

Agenda

Licensing Sub Committee 1

Friday, 27 August 2021 at 10.00 am
At Council Chamber - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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| 3 | Application for the grant of a new Premises Licence at Hamaran 9JA LTD, 461 Bearwood Road, Smethwick B66 4DH | 9 - 24 |
| | To consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Hamaran 9JA LTD, 461 Bearwood Road, Smethwick B66 4DH. | |
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To consider the objection made by West Midlands Police and Sandwell MBC Environmental Health Department for a Temporary Event Notice in respect of 50 Popes Lane, Oldbury, B69 4PA.

Kim Bromley-Derry CBE DL
Interim Chief Executive
Sandwell Council House
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West Midlands

Distribution

Councillor Allen (Chair)
Councillors W Gill, Hussain, Jones and Singh

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Licensing Sub Committee 1

Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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Licensing Sub Committee 1

Declarations of Interests

Members to declare any interests in matters to be discussed at the meeting.



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Report to Licensing Sub Committee 1

27th August 2021

Subject:	Application for the grant of a new Premises Licence at Hamaran 9JA LTD, 461 Bearwood Road, Smethwick B66 4DH
Director:	Interim Director – Borough Economy – Nicholas Austin
Contact Officer:	Kiran Dhesi Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

- 1.1 That the Licensing Sub-Committee consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Hamaran 9JA LTD, 461 Bearwood Road, Smethwick B66 4DH

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 provisions of the Licensing Act 2003, associated regulations, 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 Hamaran 9JA LTD, 461 Bearwood Road, Smethwick B66 4DH, following a representation from the Police Licensing Officer objecting to the grant of the application due to concerns that the four licensing objectives would be undermined.

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





A strong and inclusive economy

Licensed premises provide employment in the Borough and help to support the Borough's economy. 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.

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 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.
- 4.3 Representations have been received from the West Midlands Police Responsible Authority. A copy of representations are attached at Appendix 2.

CURRENT POSITION

- 4.3 An application has been made by Hamaran 9JA Limited for the grant of a new premises licence.
- 4.4 A copy of the application is attached at Appendix 1
- 4.5 The licensable activities this application is for is Late Night Refreshment (On Premises) Monday - Saturday 23.00 - 02.00 and Sale of Alcohol Monday – Sunday (On/Off Premises) 12.00 – 02.00.



- 4.6 The proposed hours the premises will be open to the public Monday - Sunday 08.30 – 02.00.
- 4.7 The premises consist of a small eat in restaurant on the ground floor with a kitchen and food preparation area.

4.8 **Operating Schedule/Proposed Conditions**

General

The Premises Licence holder shall ensure all staff serving alcohol will be 18 years and above and inducted by the Personal licence holder / Designated premises Supervisor ensuring that staff are made aware of licensing objectives and are confident in adhering to them.

Premises Licence holder will manage all Parties and large groups according to safety policy.

Age verification will be requested when appropriate.

Personal Licence Holder will be available during times of alcohol sale and regulated entertainment.

The prevention of crime and disorder

The Premises Licence Holder shall ensure that a CCTV system is installed, and recordings are maintained according to the licensing authority.

The Premises Licence holder shall ensure that all notices are displayed advising the use of CCTV in operation and cooperation with the Police and Licensing authority. Notices will also be on display advising against the use of illegal substances on the premises and referrals to the Police.

The Premises Licence holder shall ensure the Police are notified of all incidents of crime and disorder via telephone.

A capacity limit will be adhered to in order to prevent overcrowding.



There will be no drinks promotions on offer.

Notices will be on display advising against the use of illegal substances on the premises and referrals to the Police.

Children attending the premises will be accompanied and supervised by adults with such notices on display outside the premises.

Public Safety

The Premises Licence holder shall ensure that smoke alarms are fitted and in working order and Fire extinguishers are available.

Fire exits are unobstructed, and signs are illuminated, and first Aid kit is available

The prevention of public nuisance

The Premises Licence holder shall ensure signs are posted advising customers to be mindful of noise and respectful of neighbours when entering and leaving the premises.

Customer smoking area outside will be monitored by staff to discourage noise.

The Premises Licence holder shall ensure alcohol served with meals will be encouraged to be consumed inside the restaurant.

The Protection of children from harm

The Licence holder shall ensure clear and appropriate identification is requested from customers when necessary.

The Licence holder shall ensure children under 12 are accompanied by an adult.

