

Report to Licensing Sub Committee 3

24th October 2023

Subject:	Application for the grant of a New Premises Licence at Hyper Top International, Ground Floor 74-76 Capehill, Smethwick B66 4PB
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Makhan Singh Gosal Senior 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 Hyper Top International, Ground Floor 74-76 Capehill, Smethwick B66 4PB
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 Hyper Top International, following receipt of representations from The Police, Trading Standards and Licensing Enforcement objecting to the grant of the application due to Crime and Disorder, Public Safety.

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 Representations has been received from The Police, Trading Standards and Licensing Enforcement. Copies of the representations are attached at Appendix 4.

CURRENT POSITION

- 4.3 An application has been made by Hyper Top International Limited, for the grant of a new premises licence.
- 4.4 A copy of the full application and plan is attached at Appendix 1.



- 4.5 The application is for Supply of alcohol (Off the premises) Monday – Sunday 07:00 – 23:00.
- 4.6 The proposed hours the premises will be open to the public is Monday – Sunday 07:00 – 23:00.
- 4.7 **Operating Schedule/Proposed Conditions**

General

Personal Licence holder will be on premises at all times. Sufficient staff on premises to cover busy periods and staff to be regularly trained on licensing responsibilities. Maintain an incident log-book. Work with local authorities, Police and community groups to address any issues or complaints.

The prevention of crime and disorder

If need arises to employ sufficient trained and qualified door supervisors, request photographic ID to control under-age drinking, install CCTV system, maintain incident log-book.

Public Safety

Annual gas safety check, electrical check (once every 5 years), PAT testing (portable electrical appliance testing) up to date health and safety policy and risk assessments, employers and public liability insurance in place with reputable insurer, sufficient lighting, regular fire safety checks and servicing of fire detection and extinguishing equipment, emergency procedures in place, good housekeeping procedures in place including hygiene and cleanliness.

The prevention of public nuisance

To keep a close eye on noise nuisance. Keep doors and windows closed, instal quiet equipment with noise reduction, have signage in place asking people t leave quietly, make regular sound checks inside and outside the premises. Make sure litter and odours are kept in control. Train staff in respect of all nuisance control measures in place and ensure they follow them.



The Protection of children from harm

Restrict children's access to area where alcohol stored/sold where possible, check age ID of children seeking to purchase alcohol.

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

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 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

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 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 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 Form
- Appendix 2 – Consent form
- Appendix 3 – Location Plan
- Appendix 4 – Representations

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

