

Report to Licensing Sub Committee 2

28 November 2022

Subject:	Application for the grant of a new Premises Licence at Tividale Football Club, Packwood Road, Tividale, Oldbury B69 1UL.
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Kiran Dubb Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

1. To consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Tividale Football Club, Packwood Road, Tividale, Oldbury B69 1UL.
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 Tividale Football Club, Packwood Road, Tividale, Oldbury B69 1UL following receipt of a representation from a local resident objecting to the grant of the application due to 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 A representation has been received from a local resident. A copy of the representations is attached at Appendix 2.

CURRENT POSITION

- 4.3 An application has been made by Blackcountry Taverns Limited for the grant of a new premises licence.
- 4.4 A copy of the full application is attached at Appendix 1.



- 4.5 The application is for Recorded Music (Indoors only) Monday – Thursday 17:00 – 00:00, Friday 15:00 – 00:00 and Saturday and Sunday 12:00 – 00:00. The Supply of Alcohol (On Premises only) Everyday 11:00 – 00:00.
- 4.6 The proposed hours the premises will be open to the public is Everyday 11:00 – 00:00.
- 4.7 Representations were made by Police and Environmental Health, these have been withdrawn with agreed conditions. Agreed conditions from Environmental Health outweigh the conditions agreed from the Police. Appendix 3

4.8 **Operating Schedule/Proposed Conditions**

General

- None stated.

The prevention of crime and disorder

- CCTV fitted in the premises and in full working order.
- Register toilet checks.
- Sign up to pub watch.
- SIA licensed door staff for large events if needed.

Public Safety

- Risk assessment
- Glass removal, glasses to be collected regularly and kept tidy.
- Areas to be well lit including outside smoking area.
- PAT testing

The prevention of public nuisance

- Signs stating to keep the noise down and to respect the neighbours
- Door management – doors and windows to be kept shut after 10pm
- No drinks to be drunk in the car park
- Banned person list to be implemented



The Protection of children from harm

- Age verification
- Challenge 25 policy
- Regular and training
- No inappropriate drinks promotions

4.9 Conditions agreed with Environmental Health, 7 November 2022

1. Doors and windows to remain closed whilst any form of music is being played other than background music.
2. The fire doors leading from the corridor to the toilets will remain closed at all times whilst music is playing other than in an emergency evacuation. They will have an electronically activated klaxon fitted which will sound an alarm behind the bar to ensure that staff can enforce this.
3. No drinks to be drunk in the car park.
4. Prominent, clear and legible notices are to be displayed at all exits requesting the public to respect the needs of local residents and leave the premises quietly.
5. To take all reasonable steps to prevent children from being outside of the club building after 21.30.
6. Any taxis or private hire firms that are contacted by the licensee or staff to collect customers will be asked to enter the premises to collect their customers.
7. Prominent, clear and legible notices are to be displayed outside the premises stating that the taxi and private hire drivers are not to sound horns to collect customers.
8. A list of persons causing disruption will be kept and those on the list will be banned from entering.
9. No amplified music to be played outside the premises.

Hours of Opening

Sunday to Thursday - 11:00 to 23.30

Friday and Saturday - 11:00 to 00:00



Live Music

Sunday - 12:00 to 23:00

Friday - 17:00 to 23.30

Saturday - 12:00 to 23.30

Recorded Music

Sunday to Thursday - 11:00 to 23:00

Friday and Saturday -11:00 to 23.30

Alcohol Served

Sunday to Thursday - 11:00 to 23:00

Friday and Saturday -11:00 to 23.30

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

4.11 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> <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 – Application
- Appendix 2 – Representation
- Appendix 3 – Agreed Conditions from Police and Environmental Health
- 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

