


REPORT TO

Licensing Sub Committee 3

27 August 2019

Subject:	Application for a New Premises Licence at The Harrier Public House, Powis Avenue, Tipton DY4 0NF
Director:	Director – Prevention and Protection – Stuart Lackenby
Contribution towards Vision 2030:	
Contact Officer(s):	Makhan Singh Gosal Licensing Officer Makhan_singhgosal@sandwell.gov.uk

DECISION RECOMMENDATIONS

That :

1. Consider the application for a new premises licence submitted by Sukwinder Singh in respect of The Harrier Public House, Powis Avenue, Tipton DY4 0NF
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 The Harrier Public House, Powis Avenue, Tipton DY4 0NF following receipt of an representation from The Fire Authority objecting to the grant of the application.

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 The Fire Authority relating to matters of fire safety.
- 3.3 All objection to the application are attached as Appendix 2.

4 THE CURRENT POSITION

- 4.1 An application has been made by Sukwinder Singh and is attached as Appendix 1.
- 4.2 Hours premises are to open to the public. Sunday to Wednesday 08.00 – 00.30. Thursday to Saturday 08.00 – 01.30.
- 4.3 Late Night Refreshment (Indoors) Monday to Sunday 23.00 to 00.00
- 4.4 Supply of alcohol both on and off the premises. Sunday to Wednesday 08.00 to 00.00. Thursday to Saturday 08.00 to 01.00
- 4.5 Plays (Indoors) Sunday to Wednesday 08.00 – 00.00. Thursday to Saturday 08.00 – 01.00
- 4.6 Films (Indoors) Sunday to Wednesday 08.00 – 00.00. Thursday to Saturday 08.00 – 01.00

- 4.7 Live Music (Indoors) Sunday to Wednesday 08.00 – 00.00. Thursday to Saturday 08.00 – 01.00
- 4.8 Recorded Music (Indoors) Sunday to Wednesday 08.00 – 00.00. Thursday to Saturday 08.00 – 01.00
- 4.9 Performance of Dance (Indoors) Sunday to Wednesday 08.00 – 00.00. Thursday to Saturday 08.00 – 01.00
- 4.10 Anything of Similar description (Indoors) Sunday to Wednesday 08.00 – 00.00. Thursday to Saturday 08.00 – 01.00
- 4.11 This is a community local pub, the previous operators held the licence in the name of a limited company that ceased trading therefore the licence became void.
We plan to reopen with an emphasis on being a Local Pub with a great food offer.

4.9 **Operating Schedule/Proposed Conditions**

General

CCTV – It will be digital recorded for up to 31 days and will be made available on request to all licensing authorities. There will always be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording operation during opening hours and it will cover all licensable activity areas of the premises.

Incident Book – The premises will have an incident book and record all incidents that occur inside or immediately outside the premise, regardless of whether any of the emergency services have been called. The record of incident will include details of the member of staff involved in the incident and the actions taken. Regular liaison with Police will be encouraged to ensure cross-reference of venue related incidents. This incident book can be inspected at any reasonable time by all responsible authorities.

4.10 **The Prevention of Crime and Disorder**

Staff Training – All staff will be trained on signs of drug abuse both on persons and how to recognise signs of use on the premises. Training will also be given on signs of persons drinking to excess. All this training must be recorded on premises and be made available to responsible authority immediately on request.

A refusal book to be kept on the premises detailing the time and date of refusal and the reasons the refusal was made. This book will be kept on the premises and handed to any responsible authority on request. There will be a Challenge 25 policy in place and only photographic ID including a driving licence, passport student card or 'Pass' scheme card will be accepted as proof of age. 'Challenge 25' signage will be prominently displayed for customers in the premises.

Staff will be trained in signs of underage drinking and this will be recorded in the training book and kept on the premises and can be inspected on request by any responsible authority.

4.11 Public Safety

Drinking – No drinking vessels at any time are to be taken beyond the outside perimeter of the premises and the premises licence holder must ensure notices are displayed in any designated outside smoking or drinking area to inform patrons of the restriction.

4.12 The Prevention of Public Nuisance

Noise – The DPS shall ensure that noise levels arising from the premises including the smoking areas are at a level so as not to disturb local residents.

Wind Down Time – a wind down period will begin 30 minutes before last drinks are served. This will encourage customers to begin to leave the location as this will indicate the night is ending. It will also reduce noise leaving the location through the opening and closing of the main door when customers leave.

Signage – Signage displaying to customers to “respect local residents, please leave quietly” to be displayed around location and especially at the exists and smoking areas. We operate an approved taxi firm and order taxis well in advance to ensure customers are away from the area quickly.

4.13 The Protection of Children From Harm

CCTV to be installed SSAIB or NSI registered installer and to meet the requirements of British standard BSEN 50132 and GDPR compliant. including a camera to cover each entry and exit point.

This will record for at least 28 days and will be recording during licensed hours and will be handed to any responsible authority on request. All staff will be trained in signs of drugs misuse and drinking to excess. The training will be recorded in a training book and signed by the person

providing the training and the person who has received the training. This will be handed to any responsible authority on request.

The premises will have an incident book and record all incidents that have occurred inside or directly outside the premises. This will still be recorded, even when no emergency services have been called.

Drugs misuse signs will be prominently displayed in all areas of the premises.

Challenge 25 Policy – Location will promote Challenge 25 Policy by and training staff on different ID methods. This training will be recorded on premises.

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 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

- 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:

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