Notices will be displayed at point of entry advising that age verification ID will be required.



The Licence holder shall ensure Refusals register is kept and maintained by all staff.

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

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 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, Fire Service, Local Councillors and Local Residents have made a representation to this application.</p> <p>Whilst full details of the application and any representations have been shared with the</p>



	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.
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>

7. Appendices

- Appendix 1 – Licence application with site plan
- Appendix 2 – Representations
- Appendix 3 – 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



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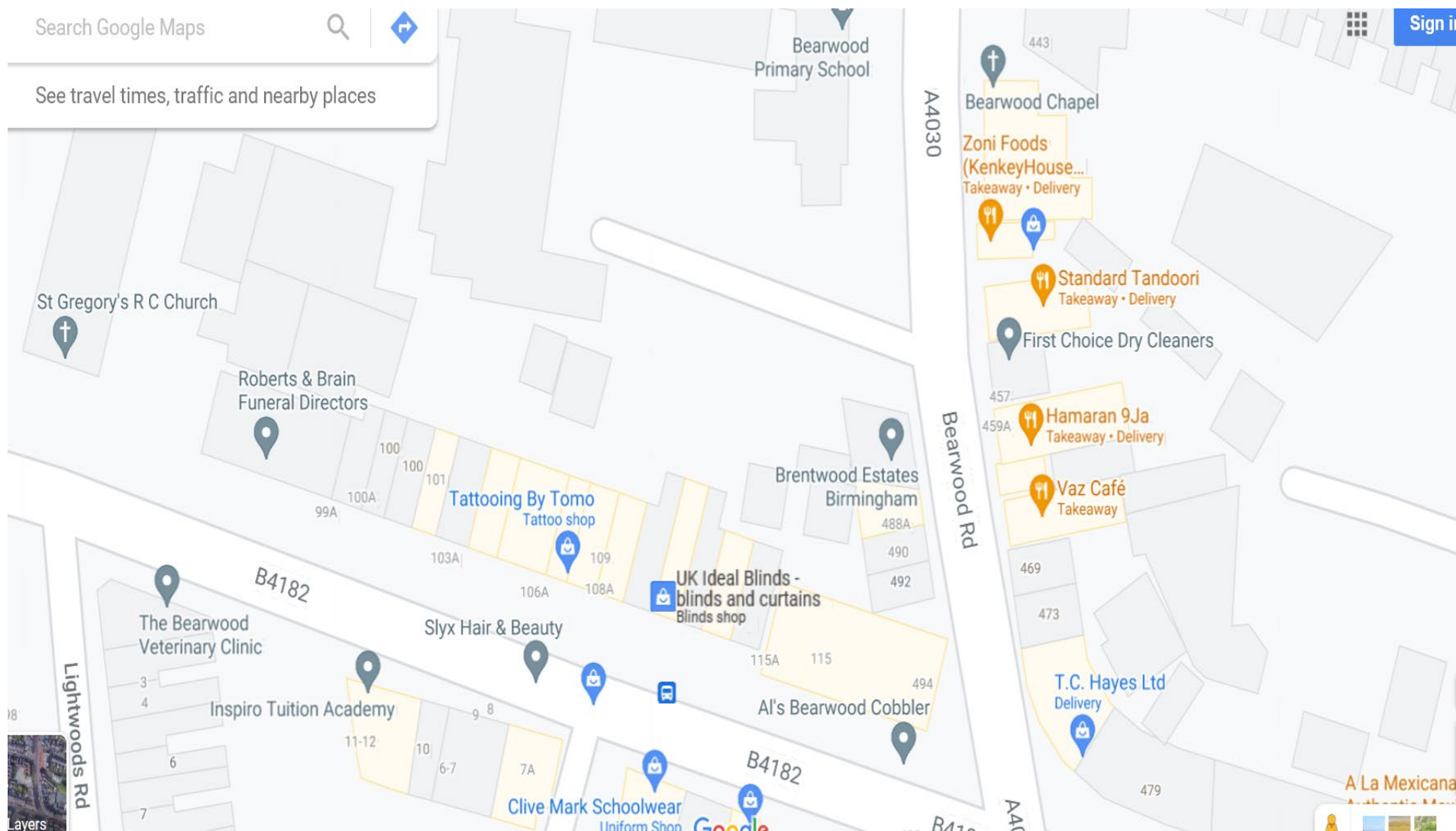
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Location Plan – Hamaran, 461 Bearwood Road, Smethwick B66 4DH



