

Report to Licensing Sub Committee

9 November 2022

Subject:	Application for the grant of a variation to a premises licence in respect of The Clock House, 361 High Street, West Bromwich, B70 9QG
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Balbir Dhugga Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

- 1.1 Consider the application for the grant of a variation to a premises licence under section 34 of the Licensing Act 2003 in respect of The Clock House, 361 High Street, West Bromwich, B70 9QG
- 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 variation to a premises licence under section 34 of the Licensing Act 2003 in respect of The Clock House, 361 High Street, West Bromwich, B70 9QG following receipt of several representations from local residents. The variation is to extend the hours for the licensable activity and opening hours. The members of the public are objecting to the grant of the application due to concerns that some of the four licensing objectives would be undermined, those being, the Prevention of Crime and Disorder, Public safety and the Prevention of 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 Several representations have been received from members of the public. A copy of the representations is attached at Appendix 3.

CURRENT POSITION

4.3 An application has been made by Mr Daljinder Singh Sahota for the grant of a variation to a premises licence.



4.4 A copy of the application is attached at Appendix 1

4.5 The current licence for The Clock House was granted to Daljinder Singh Sahota on 22nd November 2019 and permits the following licensable activities and opening times. The premises licence is attached at Appendix 2.

Live music	MONDAY – SUNDAY 08.00 – 01.00
Recorded music	MONDAY – SUNDAY 08.00 – 01.00
Late night refreshment Indoors	FRIDAY – SATURDAY 23.00 – 00.00
Sale/Supply of alcohol for consumption on and off the premises.	MONDAY – SUNDAY 08.00 – 01.00
Hours premises are open to the public	MONDAY – SUNDAY 08.00 – 01.30

4.6 The variation application proposes to increase licensable activities and opening times as shown below by around one hour from the hours listed in 4.5 above.

Live music (indoors)	MONDAY – SUNDAY 08.00 – 02.00 LICENSABLE ACTIVITY TO CONTINUE FROM 02.00 ON 31ST DECEMBER TO 08.00 ON 1ST JANUARY.
Recorded music (indoors)	
Sale/Supply of alcohol for consumption <u>on</u> and <u>off</u> the premises	
Late night refreshment (indoors)	FRIDAY – SATURDAY 23.00 – 02.00
Hours premises are open to the public	MONDAY – SUNDAY 08.00 – 02.30 LICENSABLE ACTIVITY TO CONTINUE FROM 02.00 ON 31ST DECEMBER TO 08.00 ON 1ST JANUARY.



4.7 Operating Schedule/Proposed Conditions

As a result of the proposed variation to increase hours, Mr Daljinder Singh Sahota has made reference to the existing conditions listed on the current premises licence (as below) and proposed no further conditions.

General

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:

- Time date and details of all incidents/complaints of crime and disorder
or anti-social behaviour.
- All crimes reported to the venue.
- Any faults in the CCTV system, searching equipment or scanning Equipment.
- Any visit by a responsible authority or emergency service.

The incident book must be made available to an officer of a responsible authority on request.

The premises shall maintain a refusal book to detail time/date and description of customer and reason for refusal. The book to be kept on the premises and handed to any officer of a responsible authority on request.

Training in relation to Challenge 25, under age sales, sales to adults on behalf of minors (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the premises licence 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.

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.

Any door staff used by the premises will be required to sign in before the start of their shift and this will be recorded in a register which will be kept on the premises and available for inspection by any officer of a responsible authority on request.

No persons shall be permitted entry to the premises less than 30 minutes before the end of the authorised time for licensable activities.

The premises shall provide a minimum proportion of 50% seating in relation to the number of persons in the premises at any time; and there shall not be more than 180 persons on the ground floor and 150 persons on the first floor.

The prevention of crime and disorder

CCTV at the premises which will be to the satisfaction of West Midlands Police. The images shall record in colour and the recordings will remain on the system for at least 28 days in total. At least one person will be on the premise when open to the public who is able to download the images. The images will be handed to any responsible authority on request. There will be one camera on the entrance to the High Street, West Bromwich and one camera on the side entrance on Temple Street, West Bromwich. The CCTV will be GDPR compliant and clear signage will be displayed within the premises stating there is CCTV in operation.

Public Safety

The premises shall have operational roller shutters installed to the front and rear of the building and have a fully operational burglar alarm.

The exterior of the premises shall have the capacity to be fully illuminated.

The premises shall have fully operational fire-fighting equipment (including smoke detectors) along with an associated maintenance



contract. The premises will have a fire risk-assessment which shall be updated on an annual basis. The premises will have current gas and safety certificates in force.

The prevention of public nuisance

Notices shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.

The premises will have double glazing to all external facing windows within the licensable area.

The Protection of children from harm

The premises will operate a Challenge 25 scheme, namely that staff must require ID in the form of a current ten-year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made.

Notices must be exhibited at all points of sale and at all entrances and exits informing customers and staff that the premises is operating a Challenge 25 Policy and relating to the sale of age restricted products to minors.

No unaccompanied persons under the age of 18 will be allowed onto the premises at all time that licensable activities are taking place.

No adult entertainment will be permitted at the premises at any time.

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

4.9 **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 application as requested.
- to grant the application subject to such conditions that are necessary to promote the licensing objectives.
- to refuse the application wholly or in part where it is necessary in order to promote the licensing objectives.

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</p>



	<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 – Existing licence
- Appendix 3 – Representations
- Appendix 4 – Location Plan

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

