 2020, the applicant has agreed a Voluntary Undertaking with the Fire Authority to complete works to the appropriate standard. The Fire Authority considered this undertaking sufficient, to demonstrate that the Public Safety Objective will be adequately promoted and removed its representation to the application on 10th July 2020.

4.7 **Operating Schedule/Proposed Conditions**

General

The general objectives will be to carry out all the activities in a premises in such a way that the following four objectives are fulfilled:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

The prevention of crime and disorder

Suitably qualified door supervisors will be employed when the premises are open past midnight and both the provision of regulated entertainment and the supply of alcohol are taking place.

Door supervisors will be employed 30 minutes before the start of the entertainment and 30 minutes after the end of the entertainment during Friday and Saturday.

Door supervisors will be used at ratio of 1.75.

Door supervisors will be wearing clothing that makes them clearly identifiable in that role.

CCTV is installed, operated and maintained in accordance with the requirements set out in the licensing policy.

CCTV images will be retained for a minimum of 14 days and be produced on the request of the police.

The CCTV system will be operational at all times whilst the premises are trading. If the system is faulty or not working, then the police and the licensing authority will be informed immediately.

A crime prevention policy provided by the licensing authority can be used.

An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded. The incident book will be kept on the premises at all times and will be made available for inspection by the licensing authority and the police.

No one carrying open or sealed bottles or glasses will be admitted to the premises at any time.

A Clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Public Safety

An appropriate method will be used for checking the number of people entering and leaving the premises and ensuring that once the maximum occupancy is reached, no further persons are admitted.

Irresponsible drinks promotions will not be permitted and the standards for the management of responsible drinks promotions including 'happy hours' produced by the British Beer and Pub Association will be complied with.

The licence holder or people authorised by them will check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.

The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.

The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

Free drinking water will be made available at all times the premises is open to the public.

The telephone numbers of local taxi operators will be prominently displayed at the premises for the benefit of customers.

All bottles and glasses and rubbish will be removed from public areas on a regular and frequent basis.

The electrical systems at the premises, including portable appliances will be inspected and tested annually by a competent person and a satisfactory safety report obtained. A competent person and a suitably qualified electrician who is registered with the ECA or NICEIC.

The gas system, including appliances will be inspected annually and tested by a Gas Safe Registered engineer and a Satisfactory Gas Safety Certificate will be obtained.

All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.

The fire safety measures provided on the premises will be maintained in good working order and their adequacy will be determined on a regular basis by the carrying out of a fire risk assessment as required by and in accordance with the Regulatory Reform (Fire Safety) Order 2005.

An adequate and appropriate supply of first aid equipment and materials will be available on the premises.

Adequate access is provided for emergency vehicles.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodations, washing facilities and other installations will be maintained at all times in good order and in safe condition.

The prevention of public nuisance

The licence holder will ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.

Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed at all exists.

The licence holder, or persons authorised by them will control the volume or regulated entertainment taking place at the premises.

No music or speech is permitted to be played by external speakers

The licence holder will control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter.

All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to rise to noise.

Where outside areas are provided for the use of patrons facilities for the disposing and collecting of litter will be maintained.

To minimise the effect of littering, the applicant will provide litter bins both inside and directly outside the premises. During opening hours and at the close of business, arrangement will be made for litter from the business to be collected from the immediate vicinity and stored inside the premises pending collection.

Deliveries of materials necessary for the operation of business will be carried out as such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

The Protection of children from harm

A proof of age policy will be enforced

A Challenge 25 policy will be employed where those individuals who appear to be under the age of 25 attempting to purchase alcohol will be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.

Any restrictions on the admission of children to the premises will be displayed outside the premises.

4.8 Ms Guinness is also the proposed designated premises supervisor.

4.9 A location map of the premises is attached at Appendix 3.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 A notice has been published in a local paper 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 grant the licence subject to conditions consistent with the operating schedule accompanying the application, and any mandatory conditions which must be included in the licence
 - to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - to refuse to specify a person in the licence as the premises supervisor;
 - to reject the application
- 6.2 Conditions may be altered or omitted or any new condition added.
- 6.3 Additional conditions or restrictions to licensable activities and/or times 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 not made a 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

16.1 Sandwell Metropolitan Borough Council Licensing Policy

16.2 Guidance issued under Section 182 of the Licensing Act 2003

16.3 The Licensing Act 2003 (Hearings) Regulations 2005

17 APPENDICES:

17.1 Appendix 1 – Licence application with site plan

17.2 Appendix 2 – Representation

17.3 Appendix 3 – Location Plan

Neil Cox

Director – Prevention and Protection