

Report to Licensing Sub Committee 2

25 August 2022

Subject:	Application for the grant of a New Premises Licence at The Pub at Bearwood, 537 Bearwood Road, Smethwick, B66 4BQ.
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Geeta Bangerh (Licensing Officer) licensing_team@sandwell.gov.uk

1. Recommendations

1. Consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of The Pub at Bearwood, 537 Bearwood Road, Smethwick, B66 4BQ.
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 The Pub at Bearwood, 537 Bearwood Road, Smethwick, B66



4BQ, following representations received from the local resident, objecting to the grant of the application due to public safety and the prevention of crime and disorder issues.

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 Representations have been received from local residents and a local Councillor. A copy of the representations is attached at Appendix 10.

CURRENT POSITION

4.3 An application has been made by The Pub at Bearwood Limited for the grant of a new premises licence.

4.4 A copy of the full application pack is attached at Appendices 1, 2, 3 and 4.



- 4.5 The proposed Licensable activities for are, Late Night Refreshment Monday to Sunday 23:00 to 00:30 and Sale of alcohol (On and off the premises) - Monday to Sunday 09:00 to 00:00.
- 4.6 The proposed opening hours are Monday to Sunday 09:00 to 00:00.
- 4.7 The application states the premises main business will be a Public House.

4.10 **Operating Schedule/Proposed Conditions**

General

The Premises licence holder shall ensure at all times there are sufficient confident staff on duty for fulfilling all conditions on the licence and preventing crime and disorder.

The prevention of crime and disorder

The Premises Licence holder shall ensure CCTV will be fitted /updated to the specifications and recommendations of West Midlands Police Licensing Officer for the area. CCTV to record throughout the whole of the licensable activity. CCTV will display the correct time and date stamp and be downloadable. There will be at least 1 camera which covers the outside frontage of the premises. CCTV recordings and images will be made immediately available to any of the responsible authorities on request. There will always be at least 1 member of staff on duty (while the premises are open for licensable activity) that is capable of operating the CCTV system and downloading images. All CCTV recordings will be held for a minimum of 31 days. If the hard drive needs to be replaced for any reason, then the old / previous hard must be kept on the premises for a minimum of 31 days.

The Premises Licence holder shall ensure, if door staff are deployed at the premises, then they will sign on and off duty. The premises will maintain profiles of all door staff which will include a copy of their SIA badge and photographic ID. (If photographic ID is not available then a utility bill, no older than 3 months old may be accepted.) The Premises Licence holder shall ensure the premises will keep the signing in book and profiles for a minimum of 3 months and both are to be made immediately available to any of the responsible authorities on request.



Public Safety

The Premises Licence holder shall ensure appropriate fire safety procedures are in place including fire alarm, fire extinguishers, internally illuminated fire exit signs and emergency lighting. The Premises licence holder shall ensure all fire exits shall be kept clear of obstruction at all times.

The prevention of public nuisance

The Premises Licence holder shall be requested to leave the premises quietly and ensure clear and legible notices will be proximately displayed to remind customers to respect neighbours.

The Protection of children from harm

The Premises shall operate a challenge 25 policy. Challenge 25 signage will be prominently display on the entrance door(s) and bar service area(s). All staff will be trained in their responsibilities under the Licensing Act, Challenge 25 policy and premises licence conditions and the training will be documented and signed by both the trainer and trainee. No staff to work at the premises (while it is carrying out licensable activity) without this documented training, with the exception of personal licence holders.

4.11 A location map of the premises is attached at Appendix 4.

4.12 Consultation (customers and other stakeholders)

A notice has been published in a local newspaper Express and Star 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:	There are no direct strategic resource implications associated with this application. In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.
Legal and Governance:	Members of the Licensing Sub Committee when making their decision on the application must take into account the four licensing objectives, the Guidance



	<p>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.</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 – Plan
- Appendix 3 – Location Plan
- Appendix 4 – Representations

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

