

**REDDITCH BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE**

**4<sup>TH</sup> MAY 2021**

**LICENSING ACT 2003**

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE**

**CHILLIES RESTAURANT AND TAKEAWAY**

| <b>PUBLIC HEARING</b>    |   |
|--------------------------|---|
| <b>Director:</b>         | <b>Head of Worcestershire Regulatory Services</b>   |
| <b>Contact Officer:</b>  | <b>Paul Morrish<br/>Tom Phelan<br/>Licensing Officers WRS<br/>01905 822799</b>  |
| <b>Ward(s) affected:</b> | <b>Winyates</b>   |
| <b>Appendices:</b>       | <b>Appendix 1 – Application Form and plan<br/>Appendix 2 – Representation from Fire Service<br/>Appendix 3 – Representations from other parties</b> |

**1. PURPOSE OF REPORT**

1.1 To consider and determine an application for grant of a premises licence in respect of

**Chillies Restaurant And Takeaway**

**The Blue Inn**

**Far Moor Lane**

**Redditch**

**Worcestershire**

**B98 0SD**

A copy of the application and plan of the premises is attached at **Appendix**

**1.**

## 2. BACKGROUND

2.1 On 15 March 2021 an application was received from SAM'S PROPERTIES HOLDING LTD for grant of a premises licence in respect of

**Chillies Restaurant And Takeaway**

**The Blue Inn**

**Far Moor Lane**

**Redditch**

**Worcestershire**

**B98 0SD**

2.2 The application contained all the requisite documentation including the fee and a plan of the premises.

2.3 It can be confirmed that the application has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and that the application has also been served on all responsible authorities.

2.4 The applicant is applying for the following licensable activities:-

| <b>Activity</b>           | <b>Days</b>        | <b>From</b> | <b>To</b> | <b>Indoors/Outdoors</b> |
|---------------------------|--------------------|-------------|-----------|-------------------------|
| Late Night Refreshment    | Friday to Saturday | 23:00       | - 01:00   | Both                    |
| Late Night Refreshment    | Monday to Thursday | 23:00       | - 00:00   | Both                    |
| Playing of Recorded Music | Sunday             | 07:30       | - 23:00   | Both                    |
| Playing of Recorded Music | Friday to Saturday | 07:30       | - 01:00   | Both                    |
| Playing of Recorded Music | Monday to Thursday | 07:30       | - 00:00   | Both                    |
| Sale of Alcohol           | Friday to Saturday | 12:00       | - 01:00   | Both                    |
| Sale of Alcohol           | Sunday to Thursday | 12:00       | - 00:00   | Both                    |

2.5 The designated premises supervisor identified in the application is Ms Maria Lusted.

2.6 Records held show that the premises held a premises licence from 2005 when the premises was then known as the Campanile Hotel. In 2013 an application was received to vary the licence to authorise alcohol sales everyday from 10:00 - 02:00. This application was granted following a licensing sub committee hearing with conditions attached. The licence was then surrendered in July 2020.

### 3. REPRESENTATIONS

#### Responsible Authorities

#### 3.1 West Mercia Police

Confirmation was received from PC Norris via email that having spoken to the applicant, they have agreed to amend the hours for the sale of alcohol to;

**Sunday to Thursday, 12:00 – 22:30**

**Friday and Saturday, 12:00 – 23:30.**

It is these hours that members must now consider for the sale of alcohol.

The applicant also agreed the below conditions with the Police to be added to the licence.

- *The premise will ensure that all the doors and windows will be closed from 22:00 hrs daily apart from the main door that will be opened and closed by persons seeking entry or exit from the site.*
- *Challenge 25 scheme to be in place with appropriate signage and all staff trained in this.*
- *A refusal/incident book. Incidents that will be included in the incident book every time will be - first aid incidents, removal of persons by staff, anything that results in an injury and people that have been refused alcohol. If SIA staff are employed in the premise they will record their name and 16 digit SIA badge number and times they worked in the premise. This can be inspected and reviewed by a relevant authority seeking this request. Full training will be given to all staff on how to use the incident book and it is to be made available for viewing upon request by a police officer or other authorised officer such as fire brigade, environmental health or Worcester regulatory services.*
- *Signage asking customers to leave quietly placed in a position that is easily seen by customers.*
- *Drugs policy - The premise will ensure that there is a robust written drug policy.  
It will detail the following points*

*The timeframe of inspections of the toilets and other key areas in the premise that can be used for drug use.*

*The policy will outline to staff what to do if drugs are located.*

*It will detail training that will be given to all staff.*

- *Training records for staff to be kept on site and made available for viewing upon request by a police officer or other authorised officer such as fire brigade, environmental health or Worcester regulatory services.*
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- *SIA Staff will also be employed when it is deemed by a risk assessment that these will be required or when asked to do so by the police, local authority or any other relevant authority. This risk assessment is to be kept on site and made available for viewing upon request by a police officer or other authorised officer such as fire brigade, environmental health or Worcester regulatory services.*

*CCTV conditions below must be*

- *The system records clear images permitting the identification of individuals*
- *all recorded footage must be securely retained for a minimum of 28 days*
- *The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation*
- *The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected*
- *There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable but within 24 hours at the latest. The CCTV will be provided in accordance with the Data Protection Act 1998 (or any replacement legislation).*
- *Must have a play back facility that can be worked by assigned staff on site*

The police have confirmed in the email that having added the conditions and amended hours above they have no objections to the application.

### 3.2 Hereford & Worcester Fire and Rescue

A representation was received from Hereford and Worcester Fire service after a number of fire safety concerns were identified after an inspection on 24 September 2020. However should the matters be satisfactorily rectified then the objection will be withdrawn. A copy of the representation is attached at **Appendix 2**.

3.3 No other objections were received from any of the other responsible Authorities.

### 3.4 Other Persons

Sixteen objections have been received from members of the public. The main concerns relate to Public Nuisance and Prevention of Crime and Disorder. These Objections have been attached to **Appendix 3** of the report.

## 4. LOCAL POLICY CONSIDERATIONS

4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.

4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk)

## 5. LEGAL IMPLICATIONS

5.1 The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.

5.4 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) Grant the application as requested

- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
  - (c) Reject the application in whole or in part.
- 5.5 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
- 5.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.7 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 5.8 The hearing should be conducted in accordance with the agreed procedure.
- 6. FOR DECISION**
- 6.1 The Sub-Committee must consider and determine the application.