

Agenda

Licensing Sub Committee 3

Monday, 15 November 2021 at 10.00 am
At Council Chamber - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
Members to declare any interests in matters to be discussed at the meeting.
- 3 **Minutes** 7 - 10
To confirm the minutes of the meeting held on 16 August 2021.

Matters Delegated to the Sub Committee to consider Licensing Act 2003 – New Premises Application – Members considering the application: Councillors Rouf, Fenton, Hadley

- 4 **New Premises Application - Windsor Complex, Bearwood Road, B66 4DL** 11 - 60
To consider the new premises application of Windsor Complex, Bearwood Road, B66 4DL



- 5 **Exclusion of the Public and Press**
That the public and press be excluded from the rest of the meeting. This is to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act, 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, relating to the financial and business affairs of any person, including the authority holding that information.

Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operator’s Licensing related matters – Members considering the application: Councillors Rouf, Fenton, G Gill, Hadley, R Jones

- 6 **To consider Local Government (Miscellaneous Provisions) Act 1976 - Private Hire and Hackney Carriage Drivers/Vehicles/Operator's Licence related matters.**
1, 7

61 - 94

Kim Bromley-Derry CBE DL
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Distribution
Councillor Rouf (Chair)
Councillors Fenton, G Gill, Hadley and R Jones

Contact: democratic_services@sandwell.gov.uk

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Minutes of Licensing Sub Committee 3

16 August 2021 at 10.00am
Council Chamber at Sandwell Council House

Present: Councillor Rouf (Chair);
Councillors Allen, Chidley, Fenton and Hadley.

Officers: Andy Poulton (Senior Licensing Officer)
David Elliott (Solicitor)
Trisha Newton (Senior Democratic Services Officer)
Gabrielle Evans (Democratic Services Officer)

6/21 **Apologies for Absence**

Apologies were received from Councillors G Gill and R Jones.

7/21 **Declarations of Interest**

No interests were declared at the meeting.

8/21 **Minutes**

Resolved that the minutes of the meeting held on 8 March 2021 be received.



9/21

Exclusion of the Public

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operators Licensing related matters

10/21

Application for the renewal of a Private Hire Driver’s Licence in respect of Mr M U

Members considered an application for the renewal of a Private Hire Driver’s Licence in respect of Mr M U.

Mr M U was in attendance and confirmed that he had received a copy of the report.

The Sub Committee was advised that Mr M U had not previously appeared before the committee and had contacted the Licensing Office to advise of his conviction in May 2021 of using a vehicle uninsured against third party risk. The Sub Committee noted Mr M U’s previous convictions, which included a speeding offence in 2018 and a number of driving related offences in 2001.

On his most recent offence, Mr M U explained that he had assumed he was covered to drive his brother’s car under his own fully comprehensive insurance policy.



Mr M U explained that he was aware of the conditions of his license to report the offence within the timescales. Whilst waiting for a confirmation letter regarding the points issued to his licence he contacted the Licensing Officer after being advised to do so by a colleague.

The Sub Committee noted with concern the speeding conviction in 2018, however, were of the opinion that the most recent offence appeared to be a genuine mistake.

The Committee took advice from its Legal Advisor before adjourning to make a decision.

Having considered all the information before them, Members were minded to depart from the policy on this occasion and suspend Mr M U's Private Hire Driver's Licence for 56 days and also issue Mr M U with a warning to read important documentation carefully, including the conditions of his licence.

Resolved:-

- (1) that the Private Hire Driver's Licence in respect of Mr M U be suspended for 56 days;
- (2) that Mr M U be issued with a warning with regard to being aware of, and adhering to, the conditions of his licence.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

Mr M U would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

Meeting ended at 11:31am

Contact: democratic_services@sandwell.gov.uk



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Report to Licensing Sub Committee 3

15 November 2021

Subject:	Application for the grant of a new Premises Licence at Windsor Complex, 377 – 379 Bearwood Road, Smethwick, Birmingham, B66 4DL
Director:	Interim Director – Borough Economy Nicholas Austin
Contact Officer:	Geeta Bangerh Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

- 1.1 Consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Windsor Complex, 377 – 379 Bearwood Road, Smethwick, Birmingham, B66 4DL.
- 1.2 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 section 5.

