

# Report to Licensing Sub Committee [ ]

24<sup>th</sup> June 2022

<b>Subject:</b>	Application to review a Premises Licence known as The Regis, situated at, 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

## Recommendations

- 1 The Sandwell Council Licensing Sub Committee are here to consider an application to review the Premises Licence submitted by Environmental Health at Sandwell Metropolitan Borough Council under Section 51/52 of the Licensing Act 2003. In respect of premises known as The Regis, situated at 152 Reddal Hill Road, Cradley Heath, B64 5JJ.
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 6.

## 1 **PURPOSE OF THE REPORT**

- 1.1 To advise members of an application made under section 51/52 of the Licensing Act 2003 to review a Premises Licence in respect of premises known as The Regis, situated at 152 Reddal Hill Road, Cradley Heath, B64 5JJ.



- 1.2 The Licensing Sub Committee is required to consider this application and take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives.

## 2 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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## 3 Context and Key Issues

- 3.1 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 CURRENT POSITION

- 4.1 An application for a review of the premises licence was made by Environmental Health at Sandwell Metropolitan Borough Council on 11<sup>th</sup> May 2022.
- 4.2 The application was made on the grounds of Prevention of Public Nuisance due to Environmental Health receiving complaints since 21 January 2022, relating to noise nuisance caused by musical entertainment. A noise Abatement Notice under Section 80 of the



Environmental Protection Act 1990 was served. The noise abatement notice had been contravened and complaints have continued.

- 4.3 A copy of the application pack is attached at Appendix 1.
- 4.4 The location and proximity to neighbouring premises can be seen on the location map provided which is attached at Appendix 3.

## **BACKGROUND**

- 4.5 The licence was granted 10<sup>th</sup> November 2001.
- 4.6 The Premises licence holder is Mr Gareth Collins, who has held the licence since 19<sup>th</sup> January 2022. Mr David Mundon is the Designated Premises Supervisor since 21<sup>st</sup> December 2021.
- 4.7 The hours permitted for licensable activities are 09:00 – 01:30 Monday to Sunday.
- 4.8 The hours the premises are open to the public are 09:00 – 01:30 Monday to Sunday.
- 4.9 On New Year's Eve these hours may be extended from the end of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day.
- 4.10 Where this licence permits licensable activities after 01:00, on the day on which British Summer Time begins. The licensed hours are extended at the end of licensed hours by one hour on that day.
- 4.11 A copy of the premises licence is attached at Appendix 2.
- 4.12 A location map of the premises is attached at Appendix 3.

## **5 Consultation (customers and other stakeholders)**

- 5.1 The Licensing Team displayed a public notice on or near 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. The last date being 8<sup>th</sup> June 2022. Details of the application were also published on the Council's website.

## 6 ALTERNATIVE OPTIONS

The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- 6.1 To modify the conditions of the licence.
- 6.2 To exclude a licensable activity from the scope of the licence.
- 6.3 To remove the designated premises supervisor.
- 6.4 To suspend the licence for a period not exceeding three months.
- 6.7 To revoke the licence.
- 6.8 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.
- 6.9 Conditions may be altered or omitted, or any new condition added.
- 6.10 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.

## 7 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>
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<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>
<b>Risk:</b>	This is an Environmental Health Review triggered by an undermining of the Public Health Licensing Objective.
<b>Equality:</b>	<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>
<b>Health and Wellbeing:</b>	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
<b>Social Value</b>	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

## 8 Appendices

- Appendix 1 – Review Application
- Appendix 2 – Premises Licence
- Appendix 3 – Location Plan
- Appendix 4 – EH Team Findings
- Appendix 4.1 – EH Appendix 16
- Appendix 4.2 – EH Appendix 18



- Appendix 4.3 – EH Marked Plan
- Appendix 5 – Document from Applicant
- Appendix 6 – Representations

## 9 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

