

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

