

# Report to Licensing Sub Committee 2

18 July 2023

<b>Subject:</b>	Application for the grant of a new Premises Licence at Luxor Events, 152 Reddal Hill Road, Cradley Heath, B64 5JJ
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	Geeta Bangerh Licensing Officer licensing_team@sandwell.gov.uk

## 1. Recommendations


To consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Luxor Events, 152 Reddal Hill Road, Cradley Heath, B64 5JJ, as the previous hearing on the 22 May 2023 was adjourned to allow applicants to provide further evidence.

## 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 Luxor Events, 152 Reddal Hill Road, Cradley Heath, B64 5JJ following receipt of a representations from Environmental Health Officer, Sandwell Police and local residents objecting to the grant of the application due to the licensing Objectives, the Prevention of Public Nuisance, Public Safety and Crime and Disorder.



### 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 residents, Police and Sandwell Environmental health. A copy of the representations are attached at Appendix 5.

#### CURRENT POSITION

- 4.3 An application has been made by Luxor Events 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 regulated entertainment as stated on the application form, (Indoors only) Monday – Sunday 10:00 – 23:00. Supply of Alcohol (On Premises only) Monday to Sunday 10:00 – 23:00.



- 4.6 The proposed hours the premises will be open to the public is Monday to Sunday 09:00 – 00:00.
- 4.7 Representations were made by Police, Environmental Health, a Councillor and local residents. Appendix 5.

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

##### **General**

- Health and Safety
- Risk Assessments
- Fire Hazard
- First Aid Kits – Easily Accessible
- Adequate members of Staff at each event handling the alcohol and food
- Security guard for events over 100 people
- First aid training for key members of staff

##### **The prevention of crime and disorder**

- Most family booked events only, it will consist of elderly, families and children
- Corporate event consisting of professionals only
- A record will be made of everyone who attends
- CCTV outside and around the building
- Clear procedures on managing any incidents including getting local authorities involved to create awareness

##### **Public Safety**

- Security guards will be at large family events
- All events will be closed by 23.00 at the latest
- Any working areas such as the kitchen manned by staff members to ensure no member of the public has access
- The premises licence holder shall ensure staff no areas that could cause harm to the public to be left unattended when members of the public are attending events.

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

- The premises licence holder shall ensure staff shall be trained to increase their awareness and training to access potential risks and work towards minimising potential disturbances



- To ensure the outside area of the venue is inspected once the event has ended and security guard/members of staff shall be present whilst guest leave

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

- The premises licence holder shall ensure children will only attend events with parents or guardians.

4.9 A location map of the premises is attached at Appendix 3.

### **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 Committee Consideration**

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. 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>



<p><b>Risk:</b></p>	<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>
<p><b>Equality:</b></p>	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The operators of this premises are responsible for complying with all relevant legislation.</p>
<p><b>Health and Wellbeing:</b></p>	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>
<p><b>Social Value</b></p>	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>

## 7. Appendices

- Appendix 1 – Application Form
- Appendix 2 – DPS Consent
- Appendix 3 – Location Plan
- Appendix 4 – Premises Plan
- Appendix 5 – Representations
- Appendix 6 – Dispersal Policy
- Appendix 7 – Signed undertaking from West Midlands Fire Service

## 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

