


## REPORT TO LICENSING SUB COMMITTEE

**29 July 2020**

<b>Subject:</b>	Application for the grant of a new Premises Licence at Affordable Groceries, 71-73 Bromford Lane, West Bromwich B70 7HN
<b>Director:</b>	Director – Prevention and Protection – Neil Cox
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Makhan Singh Gosal Licensing Officer Licensing_team@sandwell.gov.uk

### DECISION RECOMMENDATIONS

**That Licensing Sub Committee:**

1. Consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Affordable Groceries, 71-73 Bromford Lane, West Bromwich B70 7HN
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 paragraph 6.

**1 PURPOSE OF THE REPORT**

To consider an application for the grant of a new premises licence in respect of Affordable Groceries, 71-73 Bromford Lane, West Bromwich B70 7HN following receipt of a representation from a local resident.

## 2 **IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.
- 2.2 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.

## 3 **BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 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
- 3.2 Representation has been received from a local resident. A copy of the representations is attached at Appendix 2.

## 4 **THE CURRENT POSITION**

- 4.1 An application has been made by Mrs Saranjit Kaur for the grant of a new premises licence.
- 4.2 A copy of the application is attached at Appendix 1
- 4.3 The application is for the Supply of Alcohol, off the premises, Monday to Sunday 06.00 to 22.00
- 4.4 The proposed hours the premises will be open to the public Monday to Sunday 06.00 to 22.00.
- 4.5 The premises is a newly built general store wishing to sell alcohol along with other products on offer.
- 4.6 **Operating Schedule/Proposed Conditions**

## **General**

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

- All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid
- Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise.
- If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Sandwell Council Trading Standards and HMRC as soon as possible.

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

1. the CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.
2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.
3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested by the Police.
4. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST)
5. A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any on going Police investigation.
6. All CCTV images will be retained for a period of not less than 28 days.
7. All persons involved in the sale of alcohol will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.
8. At any time when there is no Personal Licence Holder on the premises there must be at least one member of staff on duty inside

the premise who has been authorised by the DPS. Any such person should have seen, read and be full aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the premise.

9. The authorised person should also sign on each occasion that he/she has physically seen inspected and is fully aware of all the conditions attached to the premise licence. The DPS should sign to acknowledge that they agree to the authorised person being in charge of the premise for any time specified. The records of these matters should be kept fully updated at all times.

All records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

## **Public Safety**

Prominent signs will be displayed requesting customers to have regard to local residents when leaving the premises.

Adequate bins are available for customers to dispose of litter.

## **The prevention of public nuisance**

A Challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.

Challenge 25 posters will be displayed at the premise to reinforce this policy. Posters will be placed at each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

A refusals register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The refusal/challenge register is to be checked and signed off by the designated premises supervisor every two weeks.

All staff working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.

## **The Protection of children from harm**

we will operate a Challenge 25 policy.

4.7 Mrs Kaur is also the proposed designated premises supervisor.

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

## **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 STRATEGIC RESOURCE IMPLICATIONS**

There are no direct strategic resource implications associated with this application.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 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.
- 8.2 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.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
- 9.2 The operators of this premises are responsible for complying with all relevant legislation.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

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 on line, in line with data protection protocols.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 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.

11.2 The Police have not made a representation to this application.

## **12 SUSTAINABILITY OF PROPOSALS**

In respect of premises licence applications, we do not for see any issues in respect of sustainability of proposals.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

The application relates to privately owned property.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

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.

## **16 BACKGROUND PAPERS**

16.1 Sandwell Metropolitan Borough Council Licensing Policy

16.2 Guidance issued under Section 182 of the Licensing Act 2003

16.3 The Licensing Act 2003 (Hearings) Regulations 2005

## **17 APPENDICES:**

- 17.1 Appendix 1 – Licence application with site plan
- 17.2 Appendix 2 – Representation
- 17.3 Appendix 3 – Location Plan

**Neil Cox**  
**Director – Prevention and Protection**