

Report to Licensing Sub Committee 2

21 November 2023

Subject:	Application for the grant of a New Premises Licence at Chulo Restaurant, 5 Carters Green, West Bromwich, B70 9QP
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Geeta Bangerh Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

1. To consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Chulo Restaurant, 5 Carters Green, West Bromwich, B70 9QP.
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.


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 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 Chulo Restaurant, 5 Carters Green, West Bromwich, B70 9QP, following receipt of representation from Fire Authority objecting to the grant of the application due to Public Safety.

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

	<p>A strong and inclusive economy 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 Representation has been received from Fire Service, the copy of the representation are attached at Appendix 4.

CURRENT POSITION

- 4.3 An application has been made by Mrs Mahima Ghimire for the grant of a new premises licence.
- 4.4 A copy of the full application and consent form is attached at Appendix 1.



- 4.5 The application is for Supply of alcohol (On the premises) Monday – Sunday 12:00 – 23:00.
- 4.6 The proposed hours the premises will be open to the public is Monday – Sunday 12:00 – 23:00.
- 4.7 **Operating Schedule/Proposed Conditions**

General

CCTV will be installed with 31 days of footage. Staff training will be given regarding the four licence objectives, under 25 challenges in place, signage like 'no proof - no sale' will be in place, respect our neighbours when you leave the premises ethos, refusal book, staff training records all in place. Drunk or violent customers will not be served.

The prevention of crime and disorder

The business will always have a staff member that is familiar with the CCTV operation and footage kept for 31 days. Staff will be trained to not serve drunk and violent customers. The business will not engage with irresponsible alcohol promotions.

Public Safety

Drunk and violent people will not be served. No irresponsible promotions. The premises will implement any recommendations given by the police and other authorities.

The prevention of public nuisance

Deliveries done by suppliers will take place within the recommended times by the authorities. Customers will not be allowed to take any open bottles or cans outside the premises. Signage will be in place. Staff training undertaken

The Protection of children from harm

Staff will be trained regarding the protection of children from harm. The premises will have a under 25 challenge policy. No proof, no



sale. Signage and posters will go up, staff training records kept. Refusal book. Refresher training every 6 months to all staff.

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

4.9 **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

<p>Resources:</p>	<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>
<p>Legal and Governance:</p>	<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>
<p>Risk:</p>	<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 have not made a representation to this application.</p>



	Whilst full details of the application and any representations 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 online, in line with data protection protocols.
Equality:	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The operators of this premises are responsible for complying with all relevant legislation.
Health and Wellbeing:	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
Social Value	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

7. Appendices

- Appendix 1 – Application Form and Consent
- Appendix 2 – Plan
- Appendix 3 – Location Plan
- Appendix 4 – Representations

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

