



REPORT TO LICENSING SUB COMMITTEE 2

14 May 2019

Subject:	Application for the grant of a new Premises Licence at The Old Corner House, 1 Soho Street, Rabone Lane, Smethwick, B66 2RH
Director:	Director – Prevention and Protection – Stuart Lackenby
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 grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of The Old Corner House, 1 Soho Street, Rabone Lane, 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, Rabone Lane, Smethwick, B66 2RH following receipt of representations from West Midlands Police and West Midlands Fire Service.

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 have been received from West Midlands Police and West Midlands Fire Service. Copies of the representations are attached at appendix 2.

4 THE CURRENT POSITION

- 4.1 An application has been made by Mr Headley George Pendley 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), late night refreshment (indoors) and the sale by retail of alcohol for consumption on the premises between midday and 1.30am Monday to Thursday, and between midday and 2.30am Friday to Sunday. These hours are requested to be extended until 4am on Bank Holidays, Christmas Eve and New Year's Eve.
- 4.4 Please note that 'Late night refreshment' is only licensable between the hours of 11pm and 5am, therefore the licensable activity would commence from 11pm rather than midday.
- 4.5 The proposed hours the premises will be open to the public are from midday to 1.30am Monday to Thursday, and from midday to 2.30am

Friday to Sunday. These hours are requested to be extended until 4am on Bank Holidays, Christmas Eve and New Year's Eve.

- 4.6 The premises is a public house with ground floor facilities, with a small beer garden situated near to the road.
- 4.7 A location map of the premises is attached at Appendix 3.
- 4.8 The premises previously held a licence for licensable activities to be carried on at the premises. However, this licence was surrendered by the holder on 27 September 2018. A transfer application to reinstate the licence was made out of time and could not be accepted, therefore application for the grant of a new application was necessary.
- 4.9 The applicant is currently liaising with the Police and Fire Service, carrying out appropriate works and with a view to amending his operating schedule in an attempt to satisfy their requirements without the need for a hearing.

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 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

- 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 – Representations
- 17.3 Appendix 3 – Location Plan

Stuart Lackenby
Director – Prevention and Protection