

Report to Licensing Sub Committee 2

22 September 2022

Subject:	Application for the grant of a new Premises Licence at The Turks Head, 25-26 Lower High Street, Wednesbury, WS10 7AQ
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 Turks Head, 25-26 Lower High Street, Wednesbury, WS10 7AQ.
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 Turks Head, 25-26 Lower High Street, Wednesbury, WS10 7AQ, following receipt of a representation from the local resident and responsible authorities, objecting to the grant of the application due to public safety, public nuisance 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 Representation has been received from received from a local resident, Licensing Police, Licensing Environmental Health and Licensing Enforcement. A copy of the representations is attached at Appendix 4.

CURRENT POSITION

4.3 An application has been made by Mr Anthony Edward Melia for the grant of a new premises licence.



- 4.4 A copy of the full application is attached at Appendices 1 and 3.
- 4.5 Licensable Activities are Films, Indoor Sporting Events, Live music, Recorded Music and Performance of dance (Indoors) – Sunday to Thursday – 09:00 to 00:00. Friday and Saturday – 23:00 to 02:00.
- 4.5 Late Night Refreshment (Indoors) – Sunday to Thursday – 23:00 to 00:00. Friday and Saturday – 23:00 to 02:00.
- 4.6 Supply of alcohol (on/off the premises) – Sunday to Thursday – 09:00 to 00:00. Friday and Saturday – 09:00 to 02:00.
- 4.7 The proposed hours the premises will be open to the public Sunday to Thursday – 09:00 to 00:30. Friday and Saturday – 09:00 to 02:30.
- 4.8 Seasonal variations for Licensable activities are extended from the end of permitted hours on New Year’s Eve to the start of Permitted hours on New Year’s Day. On Bank Holidays, licensable activities will be extended by 1 hour.
- 4.9 This licence is varied to permit the premises to open for licensable activities during the broadcast of televised sporting events of national or international interest outside the licensed hours such opening times to be confirmed in writing to the police 7 (seven) days before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.
- 4.10 The applicant has stated the premises will be opening as a Bar/Pub.

4. 11 **Operating Schedule/Proposed Conditions**

General

1. The licence holder shall ensure that at all times when they are carrying on licensable activities there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the conditions of the licence and for preventing crime and disorder.
2. No customers seen carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public. Alcoholic



and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

CCTV

3. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
 - i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
 - ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
 - iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
 - iv. The system will record and retain CCTV footage for a minimum of 28 days.
 - v. The system will record at all times when the Premises are open.
 - vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
 - vii. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.



- viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- ix. Upon receipt of a request for a copy of CCTV footage from Police, or Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.
- x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request.

INCIDENT BOOK

- 4. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
 - i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
 - ii. All crimes reported to the venue
 - iii. Any faults in the CCTV system, searching equipment or scanning equipment
 - iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request.

REFUSALS REGISTER

- 5. A refusals register must be kept at the Premises and maintained up to date at all times recording the date, time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of the member of staff refusing the sale.



6. The refusals record must be made available to West Midlands Police or an Officer of a Responsible Authority on request.
7. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

TRAINING

8. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, underage sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records dispersal policy, the premises' drugs policy must be provided and undertaken by all members of staff (whether paid or unpaid) before he/she makes a sale or supply of alcohol and at least every six months thereafter.
9. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time, and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.
10. Documented training records must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request.

The prevention of crime and disorder

1. A minimum of three SIA registered staff will be employed and in attendance on Friday and Saturday nights from 23:00hrs onwards. They will monitor entry to the premises and the inside and outside of the premises. At all other times, the number of the door staff will be risk



assessed by the premises. This risk assessment will be made available to any of the responsible authorities immediately on request.

Door staff will sign on and off duty. The premises will keep a profile of all door staff which will include a copy of their SIA licence and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months will be acceptable.) The signing-in and out sheets and profiles will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities upon request. Door staff will wear a fluorescent coat, jacket, or waistcoat while on duty at the premises. Door staff will remain on duty until all the customers have dispersed and this will form part of the premise's dispersal plan.

Public Safety

The premises licence holder shall conduct a risk assessment for the general operation of the premises. This will include fire, health and safety and emergency evacuation. It will cover all areas of the premises, including the bar/restaurant, basement, and any outside areas.

The premises' fire risk assessment will be made available to any responsible authority immediately upon request.

Fire doors within the licensable area shall be fitted with a device whereby bar staff are alerted to the unauthorised or non-emergency use of such doors.

The premises licence holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

The Prevention of public nuisance

The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.



Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

The Protection of children from harm

The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar server. The premises will operate a policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

The premises licence holder shall display Challenge 25 posters in prominent positions within the premises, including at the point of sale and the entrance to the premises.

Children under the age of 16 shall not be permitted to enter the premises after 22:00. No persons under the age of 18 shall be permitted to enter or remain on the premises (including external drinking areas) beyond 22:30.

4.11 A location map of the premises is attached at Appendix 3

4.12 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

<p>Resources:</p>	<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>
<p>Legal and Governance:</p>	<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 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>



	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.
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 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:	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
Social Value	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

7. Appendices

- Appendix 1 – Premises Grant Application
- Appendix 2 – Premises Plan
- Appendix 3 – Location Plan
- Appendix 4 – Representations
- Appendix 5 – Police Evidence



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

