

# Report to Licensing Sub Committee 1

**17 December 2021**

<b>Subject:</b>	Application for a variation of a Premises Licence for Tani Sklep, 6 – 8 Waterloo Road, Smethwick B66 4JW
<b>Director:</b>	Director – Borough Economy Alice Davey
<b>Contact Officer:</b>	Kiran Jalaf Licensing Officer <a href="mailto:licensing_team@sandwell.gov.uk">licensing_team@sandwell.gov.uk</a>

## 1. Recommendations


- 1.1 To consider an application for a Variation of a Premises Licence submitted by Mr Sardar Abdul Rahman in respect of Tani Sklep, 6 – 8 Waterloo Road, Smethwick B66 4JW.
- 1.2 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 6.

## 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 a variation of the current premises licence in respect of Tani Sklep, 6 – 8 Waterloo Road, Smethwick B66 4JW following receipt of a representation from the West Midlands Police. See attached Appendix 2.



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

	<p><b>A strong and inclusive economy</b></p> <p>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 the West Midlands Police on 19<sup>th</sup> November 2021. A copy of the representation is attached at Appendix 2.

### CURRENT POSITION

- 4.3 An application is made by the premises licence holder Mr Sardar Abdul Rahman for the variation of the current premises licence as attached at Appendix 1.
- 4.4 The variation is to extend the permitted area of the licensable activity, to increase the sale of alcohol hours by 24 hours, to increase the opening hours to the public by 24 hours, remove and replace operating schedule conditions.



- 4.5 The licence for Tani Sklep was granted on 6<sup>th</sup> September 2011 and permits the sale by retail of alcohol for consumption off the premises Monday to Sunday from 09:00 to 21:00 as attached at Appendix 3.
- 4.6 The opening hours to the public are Monday to Sunday from 09:00 to 21:00.
- 4.7 The operating schedule condition under The Prevention of Public Nuisance objective; '**although it is not the applicants wish to trade after 21.00**' has been requested to be removed.
- 4.8 Another operating schedule condition under The Protection of Children from Harm objective; '**Also premises will operate a proof of age scheme via acceptable forms of identification and incorporating the 'Challenge 21' system**' has been requested to be removed and will be replaced by '**The applicant has now offered Challenge 25 as a substitute**'.
- 4.9 The following operating schedule conditions will be added to the premise licence:

#### **a) General**

##### **CCTV**

1. The premises shall install and maintain a digital CCTV system.
2. The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 31 days.
3. The CCTV system shall be capable of obtaining clear face recognition images and a clear head and shoulders image of every person entering or leaving the premises at the entrance and exit point.
4. A CCTV log will be completed on a weekly basis to record all elements of the CCTV system. It will be maintained in good working order and record with the date and time stamped.
5. Only nominated staff shall be trained in CCTV the operation of the CCTV system to ensure rapid data retrieval and downloads of footage



can be provided to the police and the local authority officer upon reasonable request in accordance with the Data Protection Act.

6. CCTV shall be continually recording during licensable hours.
7. In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises incident log book and immediate steps will be made to rectify the problem.
8. A written alcohol register will be maintained at the premises to record those persons authorised to sell alcohol under the premises licence.

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

1. An incident log book shall be kept at the premises and all log records will be retained for a period of 12 months from the date the incident occurred. The Incident log book will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003) and must record the following; (a) All crimes reported to the premises (where relevant to the licensing objectives). (c) Any incidents of disorder.
2. When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.
3. All spirits will be stored and sold behind the counter.
4. Roller shutters have been installed at the front of the premises and a strong security door at the rear.

#### **d) The prevention of public nuisance**

1. Prominent, clear and legible signage shall be displayed at the exit of the premises, requesting the public to be mindful and respectful of the needs of local residents and to leave the premises and the area quickly and quietly.
2. All waste products will be stored in suitable containers.
3. No exterior lights will cause annoyance to any nearby residential property.



4. The Management and staff will provide a waste bin directly outside the shop front and encourage customers especially children to put all waste in the bin.
5. The Management and staff will monitor the exterior of the shop via the CCTV system on a regular basis and aim to keep the exterior of the premises free from litter at all times.
6. The Management and staff will use their best endeavours to disperse groups of 3 or more persons that appear to be loitering outside the shop.
7. The premises will have a written policy in relation to drunkenness. The premise shall not admit any persons who appear to be visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.
8. Deliveries to the premises shall be conducted in a manner that will not cause a nuisance to the occupiers of any residential properties surrounding the delivery address and all deliveries shall be made at a time that will not lead to any public nuisance.

#### **e) The protection of children from harm**

1. A written Refusals Log book will be operated, including a brief description of the people who have been unable to provide the required identification to prove their age. Such records shall be kept for a period of 12 months and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003).

#### **Challenge 25**

1. The premises shall operate a Challenge 25 policy and scheme. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the police or an 'authorised person' (as defined by section 13 of the licensing act 2003).
2. All staff engaged in the sale of alcohol to be trained in Challenge 25 and Age Restricted products. These training records shall be kept on



the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) on demand.

3. Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.
4. The premises shall display 'proxy signage' on the shelves where the alcohol is displayed warning customer not buy for under 18's.
5. The premises shall display a minimum of 2 customer 'Refusal Policies' in prominent positions where customers can easily read it.

4.10 A location map of the premises is attached at Appendix 4.

## **5. 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.

## **6. Alternative Options**

- 6.1 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
- 6.2 Conditions may be altered or omitted, or any new condition added.





- 6.3 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.
- 6.4 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.

## 7. 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 operating schedule submitted with the Licence application.</p> <p>The Police have 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>	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
<b>Social Value</b>	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

## 8. Appendices

Appendix 1 – Variation Application  
Appendix 2 – Representation  
Appendix 3 – Premises Licence  
Appendix 4 – Location Plan

## 9. 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

