


REPORT TO LICENSING SUB-COMMITTEE 1

08 April 2019

Subject:	Application to Vary a Premises Licence for Knights Quest, High Street, Rowley Regis, B65 0EE
Director:	Director – Prevention and Protection – Stuart Lackenby
Contribution towards Vision 2030:	
Contact Officer(s):	Kiran Dhesi Licensing Officer Kiran_dhesi@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Licensing Sub-Committee 1:

1. Consider an application for a variation of a premises licence submitted by Thomas Gerald Lloyd in respect of Knights Quest, High Street, Rowley Regis B65 0EE.
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 that can be considered once evidence has been heard are detailed at paragraph 6.

1 PURPOSE OF THE REPORT

- 1.1 To advise members of an application made under section 34 of the Licensing Act 2003 for a Variation of a premises licence in respect of Knights Quest, High Street, Rowley Regis B65 0EE following receipt of an objection from a local resident objecting to the grant of the application.

- 1.2 The Licensing Panel is required to consider this application and take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives.

2 IMPLICATIONS FOR VISION 2030

- 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 An Objection has been received from a local resident in relation to the Variation to extend the hours of trading.
- 3.3 All objections to the application are attached as Appendix 2

4 THE CURRENT POSITION

- 4.1 This is an application made by the premises licence holder Thomas Gerald Lloyd for the variation of the current premises licence as attached at Appendix 1.
- 4.2 The variation is to extend the permitted hours for licensable activities by 1 hour on Fridays and Saturdays until 2.00am with the premises closing to the public at 2.30am. To delete numerous outdated conditions on the licence carried across from the previous licensing regime and extend all licensing hours by 1 hour at the start of British Summertime to replace the lost hour.
- 4.3 The licence for the Knights Quest was granted 2nd October 2005 and permits all licensable activities Monday to Wednesday 9.00am till midnight and Thursday to Sunday 9.00am to 1.00am.

- 4.4 The opening hours are Sunday to Thursday 9.00am till 2.30am and reduced hours on Friday and Saturday 9.00am till 1.30am.
- 4.5 The Premises Licence has previously been reviewed on 12 June 2017 following review application made by West Midlands Police who presented 36 incidents of crime, disorder and anti-social behaviour relating to the premises. As a result, the Sub Committee imposed conditions on the premises licence reducing the hours for licensable activities as well as other additional conditions.
- 4.6 Further to the hearing an appeal was lodged by Knights Quest against the Sub Committee decision but was withdrawn following further reports of Crime and Disorder. A Consent Order was issued by Black Country Magistrates Court on 7 December 2017 where conditions were imposed as attached to the current licence at Appendix 3.
- 4.7 The location and proximity to neighbouring premises can be seen on the location map provided as attached at Appendix 4.

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:
- 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 premise, 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 the decision made to the Magistrate's 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 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

- 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 an objection to this application on crime and disorder issues.

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:

Appendix 1 – Variation Application

Appendix 2 – Representation

Appendix 3 – Premises Licence

Appendix 4 – Location Plan

Stuart Lackenby

Director – Prevention and Protection