

Report to Licensing Sub Committee 2

Monday 18 October 2021

Subject:	Application for the grant of a new Premises Licence at The Shed Barber Shop, 115 Manor House Road, Wednesbury, WS10 9PL
Director:	Interim Director – Borough Economy – Nicholas Austin
Contact Officer:	Balbir Dhugga Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

1. Consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of The Shed Barber Shop, 115 Manor House Road, Wednesbury, WS10 9PL.
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 The Shed Barber Shop, 115 Manor House Road, Wednesbury, WS10 9PL following receipt of a representation from the Fire Safety Officer objecting to the grant of the application due to fire safety issues identified, which would adversely affect the Licensing Objective of Public Safety. The issues identified were in regards to the fire alarm system, emergency lighting and fire resisting construction between the ground and first floor being inadequate.

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

	<p>A strong and inclusive economy</p> <p>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 Representation has been received from received from the Fire Safety Officer. A copy of the representation is attached at Appendix 5.

CURRENT POSITION

- 4.3 An application has been made by The Shed Barbershop Limited for the grant of a new premises licence.



- 4.4 A copy of the full application is attached at Appendices 1 to 4.
- 4.5 The application is for The Supply of Alcohol (On Premises only) Monday - Wednesday 10.00 - 20.00, Thursday – Friday 09.00 - 21.00 and Saturday 08.00 - 20.00.
- 4.6 The proposed hours the premises will be open to the public Monday - Wednesday 10.00 - 20.00, Thursday – Friday 09.00 - 21.00 and Saturday 08.00 - 20.00.
- 4.7 Seasonal hours are Christmas Eve 08:00 - 20:00 and New Year's Eve 08:00 - 20:00.
- 4.8 Non-standard timings are Sundays if they fall on a Christmas or New Year's Eve 08:00 - 20:00.
- 4.9 The applicant has stated the premises primary purpose is that its a Barber shop, set back from the main road in between two other working premises. The building consists of one main large room, where barbering takes place and the bar and seating area will be located. The bar and seating area are partitioned off from the barbering area by a waist high partition but is still very much a part of the barber shop as shown on the premises plan. The premises offer all aspects of barbering, shoeshine and drinks, giving customers a place to relax and enjoy their experience. The bar and seating area are where drinks, including alcohol soft drinks, tea and coffee can be brought and consumed. The drinks are for customers to enjoy while waiting for their barbering services and at no time will any drinks be permitted to leave the premises. The sale of alcohol is for the barber's customers or the people who will be waiting with them, it is a barbershop with a bar not a stand-alone bar.

4.8 Operating Schedule/Proposed Conditions

General

Alcohol shall be sold only to those patrons of the barber shop who are on the premises for the purpose of having haircutting and/or grooming services, to ensure that the sale of alcohol shall be entirely ancillary to the main service provision of haircutting and grooming services.

There shall be no advertisement in the shop window or external signage at the premises that alcohol is on sale from the location.



All staff will be made fully aware of the 4 licensing objectives so that no nuisance or disturbance is caused to the surrounding businesses and residents and so that all staff and members of the public are kept from harm. The relevant training will be put into place for any staff members working on the premises.

The designated premises supervisor will cover all aspects of the day to day running of the premises and be contactable at all times when away from the premises.

The prevention of crime and disorder

Shutters will be closed over both back and front doors and the main front window when the premises are not being occupied.

Bottles and glasses will not be permitted to be taken away from the premises.

No alcohol will be sold to any person under the age of 18. Challenge 25 scheme will be in place with the relevant signs to notify all members of the public. Only a passport, a photographic driving licence card or a PASS card will be accepted as valid proof of age.

No alcohol will be served to anyone already intoxicated.

'No verbal or physical abuse' signs are in place around the premises anyone found to do this will be banned from the premises immediately.

A no tolerance to drugs policy is also in place, the relevant signs are placed on the premises so that if anyone is found with drugs on them or using them, will be reported to the police and will also be banned from the premises indefinitely.

The premises shall operate a CCTV system, recordings shall be retained for 72 hours.

An incident book will be kept at the reception desk and entries added for every incident at the premises.

A refusals book will also be kept on the premises and any refusal to sell alcohol will be logged and the reason why it was refused.



Public Safety

A fully stocked first aid box will be on the premises at all times.

Fire exits will be clearly marked and left free from obstruction.

The appropriate fire extinguishers will be available on the premises with easy access.

The premises will comply with all statutory fire safety regulations.

Breakages and spillages will be cleaned up immediately.

The prevention of public nuisance

A zero-tolerance policy will apply for all rude or abusive behaviour towards members of staff and other members of the public.

Appropriate waste bins will be made available at all times inside and at the rear of the property to prevent littering outside of the premises.

A smoking area at the rear of the property and appropriate ash trays at the front and rear of the property will be provided to prevent customers and staff from smoking and littering in surrounding public areas.

The Protection of children from harm

The challenge 25 scheme will always be in operation.

I.D will be required for anyone who looks below the age of 25,

Passports, photographic driving licence card and PASS cards will be the only accepted valid proofs of I.D. All relevant signs and posters will be displayed around the premises for everyone to see.

Training will be carried out for all members of staff serving alcohol on how to correctly implement the challenge 25 procedure.

4.9 A location map of the premises is attached at Appendix 6.

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.



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</p>



	<p>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:	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
Social Value	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.



7. Appendices

- Appendix 1 – Licence application
- Appendix 2 – DPS consent
- Appendix 3 – Premises floor plan
- Appendix 4 – Companies House
- Appendix 5 – Representations
- Appendix 6 – 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

