

# Report to Licensing Committee

**9 June 2023**

<b>Subject:</b>	Objection to a Temporary Event Notices for Red Leaf Village, 28 - 32 High Street, West Bromwich, B70 6JT
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	Balbir Dhugga Licensing Officer licensing_team@sandwell.gov.uk

## 1. Recommendations

1. Consider the objection made by West Midlands Police for a Temporary Event Notice given by Vijendra Singh in respect of Red Leaf Village, 28 - 32 High Street, West Bromwich, B70 6JT.


## 2. Reasons for Recommendations

- 2.1 To consider an objection made by West Midlands Police under Section 104 of the Licensing Act 2003 in relation to a Temporary Event Notice given by Vijendra Singh in respect of Red Leaf Village, 28 - 32 High Street, West Bromwich, B70 6JT.
- 2.2 The Temporary Event Notice was given on the Authority on 26th May 2023.
- 2.3 The Licensing Committee is required to consider this as an objection has been made on the grounds of one or more of the licensing objectives and determine whether the event should proceed.
- 2.4 The Licensing 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.

### 3. 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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### 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 The objection notice was served on the authority by the Police on 1<sup>st</sup> June 2023.
- 4.4 The grounds for this objection from the Police are that the applicant has not undertaken their own risk assessment of the event, that the maximum occupancy of 300 people listed on the TEN may be breached. Also, the lack of general clarity regarding the event and the information provided to date which has constantly changed. West Midlands Police remain concerned that as the event would operate under a TEN, no enforceable conditions can be added and so any assurances made are



simply that and not enforceable. West Midlands Police are concerned that the venue has taken a booking for what it states is a private party but in reality, is an externally promoted event that the venue has little information about. This undermines one or more of the following licensing objectives of Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and The Protection of Children from Harm.

## 5. CURRENT POSITION

- 5.1 The premises has a current premises licence, the premises licence holder is Chefs Club Kitchen Limited and the designated premises supervisor is Vijendra Singh, a copy of the licence is at Appendix 3.
- 5.2 The current premises licence allows the provision of regulated entertainment and the sale by retail of alcohol from 10.00(am) – 01.00(am).
- 5.3 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
    - The sale by retail of alcohol
  - Notified hours of licensable activities
    - 25<sup>th</sup> June 2023. At the premises between 01.00(am) – 05.00(am).
- 5.4 The Temporary Event Notice is for 300 people to attend a Party at the premises.
- 5.5 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.

### Committee Consideration

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 paragraph 7.

## 7. Alternative Options

- 7.1 The options available to the Licensing 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

<p><b>Resources:</b></p>	<p>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.</p> <p>The notice relates to privately owned property.</p>
<p><b>Legal and Governance:</b></p>	<p>Members of the Licensing 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 Committee to the Magistrates Court by no later than 5 working days before the date on which the event begins.</p> <p>The Committee are asked to give reasons for their decision wherever possible.</p> <p>Members of the 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>
<p><b>Risk:</b></p>	<p>The Police are a statutory consultee for all Licensing Act 2003 Temporary Event Notice.</p> <p>The Police have made an objection to this notice based on the four licensing objectives.</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>
<p><b>Equality:</b></p>	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p>



	The premises user is responsible for complying with all relevant legislation.
<b>Health and Wellbeing:</b>	This is not applicable to Temporary Event Notices submitted under the Licensing Act 2003.
<b>Social Value</b>	This is not applicable to Temporary Event Notices submitted under the Licensing Act 2003.

## 9. Appendices

- Appendix 1 – Temporary Event Notice (TEN)
- Appendix 2 – Police Objection
- Appendix 3 – Existing premises licence
- Appendix 4 – Location Map
- Appendix 5 – Applicants response to objection
- Appendix 5.1 – Applicants Health and safety policy

## 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

