


## REPORT TO CENSING SUB COMMITTEE 2

**14 May 2019**

<b>Subject:</b>	Application for a New Premises Licence at 686 Wolverhampton Road, Oldbury B68 8DB
<b>Director:</b>	Director – Prevention and Protection – Stuart Lackenby
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Makhan Singh Gosal Licensing Officer Makhan_singhgosal@sandwell.gov.uk

### DECISION RECOMMENDATIONS

**That the Licensing Sub Committee:**

1. Consider the application for a new premises licence submitted by Mr Harvinder Singh Chall & Mahath Dey in respect of 686 Wolverhampton Road, Oldbury B68 8DB
  
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 a new premises licence at 686 Wolverhampton Road, Oldbury B68 8DB following receipt of objections from local residents objecting to the grant of the application.

## **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 who lives or works in the vicinity of the premises 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 Objections have been received from residents mostly relating to the proposed hours of the sale of alcohol, premises opening hours but also raising issues regarding anti-social behaviour.
- 3.3 All objections to the application are attached as Appendix 2.

## **4 THE CURRENT POSITION**

- 4.1 An application has been made by Mr Harvinder Singh Chall & Mr Matath Dey and is attached as Appendix 1.
- 4.2 Hours premises are to open to the public. Monday to Thursday 07.00 – 23.30 (Except Bank Holidays, Christmas Eve, New Year's Eve 07.00-00.30) Friday, Saturday and Sunday 07.00-00.30
- 4.3 Late Night Refreshment to reflect the Premises Opening hours.
- 4.4 Supply of alcohol both on and off the premises. Monday to Thursday 07.00 – 23.00 (Except Bank Holidays, Christmas Eve and New Year's Eve 07.00-00.00) Friday, Saturday and Sunday 07.00-00.00

4.5 Recorded Music (Indoors) and Films (Indoors) Monday -Thursday 07.00-23.00) Except Bank Holidays, Christmas Eve and New Year's Eve 07.00-00.00) Friday, Saturday and Sunday 07.00-00.00.

4.6 Live Music (Indoors) Monday – Thursday 07.00-23.00 Friday, Saturday and Sunday 07.00 – 00.00. Bank Holidays, Christmas Eve and New Year's Eve 23.00-00.00 (Indoors and Outdoors).

4.7 The general description of the premises is described as follows. "Public house providing the provision of late night refreshments to be consumed indoors and outdoors, regulated entertainment to take place indoors and the supply of alcohol for consumption of indoors and outdoors (beer garden)."

#### 4.8 **Operating Schedule/Proposed Conditions**

##### **General**

CCTV – it will be an 8 HD camera system that will have a digital recording for up to 31 days.

Upon request it will be made available to the Licensing authority.

A member of staff on duty will be trained on how to function the system, show and download images during operating hours.

The recordings will be active during operating hours and will cover all the areas that hold Licensable activities.

Incident book – an incident will be available to record all incidents that occur inside or outside the premises despite of any emergency services called. The incident book will consist of the name of the member of staff involved in the incident and the actions taken. The incident book can be inspected at any time by any responsible authority. Regular communication with the Police will be encouraged to prevent any incidents affecting the premise.

#### 4.9 **The Prevention of Crime and Disorder**

CCTV is GDPR compliant and clear signage displayed that customers are being recorded and contact details of the operator of the system.

CCTV will be made available on request to any responsible authority.

The following training will be provided to all staff:  
How to recognise the use of drugs on and off the premise.  
How to recognise signs of drug abuse on the premise.  
How to recognise a person's excess drinking.

All training will be recorded on the premises and upon request it will be made available to the responsible authority.

#### **4.10 Public Safety**

A full risk assessment must be carried out on the location by the responsible authority or a private company. The capacity must be assessed by the West Midlands Fire Safety and then must be displayed at the front of the premises.

Drinking vessels are not permitted to exceed outside the perimeter at any time. The premises licence holder must ensure notices are displayed in any designated smoking or drinking areas outside to inform patrons of restrictions.

#### **4.11 The Prevention of Public Nuisance**

Signs will clearly be displayed at every entrance and exit asking customers to leave quietly and have consideration for residents or words to that affect.

Designated premises supervisor will ensure the noise levels arising from the premise and the smoking area are at a level that prevents disturbance to the local residents.

A wind down period will begin 30 minutes before the last drinks are served to encourage and indicate to customers the night is ending and they must begin to leave the location. Noise levels will decrease as customers leave from opening and closing the main door.

Signage of 'Respect local residents, leave quietly' will be displayed on smoking area and on exits/entrance of the location. Approved operating taxis will be ordered in advance to ensure customers are away from the location.

#### **4.12 The Protection of Children from Harm**

Challenge 25 – the location will promote Challenge 25 Policy by training all staff on different photographic identification methods and displaying Challenge 25 Posters.

All persons under the age of 18 will be monitored by parent/guardian of a minimum age of 21 at all times with at least one adult for every two persons.

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

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:
- 6.2 To refuse to grant the application.
- 6.3 To grant the application with (or without) conditions in full (or in part).
- 6.4 If the application is to be granted in line with the submitted operating schedule, then the agreed amendments if negotiated prior to the hearing would need to be included in the licence – Nothing has been agreed or negotiated.
- 6.5 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 premises, it would not be appropriate to impose similar duties.
- 6.6 Members of the Sub Committee should be advised that the applicant, licence holder 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**

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 objectors 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**

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 an objection to this application on crime and disorder issues.

## **12 SUSTAINABILITY OF PROPOSALS**

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)**

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

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

The application relates to privately owned property.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

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

**Stuart Lackenby**

**Director – Prevention and Protection**