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Report to Licensing Sub Committee 1

Friday 27 August 2021

Subject:	Objection to a Temporary Event Notices for 50 Popes Lane, Oldbury, B69 4PA
Director:	Interim Director – Borough Economy – Nicholas Austin
Contact Officer:	Balbir Dhugga Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations


- 1.1 Consider the objection made by West Midlands Police and Sandwell MBC Environmental Health Department for a Temporary Event Notice given by Ms N C in respect of 50 Popes Lane, Oldbury, B69 4PA

2. Reasons for Recommendations

- 2.1 To consider an objection made by West Midlands Police and Sandwell MBC Environmental Health Department under Section 104 of the Licensing Act 2003 in relation to a Temporary Event Notice given by Ms N C in respect of 50 Popes Lane, Oldbury, B69 4PA
- 2.2 The Temporary Event Notice was given on the Authority on 13th August 2021.
- 2.3 The Licensing Sub Committee is required to consider this objection made on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance licensing objectives and determine whether the event should proceed.

- 2.4 The Licensing Sub Committee is asked to make a decision on the Temporary Event Notice 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. The options that can be considered once evidence has been heard are detailed at paragraph 7.

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 West Midlands Police have objected to the notice and a copy of their objection is attached at Appendix 2.
- 4.3 Environmental Health have objected to the notice and a copy of their objection is attached at Appendix 3.
- 4.4 The objection notices were served on the authority by both the Police and Environmental Health on 18th August 2021.



- 4.5 The grounds for this objection from the Police are that there has been a breach of Covid restrictions, a previous event took place without a necessary Temporary Event Notice in place. Weapon and drugs being found at the premises. This undermines the licensing objective Prevention of Crime and Disorder.
- 4.6 The grounds for this objection from Environmental Health are recent complaints received relating to alleged noise disturbance, littering, and car parking from events already held at the location. Limited details in the application regarding noise mitigation measures to control noise levels. Concerns about the hours requested for the event up to 4.00am and the impact of noise levels on local vicinity and arrangements for patrons leaving the site following the event to minimise disturbance. This undermines the licensing objective Prevention of Public Nuisance.

5. CURRENT POSITION

- 5.1 The premises does not have a premises licence.
- 5.2 A copy of the Temporary Event Notice has been attached at Appendix 1 to this report. For the assistance of members, the notice is for the following:
- Notified Licensable activities
 - The provision of regulated entertainment
 - Notified hours of licensable activities
 - 28th August 2021. At the premises between 23.00 – 4.00.
- 5.3 The Temporary Event Notice is for 150 people to attend a Birthday celebration at the premises.
- 5.4 The location and proximity to neighbouring premises can be seen on the location map provided which is attached at Appendix 4 to this report.

6. Consultation (customers and other stakeholders)

- 6.1 There is no public consultation for Temporary Event Notices. The notice is only sent to Environment Health and West Midlands Police and only they can object to this Temporary Event Notice.



7. Alternative Options

- 7.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- 7.2 Give the premises user a counter notice if it considers it necessary for the promotion of the licensing objectives to do so.
- 7.3 If it decides to give a counter notice, this must be accompanied by a notice stating the reasons for its decision with copies of both notices being given to the Police and Environment Health.
- 7.4 If a counter-notice is not given, the premise user and the Police/ Environment Health must be given a notice of the decision
- 7.5 Where the authority decides not to give a counter notice it may impose one or more conditions on the standard temporary event notice if
- It considers appropriate for the promotion of the licensing objectives
 - the conditions are also imposed on the premises licence that has effect in respect of the same premises and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

8. Implications

Resources:	There are no direct strategic resource implications associated with this application. In respect of Temporary Event Notice, we do not for see any issues in respect of sustainability of proposals. The notice relates to privately owned property.
Legal and Governance:	Members of the Licensing Sub Committee when making their decision on the notice 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 premises user and objectors have the right to appeal the decision made by the Licensing Sub Committee to the Magistrates Court by no later than 5 working days before the date on which the event begins. The Committee are asked to give reasons for their decision wherever possible.



