

Report to Licensing Sub Committee 1

30 January 2024

Subject:	Application for the grant of a New Premises Licence at Mediterranean Grill, 214 Causeway Green Road, Oldbury B68 8LS
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Kiran Dhesi 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 Mediterranean Grill, 214 Causeway Green Road, Oldbury B68 8LS

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 Mediterranean Grill, 214 Causeway Green Road, Oldbury B68 8LS following receipt of representation from the Fire Authority on the grounds of 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>
---	---

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 Ervis Hallaci for the grant of a new premises licence.
- 4.4 A copy of the full application is attached at Appendix 1.



4.5 The application is for Live Music, Recorded Music (indoors) Late Night Refreshment (indoors & outdoors) Monday – Sunday 23:00 – midnight. Supply of Alcohol (On & Off the premises) Monday – Sunday 11.00am – midnight.

4.6 The proposed hours the premises will be open to the public is Monday – Sunday 09:00 – 00.30

4.7 **Operating Schedule/Proposed Conditions**

General – The Licence holder shall ensure that they fully uphold all of the four licensing objectives, at all times. Take into consideration the following documents – (1) Statement of Licensing Policy (2) Section 182 Guidance.

The premises Licence holder has submitted a robust operating schedule with modest hours of operation, demonstrating a commitment to due diligence at the restaurant.

As the Premises Licence Holder, I will ensure that I fully uphold all of the licensing objectives, at all times.

We believe we have submitted a robust operating schedule for this operation, demonstrating a commitment to due diligence in all areas of the day-to-day management of the premises.

Policies and procedures are being fully implemented for the safe and efficient running of events, including:

1. Staff training and operations manual
2. Refusals log
3. Challenge 25
4. Signage
5. Incident log
6. Noise management policy/Strategy

The prevention of crime and disorder – The Licence holder shall ensure CCTV is fully installed, operated, and fully maintained at all times; images will be retained for at least 28 days and be produced on request of any Responsible Authority. The CCTV will be operational at all times whilst the premises are trading.

If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request. The CCTV system will be checked each day prior to licensable activity



taking place. The identity of the checker and the result of the checks will be recorded in the incident log and will be signed and dated.

Warning notices will be displayed in public areas of the premises advising that CCTV is in operation.

A refusals register will be maintained at all times and will be checked and signed off by the DPS at the end of each week. The log will be made

Public Safety - The premises licence holder or DPS will carry out pre-opening checks of the restaurant, to ensure that there are no risks to patrons and that all safety precautions are in place.

The licence holder will ensure that all staff receive appropriate staff training.

The licence holder would ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

All safety certificates and inspection reports will be kept on site and made available to officers of relevant statutory bodies.

The premises will comply with all food safety regulations. The staff involved in food preparation will be fully trained.

The prevention of public nuisance - As the Premises Licence Holder, I will ensure that the disturbance caused to the general public is kept to a minimum, and signage will be placed in a prominent place asking customers to respect our neighbours. All doors and windows will be kept closed when music is played, other than for access and egress. (Generally ambient background music).

The Licence holder shall ensure premises staff will be checking that the frontage of the restaurant is checked regularly for litter and rubbish, clearing any debris away.

No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2300hours and 0800hours.

The Protection of children from harm – The Premises Licence holder shall ensure a challenge 25 policy is in place and only recognised forms of ID will be accepted. {PASS accredited ID, passport, or photo driving licence}.



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> <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</p>



	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.
Climate Change:	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
Corporate Parenting:	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

7. Appendices

- Appendix 1 – Application Form
- 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