2. Reasons for Recommendations

- 2.1 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.



2.2 To consider an application for the grant of a new premises licence in respect of Windsor Complex, 377 – 379 Bearwood Road, Smethwick, Birmingham, B66 4DL, following receipt of a representation from a local resident objecting to the grant of the application which would adversely affect the Licensing Objective of Public Safety and Public Nuisance.

3. How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>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.</p>
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4. Context and Key Issues

- 4.1 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
- 4.2 Representation has been received from received from the Fire Safety Officer. A copy of the representation is attached at Appendix 5.

CURRENT POSITION

- 4.3 An application has been made by Bearwood Snooker Complex Limited for the grant of a new premises licence.
- 4.4 A copy of the full application is attached at Appendices 1 to 7.



4.5 The licensable activities are for
Film - Monday - Sunday 10.00 - 00.00.
Live Music - Monday - Sunday 10.00 - 00.00.
Recorded Music - Monday - Sunday 10.00 - 00.00.
Performances of Dance - Monday - Sunday 10.00 - 00.00.
Anything of a similar description to that falling within Live Music, Dance and recorded music - Monday - Sunday 10.00 - 00.00.
Provision of Late Night Refreshment - Monday - Sunday 23.00 - 00.00.
The Supply of Alcohol (On/Off Premises) Monday - Sunday 10.00 - 00.00.

4.6 The proposed hours the premises will be open to the public will be Monday - Sunday 07.00 - 00.00.

4.7 The applicant has stated the premises will be trading as a Bar, Restaurant, Entertainment Centre.

4.8 **Operating Schedule/Proposed Conditions**

General

Nothing beyond existing Health and Safety/Fire Safety requirements and the existing rules, regulations and responsibilities of a Licensee. The premises will promote the licensing objectives in accordance with Section 182 guidance.

All members of staff will be formally trained in their roles and responsibilities. Updates and training plan copies to be kept on file.

The Prevention of Crime and Disorder

A 32 camera multiplex CCTV system will be in operation with 2 visible monitors and due warning signs displayed to the public of it's use within the premises. One interior camera is positioned to focus on the 2 entrance and exit doorways to help with the prevention and detection of crime and help with the protection of customers' and staff safety. Recording data will be timed, dated and have a minimum 31 days records. The Police and Local Authority Officers may have access to the system at any reasonable time and downloadable recordings on request. A refusal register is to be kept to record any incidents. Registered Door



Supervisors will be on duty from 2000 hours until closing time on Fridays, Saturday nights and any special events The premises will operate a zero tolerance policy regards drunken and anti-social behaviour. Employees will monitor the pavement in front of the premises to ensure that there is no congregating of the public outside

Public Safety

Fire safety equipment includes alarms,12 fire extinguishers which are regularly maintained.

All electrical equipment is safety checked (pat tested). Fire exit signs are displayed and the staff instructed in emergency evacuation procedures.

The prevention of public nuisance

A waste bin is provided outside. The front pavement is swept daily or more frequently if littered. Trade waste is collected weekly under contract. Notices displayed requesting customers to leave the premises as quietly as possible. Male and female staff are employed to resolve any possible problems arising

The Protection of children from harm

Unaccompanied children are not allowed on the premises.

Challenge 21 and "Pass" approved Notices displayed requesting valid proof of age for any age restricted products. "No I.D - No Sale". All staff are trained to serve alcohol and any age sensitive products under the guidance of the DPS.

4.9 A location map of the premises is attached at Appendix 6.

4.10 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.



5. Alternative Options

- 5.1 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
- 5.2 Conditions may be altered or omitted, or any new condition added.
- 5.3 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.
- 5.4 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.