	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.
Risk:	<p>The Police are a statutory consultee for all Licensing Act 2003 Temporary Event Notice. Prevention of Crime and Disorder is one of the four licensing objectives.</p> <p>The Police have made an objection to this notice on crime and disorder issues.</p> <p>Whilst full details of the notice and any objections 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 on line, 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 premises user is responsible for complying with all relevant legislation.</p>

9. Appendices

- Appendix 1 – Temporary Event Notice (TEN)
- Appendix 2 – Police Objection
- Appendix 3 – Environment Health Objection
- Appendix 4 – Location Map

10. 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



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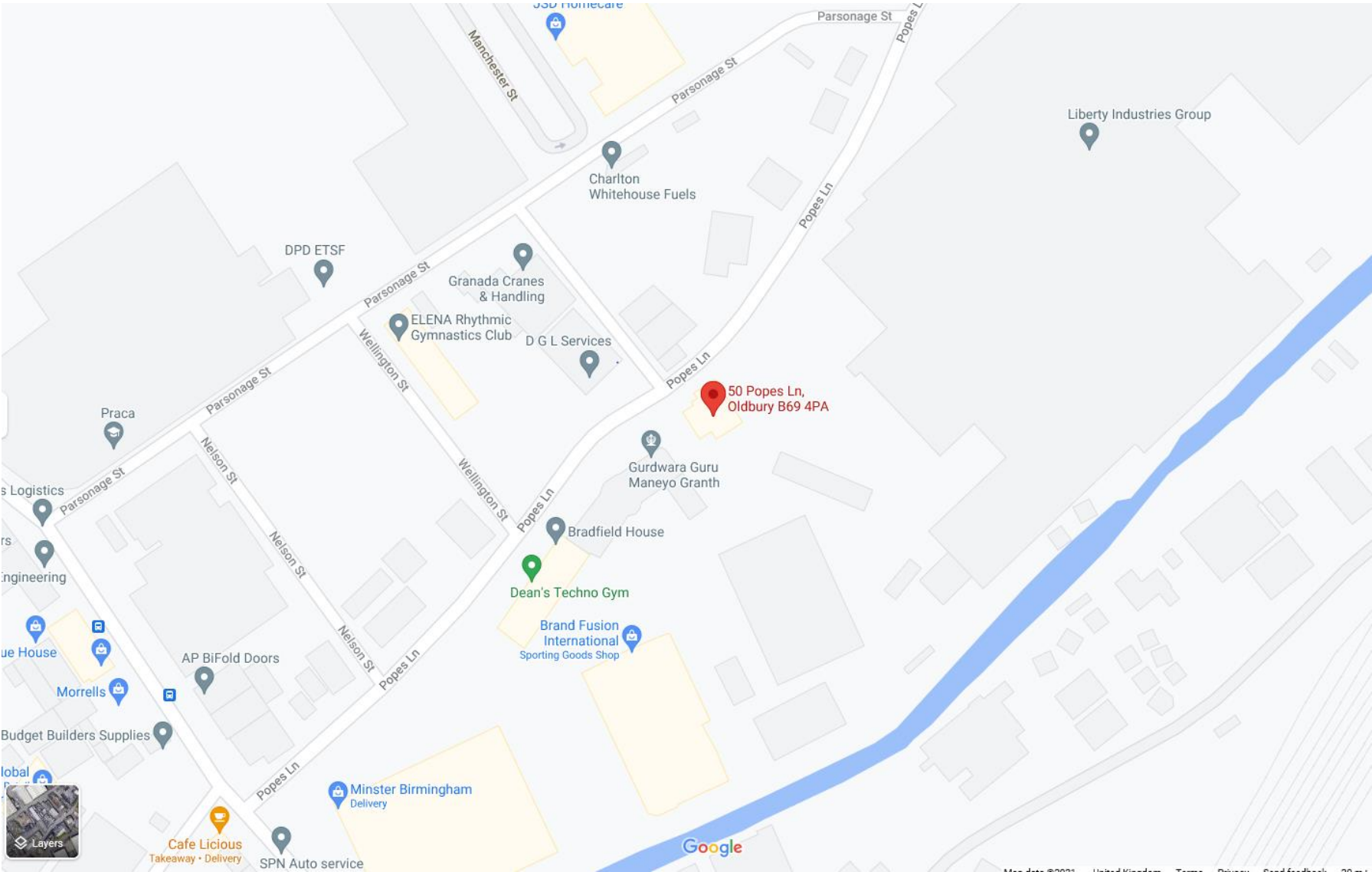
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Appendix 4 – Location Map (50 Popes Lane, Oldbury, B69 4PA)



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