



Walsall Council

REPORT OF THE DIRECTOR OF PUBLIC HEALTH

LICENSING SUB – COMMITTEE

FRIDAY 20 JULY 2018

APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE

LICENSING ACT 2003

498 – 500 Pleck Road
Walsall
WS2 9HE

1.0 Summary of Report

- 1.1 For members of the licensing sub committee to determine an application for a premises licence in respect of 498 – 500 Pleck Road, Walsall, WS2 9HE.
- 1.2 The application is made by Saad Masood, the application having been submitted on his behalf by Architecture & Interior Design Ltd.
- 1.3 The application cannot be granted or refused under officer's delegated authority.

2.0 Recommendations

- 2.1 That the Licensing Sub Committee determine whether the application for a premises licence in respect of 498 – 500 Pleck Road, Walsall, WS2 9HE be granted as requested, granted with additional/modified conditions, or reject the application.

3.0 Background information

- 3.1 An application for a premises licence was received on 25 May 2018 by the Licensing Authority.
- 3.2 The completed application which also includes the proposed layout of the premises is given as **Appendix 1** (only the relevant pages have been reproduced). The applicant has in Section 18 of the application identified the steps they intend to take in order to promote the licensing objectives, if the application is granted as requested these would become conditions of licence.

3.3 A summary of the proposed activities and times are as follows:

LICENSABLE ACTIVITIES	DAYS	START TIME	FINISH TIME
Late Night Refreshment (Indoors Only)	Monday - Sunday	23:00	04:00
Premises Opening Times	Monday - Sunday	12:00	04:00

3.4 A street map of the locality is attached as **Appendix 2**.

3.5 Copies of the licence application must be submitted to all statutory 'responsible authorities' under the terms of the Act.

3.6 Applications for a premises licence are also required to be advertised by way of a blue site notice displayed at the premises, and a licensing notice placed in a newspaper circulating within the area. This ensures that 'other persons' (regardless of their status or geographic proximity to the premises) under the terms of the Act are aware of the licence application. The Licensing Authority must also advertise the application on its website during the consultation period.

3.7 Any responsible authority or other persons has 28 days from submission of the application to make a written relevant representation to the Licensing Authority.

3.8 On 20 June 2018 the Licensing Authority received a written relevant representations from West Midlands Fire Service, a Responsible Authority under the terms of the Act. Their representations are given as **Appendix 3**.

3.9 No other representations were received from either Responsible Authorities or 'other persons'.

4.0 Resource Considerations

4.1 **Financial:** Application fees are set by central government and are non refundable.

4.2 **Legal:** Any representations received must be relevant to the likely effect on the promotion of the licensing objectives in respect of the application received, namely: prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm. Representations which are not relevant must be rejected.

The Licensing Authority upon receipt of relevant representations and only if it is considered to be appropriate to promote the licensing objectives may consider attaching additional conditions, modifying existing conditions as given in the operating schedule, or to reject the application.

Any conditions further imposed by the committee must be appropriate and should be tailored to the size, style, characteristics and activities taking place at the premises. They should not be merely aspirational and should not go further than what is needed for that purpose.

Statutory guidance issued under section 182 of the Licensing Act 2003 states at paragraph 2.7 that *'Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.'*

Paragraph 2.8 of the s182 guidance specifically recognises fire safety as a Public Safety concern.

A number of matters should be considered in relation to public safety. These may include:

- *Fire safety;*
- *Ensuring appropriate access for emergency services such as ambulances;*
- *Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- *Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- *Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transportation);*
- *Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- *Ensuring appropriate limits on the maximum capacity of the premises*
- *Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

Paragraph 2.9 states *'The measures that are appropriate to promote public safety will vary between premises.....applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.'*

The Licensing Sub Committee must have due regard to the licensing authorities licensing policy statement, and the statutory guidance issued under section 182 of the Licensing Act 2003.

The Licensing Sub Committee may grant the application as requested, grant with additional/modified conditions attached to the premises licence or reject the application.

Where the applicant, responsible authority, or other persons is aggrieved by the decision of the Licensing Authority, appeal is to Magistrates Court where the reasonableness or otherwise of the decision will be tested.

4.3 **Staffing issues:** None arising from this report.

5.0 Citizen Impact

5.1 Residents or businesses ('Other Persons') within the licensing authorities' area are able to submit 'relevant representations'

6.0 Community Safety

6.1 Issues raised in relation to potential crime and disorder and public nuisance are addressed by committee through the decision making process.

7.0 Environmental Impact

7.1 Nothing arising from this report.

8.0 Performance and Risk Management Issues

8.1 Nothing arising from this report.

9.0 Equality Implications

9.1 Nothing arising from this report.

10.0 Consultation

10.1 Consultation/advertising is carried out in accordance with prescribed statutory regulation.

11.0 Associated Papers

11.1 Appendix 1 – Premises licence application.
Appendix 2 – Site plan.
Appendix 3 – Representation from Responsible Authorities..

12.0 Contact Officer

12.1 Hazel Powell, Senior Licensing Officer, 01922 653079