

# Report to Licensing Sub Committee 1

**30 January 2024**

<b>Subject:</b>	Application for the grant of a New Premises Licence at Club Ochio Rios, 198 Dudley Port, Tipton, DY4 7RG
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	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 Club Ochio Rios, 198 Dudley Port, Tipton, DY4 7RG.

## 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 Club Ochio Rios, 198 Dudley Port, Tipton, DY4 7RG, following receipt of representation from responsible authorities and local residents objecting to the grant of the application due to the four licensing objectives.



### 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 Representations received are attached at Appendix 4.
- 4.3 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.

#### CURRENT POSITION

- 4.4 An application has been made by Club Ochio Rios Limited 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 Live Music, Recorded Music, Late Night Refreshment (indoors) Monday –Sunday 23:00 – 03:00. Supply of Alcohol (On the premises) 11.00am – 02:30am.
- 4.6 The proposed hours the premises will be open to the public is Monday – Sunday 11:00 – 04:00.
- 4.7 **Operating Schedule/Proposed Conditions**

### **General**

No enforceable licensable conditions have been identified

### **The prevention of crime and disorder**

**Strict Entry Policies:** The premises licence holder shall implement stringent entry policies including ID checks to ensure all patrons are of legal drinking age. To prevent underage drinking and related disorderly behaviour. The licence holder shall be mainly operating as a members only club where by patrons will all have to pre sign up online to enter weekly events, this way any patron that does not adhere to rules and may cause problems these details can be shared with the relevant bodies to keep our members safe.

**Security Personnel:** Licence holders shall employ trained and licensed security personnel to monitor the club, particularly at the entrance and around the premises. Their presence can deter criminal activities and help manage any disorderly conduct.

**CCTV Surveillance:** There are CCTV cameras in and around the club as a deterrent against criminal activity and to monitor for any signs of disorder.

**Staff Training:** staff will undertake training, including bar staff and security, in conflict resolution and de-escalation techniques. Ensure they understand the procedures for handling disorderly or aggressive behaviour.



**Collaboration with Local Authorities:** The premises licence holder shall work closely with local law enforcement and community groups to understand local crime trends and implement strategies to address them.

**Incident Reporting System:** The premises licence holder shall establish a clear system for reporting and recording any incidents of crime or disorder. This data can be used to improve safety measures and strategies.

**Controlled Alcohol Sales:** The premises licence holder shall monitor and control alcohol sales to prevent excessive drinking. Implement policies like refusing service to intoxicated patrons and promoting responsible drinking.

**Clear Signage:** The premises licence holder shall display clear signs throughout the club regarding acceptable behaviour, age restrictions, and legal penalties for drug use or violence.

**Emergency Procedures:** The premises licence holder shall develop and communicate clear emergency procedures for dealing with criminal activities or disorderly conduct. This includes evacuation plans and first aid arrangements.

**Regular Review of Policies and Procedures:** The premises licence holder shall regularly review and update our safety and security policies to ensure they remain effective and compliant with current laws and best practices.

## Public Safety

**Risk Assessment:** The premises licence holder shall conduct regular risk assessments to identify potential safety hazards within the club. Address any issues promptly to prevent accidents or injuries.



**Fire Safety Measures:** The premises licence holder shall ensure compliance with fire safety regulations. This includes having clearly marked exits, functioning fire alarms and extinguishers, and an evacuation plan that is well communicated to staff and patrons.

**Structural Safety:** The premises licence holder shall regularly inspect the club's infrastructure, including stages, balconies, and other structures, to ensure they are in good condition and safe for use.

**Crowd Control:** Implement effective crowd management strategies, especially during peak hours or special events, to prevent overcrowding and ensure safe movement within the club.

**First Aid and Emergency Response:** The premises licence holder shall have trained first aid staff available and an emergency response plan in place. Ensure that all staff know basic first aid and emergency procedures.

**Well-Trained Staff:** The premises licence holder shall train staff in health and safety practices, including handling emergency situations, managing intoxicated patrons, and identifying potential safety risks.

**Clear Signage:** The premises licence holder shall display clear signs indicating emergency exits, no-smoking areas, and other safety-related information.

**Regular Maintenance:** The premises licence holder shall keep all electrical systems, plumbing, and other infrastructure in good working order to prevent accidents or health hazards.

**Alcohol Management:** The premises licence holder shall monitor alcohol consumption and train staff to recognise and deal with intoxicated patrons responsibly, including refusing service when necessary.

