

Report to Licensing Sub Committee 1

29 April 2022

Subject:	Application for the grant of a New Premises Licence at Papa John's, 3B Church Street, Oldbury B69 3AD.
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Kiran Jalaf (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 Papa John's, 3B Church Street, Oldbury B69 3AD
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 Papa John's, 3B Church Street, Oldbury B69 3AD, following a



representation received from Environmental Health, objecting to the grant of the application due to the prevention of public nuisance issues.

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 Environmental Health. A copy of the representations is attached at Appendix 4.

CURRENT POSITION

4.3 An application has been made by GKH 1 Limited for the grant of a new premises licence.

4.4 A copy of the full application pack is attached at Appendices 1 and 2.



- 4.5 The proposed Licensable activity applied for is Late Night Refreshments (On and Off the premises). The proposed hours are Every Day 23:00 to 05:00.
- 4.6 The proposed opening hours are Every Day 23:59 to 00:00.
- 4.7 The application states the premises main business will be a fast food store with delivery service.

4.10 Operating Schedule/Proposed Conditions

General

The licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation. The premises will operate in accordance with all relevant legislation. The premises will liaise and co-cooperate with the Responsible Authorities.

The prevention of crime and disorder

A CCTV system with recording equipment will be installed and in operation at the premises during the provision of licensable activities. All recordings used in conjunction with CCTV will:
Be of evidential quality in all lighting conditions;
Indicate the correct time and date;
and be retained for a period of 31 consecutive days.

Public Safety

The premises will operate in accordance with all relevant legislation which promotes the prevention of public safety objective. For example, the Health & Safety and Food Safety legislation. The premises will liaise and co-operate with the Responsible Authorities.



The prevention of public nuisance

The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective. For example, Environmental Protection Act 1990. Arrangements for the storage and disposal of refuse will not cause a nuisance. The premises will liaise and co-operate with the Responsible Authorities.

The Protection of children from harm

The licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation. The premises will operate in accordance with all relevant legislation. The premises will liaise and co-cooperate with the Responsible Authorities.

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

4.13 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>
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</p>



	<p>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 – Premises Licence Application
- Appendix 2 – Premises Plan
- Appendix 3 – Location Map
- Appendix 4 – Representation

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