6. Implications

Resources:	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.</p> <p>The application relates to a privately owned property.</p>
Legal and Governance:	<p>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</p>



	<p>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.</p> <p>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.</p>
Risk:	<p>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.</p> <p>The Police have not made a representation to this application.</p> <p>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 online, in line with data protection protocols.</p>
Equality:	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>The operators of this premises are responsible for complying with all relevant legislation.</p>
Health and Wellbeing:	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>
Social Value	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>



7. Appendices

- Appendix 1 – Licence application
- Appendix 2 – DPS consent
- Appendix 3 – Premises floor plan
- Appendix 4 – Companies House
- Appendix 5 – Representation
- Appendix 6 – Location Plan
- Appendix 7 – Supporting Evidence from Agent
- Appendix 8 – New conditions agreed for operating schedule

8. Background Papers

- Sandwell Metropolitan Borough Council Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005



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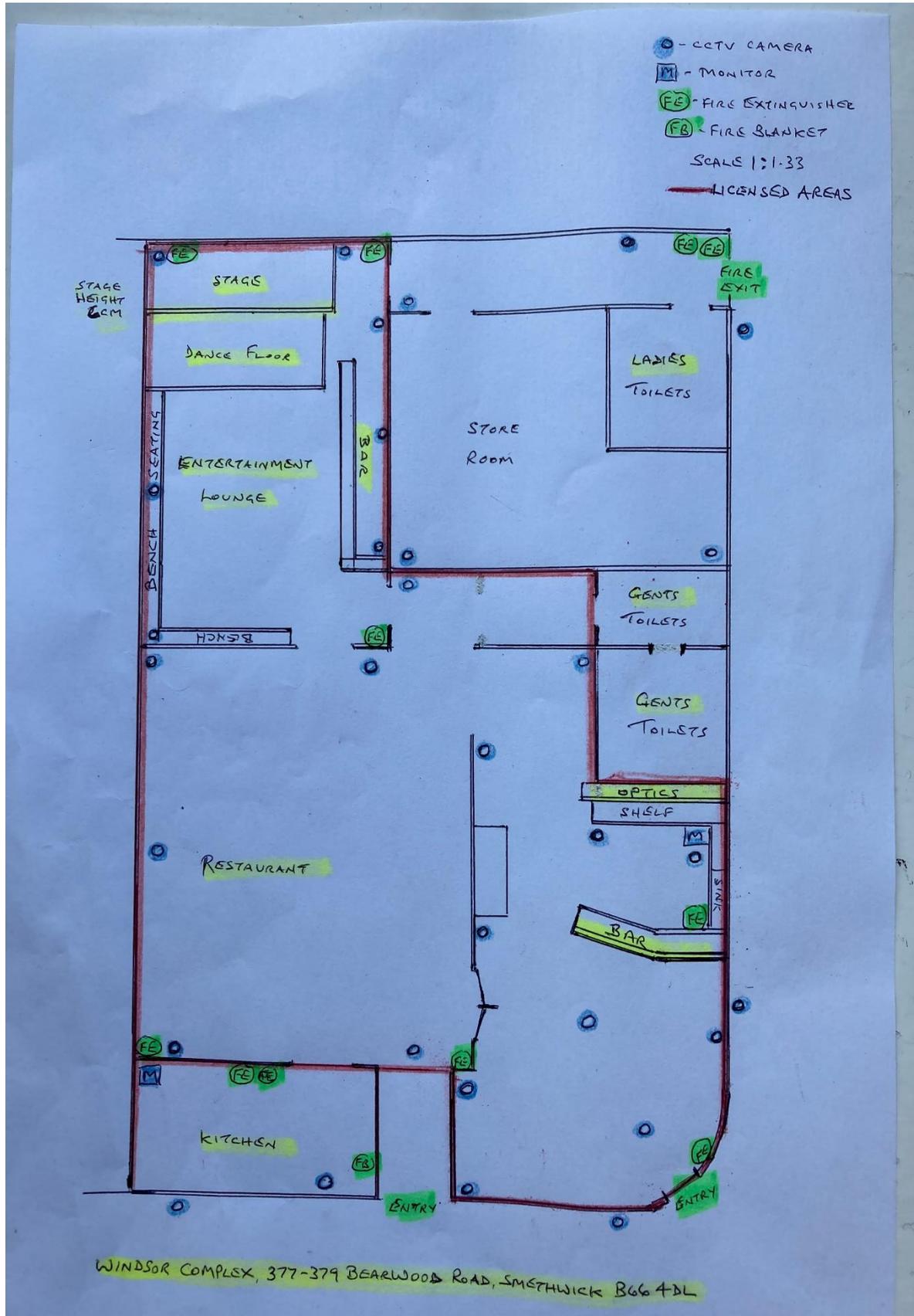
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Appendix 3 - Plan



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