

# Report to Licensing Sub Committee 1

**21 November 2022**

<b>Subject:</b>	Application for the grant of a new Premises Licence at West Smethwick Park & Pavilion, West Smethwick Road, Smethwick B67 7JJ
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	Kiran Dhesi 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 West Smethwick Park & Pavilion, West Smethwick Road, Smethwick B67 7JJ

## 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 West Smethwick Park & Pavilion, West Smethwick Road, Smethwick, B67 7JJ following receipt of a representation from a Local resident objecting to the grant of the application due to concerns that some of the four licensing objectives would be undermined, those specifically being Crime and Disorder and Public Nuisance.



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

	<p><b>A strong and inclusive economy</b> 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 a Local Resident within the Sandwell Borough. A copy of the representation is attached at Appendix 3.

### CURRENT POSITION

- 4.3 An application has been made by Sandwell Metropolitan Borough Council for the grant of a new premises licence.
- 4.4 A copy of the full application is attached at Appendix 1
- 4.5 The licensable activities are for:
- Plays (Indoors & Outdoors) - Monday - Sunday 08.00 - 23.45
  - Films (Indoors & Outdoors) - Monday - Sunday 08.00 - 23.45
  - Indoor Sporting events - Monday - Sunday 08.00 - 23.45
  - Live music (indoors and outdoors) - Monday – Sunday 08.00 - 23.45
  - Recorded music (indoors & Outdoors) - Monday – Sunday 08.00 - 23.45

- Performance of dance (indoors & Outdoors) - Monday – Sunday 08.00 - 23.45
- Anything of a similar description to that falling within Live Music, Recorded music or Performance of dance (all indoors & Outdoors) - Monday – Sunday 08.00 - 23.45
- Provision of late night refreshment (indoors & outdoors) - Monday – Sunday 23.00 - 23.45
- The Supply of Alcohol (On and Off the premises) -Monday – Sunday 08.00 - 23.45

4.6 The proposed Premises opening hours to the public will be:  
Monday – Sunday 08.00 - 23.45

4.7 The applicant has stated the premises is a new build that encompasses toilets, a café, seating area and community areas that will be used for events and activities as well as members of the public visiting the park.

#### 4.8 **Operating Schedule/Proposed Conditions**

##### **General**

All events will be suitably staffed. There will be an event lead that will manage each event. Depending on the type of event, security staff will be hired to monitor the event from start to close down. Events will be reported to the Councils Safety Advisory Group (SAG) Appropriate risk assessments will be in place with staff being fully briefed prior to the event taking place. In the event of road closures occurring due to the nature of the event, appropriate governing bodies will be informed as well the Councils Highways department to assist, local residents will be informed of any decision made that may negatively affect them prior to the event taking place.

##### **The Prevention of Crime and Disorder**

For events, security will be hired in to ensure the safety of staff and visitors. Any alcohol served will be served under the Check 25 legislation and the right to refuse service should they become too inebriated. Staff trained on violence & Aggression.

## **Public Safety**

All events will be fully risk assessed and managed by Sandwell Councils events team and/or the Councils Health and Safety team. Staff briefings will be given prior to the event. Events will be run through Sandwell Safety Advisory Group.

### **The prevention of public nuisance**

There will be an exclusion area for drinking. Extra waste disposal will be procured as well as staff tasked with litter picking the area during and after the event. Roving patrols to ensure visibility of the security team.

### **The Protection of children from harm**

There will be a lost child point with staff trained in lost/vulnerable child or adult procedures. Challenge 25 on any bar.

4.9 A location map of the premises is attached at Appendix 4

#### **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.

#### **4.11 Licensing Act 2003**

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.

## 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

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

	<p>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>
<b>Risk:</b>	<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>
<b>Equality:</b>	<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>
<b>Health and Wellbeing:</b>	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>
<b>Social Value</b>	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>

## **7. Appendices**

- Appendix 1 – Premises Application
- Appendix 2 – Premises Plan
- Appendix 3 – Resident Representation
- 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