

Report to Licensing Sub Committee 3

15 November 2021

Subject:	Application for the grant of a new Premises Licence at Windsor Complex, 377 – 379 Bearwood Road, Smethwick, Birmingham, B66 4DL
Director:	Interim Director – Borough Economy Nicholas Austin
Contact Officer:	Geeta Bangerh 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 Windsor Complex, 377 – 379 Bearwood Road, Smethwick, Birmingham, B66 4DL.
- 1.2 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 Windsor Complex, 377 – 379 Bearwood Road, Smethwick, Birmingham, B66 4DL, following receipt of a representation from a local resident objecting to the grant of the application which would adversely affect the Licensing Objective of Public Safety and 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>
---	---

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 Bearwood Snooker Complex Limited for the grant of a new premises licence.
- 4.4 A copy of the full application is attached at Appendices 1 to 7.



4.5 The licensable activities are for
Film - Monday - Sunday 10.00 - 00.00.
Live Music - Monday - Sunday 10.00 - 00.00.
Recorded Music - Monday - Sunday 10.00 - 00.00.
Performances of Dance - Monday - Sunday 10.00 - 00.00.
Anything of a similar description to that falling within Live Music, Dance and recorded music - Monday - Sunday 10.00 - 00.00.
Provision of Late Night Refreshment - Monday - Sunday 23.00 - 00.00.
The Supply of Alcohol (On/Off Premises) Monday - Sunday 10.00 - 00.00.

4.6 The proposed hours the premises will be open to the public will be Monday - Sunday 07.00 - 00.00.

4.7 The applicant has stated the premises will be trading as a Bar, Restaurant, Entertainment Centre.

4.8 **Operating Schedule/Proposed Conditions**

General

Nothing beyond existing Health and Safety/Fire Safety requirements and the existing rules, regulations and responsibilities of a Licensee. The premises will promote the licensing objectives in accordance with Section 182 guidance.

All members of staff will be formally trained in their roles and responsibilities. Updates and training plan copies to be kept on file.

The Prevention of Crime and Disorder

A 32 camera multiplex CCTV system will be in operation with 2 visible monitors and due warning signs displayed to the public of it's use within the premises. One interior camera is positioned to focus on the 2 entrance and exit doorways to help with the prevention and detection of crime and help with the protection of customers' and staff safety.

Recording data will be timed, dated and have a minimum 31 days records. The Police and Local Authority Officers may have access to the system at any reasonable time and downloadable recordings on request. A refusal register is to be kept to record any incidents. Registered Door



Supervisors will be on duty from 2000 hours until closing time on Fridays, Saturday nights and any special events The premises will operate a zero tolerance policy regards drunken and anti-social behaviour. Employees will monitor the pavement in front of the premises to ensure that there is no congregating of the public outside

Public Safety

Fire safety equipment includes alarms,12 fire extinguishers which are regularly maintained.

All electrical equipment is safety checked (pat tested). Fire exit signs are displayed and the staff instructed in emergency evacuation procedures.

The prevention of public nuisance

A waste bin is provided outside. The front pavement is swept daily or more frequently if littered. Trade waste is collected weekly under contract. Notices displayed requesting customers to leave the premises as quietly as possible. Male and female staff are employed to resolve any possible problems arising

The Protection of children from harm

Unaccompanied children are not allowed on the premises.

Challenge 21 and "Pass" approved Notices displayed requesting valid proof of age for any age restricted products. "No I.D - No Sale". All staff are trained to serve alcohol and any age sensitive products under the guidance of the DPS.

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 and the Council's</p>



	<p>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 – Licence application
- Appendix 2 – DPS consent
- Appendix 3 – Premises floor plan
- Appendix 4 – Companies House
- Appendix 5 – Representation
- Appendix 6 – Location Plan
- Appendix 7 – Supporting Evidence from Agent
- Appendix 8 – New conditions agreed for operating schedule

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