**Accessible Facilities:** The premises licence holder shall ensure the club is accessible and safe for all patrons, including those with



disabilities. This includes having accessible restrooms, entrances, and pathways.

**Communication with Emergency Services:** The premises licence holder shall establish a good relationship with local emergency services and have a plan for quick communication and response in case of an emergency.

**Safety Equipment:** The premises licence holder shall equip the club with safety equipment such as anti-slip mats, adequate lighting, and barriers where needed.

### The prevention of public nuisance

**Strict Age Verification:** The premises licence holder shall implement rigorous ID checks at the entrance to prevent underage individuals from entering the club. This might include using ID scanning technology.

**Age-Specific Events:** • If hosting events that are suitable for families or younger audiences, clearly specify age limits and enforce them. For adult-only events, ensure no minors are admitted.

**Staff Training:** • The premises licence holder shall train all staff, especially those at the entrance and serving alcohol, to recognise and refuse service to minors. They should also be trained to handle situations involving minors appropriately.

**Clear Signage:** • The premises licence holder shall display clear signage about age restrictions, both at the entrance and within the club.

**Collaboration with Authorities:** • The premises licence holder shall work closely with local authorities, like the police and child protection services, to understand and implement best practices for protecting minors.



**Safe Environment:** • The premises licence holder shall ensure the club environment is safe and free from materials or entertainment that could be harmful to children.

**Supervision:** • In events where children are allowed, ensure adequate supervision and a safe environment for them.

**Parental Consent:** • For events catering to a younger audience, consider requiring parental consent or accompaniment.

**Emergency Contact Procedures:** • The premises licence holder shall have procedures in place for dealing with lost or unaccompanied children, including having a designated safe area and trained staff to handle such situations.

**Cyber Safety:** • If your club has an online presence that might attract a younger audience (like social media), ensure that content is appropriate and complies with online safety regulations.

**Community Outreach:** • The premises licence holder shall engage in community outreach to promote awareness of child safety and harm prevention.

**Policy Review and Compliance:** • The premises licence holder shall regularly review and update your policies regarding the protection of children to ensure compliance with the latest laws and regulations.

## The Protection of children from harm

**Strict Age Verification Process:** The premises licence holder shall a rigorous age verification policy at the entrance to prevent underage individuals from accessing the premises, particularly during events or hours when alcohol is served.

**Age-Appropriate Events:** For events that are open to younger audiences, we ensure they are age-appropriate, with clear guidelines



and supervision. We strictly adhere to the legal age limits for alcohol consumption and entertainment content.

**Staff Training:** The premises licence holder shall all staff members, including security, bar staff, and event organisers, receive training on child protection laws and how to identify and respond to any concerns regarding child safety.

**Clear Signage:** The club displays clear signage stating age restrictions and child protection policies, ensuring that these guidelines are visible and understood by all patrons.

**Designated Child Protection Officer:** The premises licence holder shall appoint a trained Child Protection Officer who is responsible for overseeing the safety of children on the premises and for responding to any child protection concerns.

**Collaboration with Authorities:** The premises licence holder shall maintain a close working relationship with local authorities, including law enforcement and child welfare organisations, to stay informed about best practices in child protection.

**Monitoring and Supervision:** During family-friendly events, we ensure adequate supervision and monitoring to prevent any potential harm to children.

**Emergency Procedures:** The club has clear procedures for handling situations involving unaccompanied or lost children, ensuring their safety and quick reunion with guardians.

**Restricted Areas:** The premises licence holder shall ensure certain areas of the club, especially where alcohol is served, are designated as adult-only zones, with clear demarcations to prevent access by underage individuals.





**Internet Safety:** If we provide internet access, we ensure appropriate filters are in place to prevent children from accessing harmful content.

**Feedback and Review Process:** The premises licence holder shall regularly review our child protection policies and welcome feedback from staff, patrons, and local authorities to continuously improve our practices.

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

<b>Resources:</b>	<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>
<b>Legal and Governance:</b>	<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>
<b>Risk:</b>	<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</p>



	<p>operating schedule submitted with the Licence application.</p> <p>The Police have <b>not</b> made a representation to this application.</p> <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.</p>
<b>Equality:</b>	<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>
<b>Health and Wellbeing:</b>	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>
<b>Social Value</b>	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>
<b>Climate Change:</b>	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>
<b>Corporate Parenting:</b>	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>

## 7. Appendices

- Appendix 1 – Application Form and Consent
- Appendix 2 – Plan
- Appendix 3 – Location Plan
- Appendix 4 – Representations
- Appendix 5 – Agreed conditions from Police and EHO

## 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

